

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 06-25-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

TO CONTEST THE RULING: Before 4:00 p.m. today you must notify the:

- (1) Court by calling (408) 808-6856 and
- (2) Other side by phone or email that you plan to appear and contest the ruling
(California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

TO APPEAR AT THE HEARING: The Court will call the cases of those who appear in person first. If you appear virtually, please use video. To access the link, click on the below link or copy and paste into your internet browser and scroll down to Department 16.

https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml. You must use the current link.

TO SET YOUR NEXT HEARING DATE: You no longer need to file a blank notice of motion to obtain a hearing date. **You may make an online reservation to reserve a date** before you file your motion. If moving papers are not filed within 5 business days of reserving the date, the date will be released for use in other cases. Go to the Court's website at www.scscourt.org to make the reservation.

FINAL ORDERS: The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

COURT REPORTERS: The Court no longer provides official court reporters. If any party wants a court reporter, the appropriate form must be submitted. See court website for policy and forms.

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LINE #	CASE #	CASE TITLE	RULING
LINE 1	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Defendants shall prepare the final order within 10 days.
LINE 2	23CV413334 Motion: Strike	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Defendants shall prepare the final order within 10 days.
LINE 3	23CV413334 Hearing: Demurrer	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Defendants shall prepare the final order within 10 days.
LINE 4	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Defendants shall prepare the final order within 10 days.
LINE 5	23CV415280 Hearing: Demurrer	BIJAN HAGHIGHI vs City of Mountain View et al22CV406816	See Tentative Ruling. Court will prepare the final order.
LINE 6	23CV415280 Motion: Strike	BIJAN HAGHIGHI vs City of Mountain View et al	See Tentative Ruling. Court will prepare the final order.
LINE 7	23CV415280 Hearing: Demurrer	BIJAN HAGHIGHI vs City of Mountain View et al	See Tentative Ruling. Court will prepare the final order.
LINE 8	23CV415280 Hearing: Demurrer	BIJAN HAGHIGHI vs City of Mountain View et al	See Tentative Ruling. Court will prepare the final order.
LINE 9	23CV415280 Hearing: Demurrer	BIJAN HAGHIGHI vs City of Mountain View et al	See Tentative Ruling. Court will prepare the final order.

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<u>LINE 10</u>	22CV406816 Motion: Compel	Sonia Santoro vs Charles Wagner	Notice appearing proper and good cause appearing, the unopposed motion to compel further responses to form interrogatories is GRANTED. Defendant shall provide code-compliant responses without objections within 20 days. Defendant shall pay total sanctions for all three motions to compel to Plaintiff's counsel in the amount of \$817.50 (1.5 hr + fees of 180).
<u>LINE 11</u>	22CV406816 Motion: Compel	Sonia Santoro vs Charles Wagner	Notice appearing proper and good cause appearing, the unopposed motion to compel further responses to special interrogatories is GRANTED. Defendant shall provide code-compliant responses without objections within 20 days. Defendant shall pay total sanctions for all three motions to compel to Plaintiff's counsel in the amount of \$817.50 (1.5 hr + fees of 180).
<u>LINE 12</u>	22CV406816 Motion: Compel	Sonia Santoro vs Charles Wagner	Notice appearing proper and good cause appearing, the unopposed motion to deem the request for admissions admitted is GRANTED. Defendant shall pay total sanctions for all three motions to compel to Plaintiff's counsel in the amount of \$817.50 (1.5 hr + fees of 180).

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The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

LINE 13	20CV366503 Motion for A/F	Spartan Tank Lines, Inc vs Anna Le et al	Notice appearing proper and good cause appearing, Plaintiff's unopposed motion for fees and costs in the amount of \$571,229.25 (fees) and \$28,941.65 (costs) is granted. Plaintiff shall submit the final order and the judgment within 10 days.
LINE 14	21CV388731 Motion: Stay	Jinsong Hu vs David Herrera	Notice appearing proper, the unopposed motion is GRANTED. The court requires Parties to appear for the hearing.
LINE 15	22CV397065 Motion: Set Aside Default/Judgment	WELLS FARGO BANK, N.A. vs DANIELA ENRIQUEZ	The unopposed motion is GRANTED. Plaintiff shall submit the final order within 10 days. The Court will sign the previously submitted proposed judgment.
LINE 16	22CV404805 Motion for Entry of Judgment	PETERSON POWER SYSTEMS, INC., vs RYAN PEACOCK, INC. et al	Notice appearing proper and good cause appearing, Plaintiff's unopposed motion for judgment against Defendant Ryan Peacock, Inc. for \$130,955.33 and against Defendant Ryan Peacock, an individual, for \$44,523.48, is GRANTED. Plaintiff shall submit the final order and judgment within 10 days.
LINE 17	22CV405392 Motion: Enforce Settlement	EBF Holdings, LLC vs Grooming With Travis, Inc.	Because the parties did not ask the Court to retain jx under CCP § 664.6 prior to dismissing the case, the court has no jurisdiction in the case. <i>Mesa RHF Partners, L.P. v. City of Los Angeles</i> (2019) 33 Cal.App.5th 913, 918. The motion is DENIED. The court will prepare the final order.

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<u>LINE 18</u>	2015-1-CV-275562 Hearing: Claim of Exemption	Lobel Financial Corp. vs R. Romero	Given Defendant's financial statement, she is ordered to pay \$120 per pay period to Judgment Creditor. Judgment Creditor shall submit the final order within 10 days.
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Calendar Lines 1-4

Case Name: Muhammad Khan v. Bay Area Criminal Lawyers, et al.

Case No.: 23CV413334

Motions to Quash

Defendants' primary basis for the motions to quash service of summons is that Plaintiff never personally served either Defendant Cohen or Defendant Guilmartin. Cohen is the owner of Bay Area Criminal Lawyers ("BACL"), and Guilmartin was an employee of BACL at the time. In their declarations, Defendants claim that the process server (a Deputy Sheriff) improperly served the summons and complaint on a BACL receptionist, who is not an agent of BACL. Defendant Guilmartin claims he was not present at the time of service. There is a previous Court order (filed December 5, 2023) denying Defendants' motion to quash. The current motions to quash raise nearly identical arguments as the previously denied motions. Attorneys cannot get a second bite at the apple especially when raising similar arguments based on the same facts. Additionally, the Defendants did not move for reconsideration per Code of Civil Procedure section 1008 and they do not comply with its requirements for this Court to *reconsider* Defendants' previously denied motions to quash. This was their recourse and they failed to take advantage of it. In light of the above authority and statutes, this Court **DENIES** the motions to quash service of summons.

Demurrers

Each Defendant demurs to the complaint for failure to state a claim and on the basis of plea in abatement. Plaintiff has failed to oppose the demurrers. While in general a lack of opposition is a concession, the Court must ensure that Defendants have met their burden and that there is good cause to grant the demurrers. The Court addresses each demurrer in turn.

1) Failure to State a Claim

a. Defendant Guilmartin's Demurrer

Defendant Guilmartin demurs to all eight (8) causes of action on the ground of failure to state a claim.

Conversion (1) – Def. Guilmartin meets his burden here given that he was an employee of BACL. He claims, as an employee, he did not have access to Plaintiff's property in question, and thus could not have interfered with it as required under a conversion cause of action. Alternatively, Def. Guilmartin argues the payment on Plaintiff's retainer agreement was made by Plaintiff's family, not Plaintiff himself, and thus, Plaintiff has not alleged ownership or right to possession of property. "Conversion is the wrongful exercise of dominion over the property of another. The elements of a conversion claim are: (1) the plaintiff's ownership or right to possession of the property; (2) the defendant's conversion by a wrongful act or disposition of property rights; and (3) damages." (*Welco Electronics, Inc. v. Mora* (2014) 223 Cal.App.4th 202, 208, internal quotation marks and citations omitted.) Defendant has met his burden. The demurrer is **SUSTAINED** without leave to amend, as this can not be cured given that Guilmartin is an employee.

Fraudulent deceit (2) – Plaintiff alleges fraudulent deceit pursuant to Civil Code sections 1709 – 1710. Civil Code section 1709 states, “One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damage which he thereby suffers.” Plaintiff fails to allege, with sufficient particularity, Guilmartin’s intent to induce Plaintiff. Instead Plaintiff provides the following conclusory statements in his Complaint: “Defendants fraudulently placed a new contract...Defendants fraudulently promised to pursue county funding...” (See Complaint, 201-202.) “*Fraud must be pleaded with particularity* and the doctrine of liberal construction of pleadings does not apply. (*Lazar v. Superior Court* (1996) 12 Cal.4th 631, 638.).) This particularity requirement necessitates pleading facts that show how, when, where, to whom and by what means the alleged misrepresentations were tendered. (*Id.* at 645.) The is demurrer is SUSTAINED with leave to amend.

Breach of contract (3) – Defendant Guilmartin alleges he was not a party to the contract, but rather Defendant Cohen (owner of BACL) and BACL. Unfortunately, both the Complaint and Demurrer fail to attach the retainer agreement, in question, as an exhibit. (see *Gold v. Gibbons* (1960) 178 Cal.App.2d 517, 519 (stating that “[b]reach of contract cannot be made the basis of an action for damages against defendants who did not execute it and who did nothing to assume its obligations”); see also *Tri-Continent Internat. Corp. v. Paris Savings Loan Assn.* (1993) 12 Cal.App.4th 1354, 1359 (stating that “Tri—Continent cannot assert claim for breach of contract against one who is not party to the contract”).) The Court must accept, as true, the facts alleged in a Complaint for purposes of a demurrer. Here, Plaintiff alleges sufficient facts under each element for a breach of contract. Guilmartin argues that Plaintiff fails to plead with sufficient particularity whether Guilmartin entered into an express or implied contract with Plaintiff. (See Demurrer, p. 13:10-19.) This appears to fall under an uncertainty argument, or, alternatively, an argument made for fraud claims. This is not a proper argument under a failure to state a claim. The demurrer to this cause of action is OVERRULED.

Fraud/Intentional Misrepresentation (4) – As with fraudulent deceit, this requires pleading with particularity which Plaintiff has failed to do. The demurrer to this cause of action is SUSTAINED with leave to amend.

False Promise (5) - As with fraudulent deceit, this requires pleading with particularity which Plaintiff has failed to do. The demurrer to this cause of action is SUSTAINED with leave to amend.

Concealment (6) – As with fraudulent deceit, this requires pleading with particularity which Plaintiff has failed to do. (See *Dhital v. Nissan North America, Inc.* (2022) 84 Cal.App.5th 828, 843-844 [“Fraud, **including concealment**, must be pleaded with specificity.”].) The demurrer to this cause of action is SUSTAINED with leave to amend.

Unfair Business Competition (7) – Defendant has met his burden here because Guilmartin is an employee of BACL, not an employer. UCL claims generally involve unlawful business practices exercised by the employer. The injunctive relief sought by Plaintiff is inapplicable to an employee. “The UCL defines ‘unfair competition’ to ‘mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising’ and any act prohibited by [Business and Professions Code] section 17500. [Citation.]” (*Searle v. Wyndham Int’l* (2002) 102 Cal.App.4th 1327, 1332-1333 (Searle).) The demurrer to this cause of action is SUSTAINED without leave to amend as it cannot be cured.

Negligence in Hiring (8) – Again, Defendant’s burden is met here because Defendant is an employee of BACL, not an employer. “*An employer may be liable to a third person for the employer’s negligence in hiring or retaining an employee who is incompetent or unfit.* [Citation.]” (*Roman Catholic Bishop v. Super. Ct.* (1996) 42 Cal.App.4th 1556, 1564-1565.) The demurrer to this cause of action is **SUSTAINED** without leave to amend as it cannot be cured.

If a plaintiff has not had an opportunity to amend the pleading in response to a motion challenging the sufficiency of the allegations, leave to amend is liberally allowed as a matter of fairness, unless the pleading shows on its face that it is incapable of amendment. (See *City of Stockton v. Super. Ct.* (2007) 42 Cal.4th 730, 747; see also *Eghtesad v. State Farm General Ins. Co.* (2020) 51 Cal.App.5th 406, 411 [“denial of leave to amend constitutes an abuse of discretion unless the complaint ‘shows on its face that it is incapable of amendment.’”].) No express request to amend would be necessary. (Code Civ. Proc., § 472c.) (*Hawkins v. Oakland Title Ins. & Guaranty Co.* (1958) 165 Cal.App.2d 116, 123.)

Accordingly, Defendant Guilmartin’s demurrer as to the **first, seventh and eighth** causes of action on the ground of failure to state a claim is **SUSTAINED without leave to amend**. Defendant Guilmartin’s demurrer as to the **second, fourth, fifth and sixth** causes of action on the ground of failure to state a claim is **SUSTAINED with 20 days leave to amend**. The demurrer as to the **third cause of action for breach of contract** is **OVERRULED**.

b. Defendant Cohen’s Demurrer (owner of BACL) – to four causes of action

Defendant Cohen joins Defendant Guilmartin in demurring to the second, fourth, fifth, and sixth causes of action of Plaintiff’s Complaint. Given the above recommended ruling on these causes of action, this Court similarly **SUSTAINS with 20 days leave to amend** Cohen’s demurrer as to the **second, fourth, fifth, and sixth causes of action** on the ground of failure to state a claim.

2) Plea in Abatement

a. Addressed identically in both Defendants’ Demurrers

Both Defendants demur to Plaintiff’s Complaint on the ground that there is another action pending in San Francisco County (filed on July 25, 2022) between the same parties on nearly identical causes of action. (Code Civ. Proc., §430.10, subd. (c); see also David J. Cohen’s Demurrer - Exh. A – Pending Complaint). Citing to Code of Civil Procedure section 430.10, subdivision (c), both Defendants Cohen and Guilmartin demur to Plaintiff’s Complaint on the ground that there is another action pending between the same parties, involving the same facts, on nearly identical causes of actions, *in the same state*. “The pendency of another earlier action growing out of the same transaction and between the same parties is a ground for abatement of the second action.” (*Leadford v. Leadford* (1992) 6 Cal.App.4th 571, 574.) This is called a plea in abatement and is a valid basis for demurrer. (See Code Civ. Proc., § 430.10, subd. (c) [plea of abatement is one of the grounds for demurrer explicitly set forth in Code of Civil Procedure section 430.10] ; see also *Plant Insulation Co. v. Fibreboard Corp.* (1990) 224 Cal.App.3d 781, 789 (*Fibreboard*) [“A plea in abatement pursuant to section 430.10, subdivision (c), may be made by demurrer or answer when there is another action pending

between the same parties on the same cause of action”].) Plaintiff’s instant Complaint contains two additional claims, namely, unfair competition, and negligent hiring. Defendants reconcile this difference by asserting “primary rights.” Abatement may still be proper where the the primary right asserted by Plaintiff is the same. Because the Demurrer is sustained with leave to amend, the demurrer on the basis of a plea of abatement is **MOOT**.

Defendant Guilmartin’s Motion to Strike

Here, Defendant Guilmartin requests this Court to strike portions of the Complaint on the ground that they are “egregiously” immaterial to the causes of action alleged by Plaintiff. Because the Court is granting leave to amend, the motion to strike is **MOOT**. The Court advises Plaintiff, however, that irrelevant or improper allegations may be struck. (Code Civ. Proc., § 436, subd. (a).) Irrelevant matter includes (1) an allegation that is not essential to the statement of a claim or defense, (2) an allegation that is neither pertinent to nor supported by an otherwise sufficient claim or defense, and (3) a demand for judgment requesting relief not supported by the allegations of the complaint or cross-complaint. (See Code Civ. Proc., § 431.10, subds. (b), (c).)

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Calendar Lines 5-10

Case Name: *Haghighi v. City of Mountain View et al.*

Case No. 23CV415280

Factual and Procedural Background

According to the allegations of the third amended complaint (“3AC”), plaintiff Bijan Haghighi (“Plaintiff”) is a close neighbor to Mountain View High School (“MVHS”). (3AC, ¶ 17.)

The Mountain View Los Altos School District (“District”) voted to confirm Los Altos High School and MVHS school use policies including field light and sound events, band practice and pool usage that were the result of negotiations with a group called MVLA Neighborhood Cares. (3AC, ¶ 18, Ex. 2.) District failed to take the necessary steps as promised to manage traffic and parking and respond to complaints within five days, instead actively ignoring and retaliating against Plaintiff’s attempts at communication. (3AC, ¶¶ 19-20.)

On February 19, 2022, Plaintiff engaged in a third peaceful protest on the MVHS football field, interfering with games on the field, to which MVHS employee Achilles Walker (“Walker”) and MVHS parent Christopher Toney (“Toney”) approached Plaintiff in a threatening and aggressive manner, physically pushing and verbally abusing him without provocation or justification. (3AC, ¶¶ 22, 113.)

On February 28, 2022, Plaintiff initiated a formal mediation session with former MVHS principal Michael Jimenez in which they agreed that MVHS would put up A-frame signs indicating no parking on Bruckner Circle for football and soccer games, MVHS would provide flyers to Plaintiff asking members of the public not to park on Bruckner Circle for MVHS activities, MVHS would share the schedule of outdoor band practices, MVHS will request that staff responsible for athletics and band activities be mindful of the neighbors, the MVHS band will practice in a particular area of the grass soccer field, Plaintiff will only communicate concerns with the MVHS principal and the parties agree to continue discussions of concerns. (3AC, Ex. 1.)

On June 19, 2022, District and its construction contractor RGM Kramer Inc. (“RGMK”) violated a construction ordinance by starting at 7:00 a.m. without the required permit on the Juneteenth national holiday, and the Mountain View Police Department failed to recognize the violation, to enforce it, or to issue a citation. (3AC, ¶¶ 23-25.) RGMK additionally began construction activities before the allowed 7:00 a.m. start time in violation of city ordinances on July 5, 2022, February 16, 2023, and May 18, 2023. (3AC, ¶ 26.)

Additionally, the City of Mountain View (“City”) removed parking restrictions on a large portion of Truman Avenue in January 2023 and has ignored Plaintiff’s calls for enforcement, resulting in Plaintiff and his tenants being unable to park in front of Plaintiff’s home. (3AC, ¶¶ 28-30.) Plaintiff believes the removal of parking restrictions resulted in a great increase of serious safety risks. (3AC, ¶¶ 31-34.)

On September 22, 2022, District filed a petition for a workplace restraining order against Plaintiff based on Plaintiff’s behavior towards students, teachers and employees and

trespass on MVHS property. On January 18, 2023, the Court (Hon. Lucas) issued the restraining order against Plaintiff.

On September 1, 2023, Plaintiff filed his 338 paragraph, 68-page second amended complaint (“SAC”) against defendants City, Kimbra McCarthy (“McCarthy”), Jennifer Logue (“Logue”), Wahed Magee (“Magee”), Nena Bizjak (“Bizjak”), Aarti Shrivastava (“Shrivastava”), District, Nellie Meyer (“Meyer”), Kip Glazer (“Glazer”), Marti McGuirk (“McGuirk”), Walker, Toney, RGMK and Ken Judd (“Judd”) (collectively “Defendants”). Thereafter, the Court sustained demurrers to the SAC, giving Plaintiff leave to amend to some of the causes of action.

On January 26, 2024, Plaintiff filed his 63-page 3AC, asserting causes of action for:

- IV Assault (against District, Walker, and Toney);
- V Battery (against District, Walker, and Toney);
- VII Intentional infliction of emotional distress (against District, Walker, Meyer, and Glazer);
- VIII Negligence (against District, Walker, Meyer, and Glazer);
- IX Nuisance (against City, McCarthy, Magee, RGMK and Judd);
- X Breach of mandatory duty under Government Code section 815.6 (against City, McCarthy, Magee, and District);
- XI Negligence per se (against City, McCarthy, and Magee);
- XII Nuisance (against City, McCarthy, and Magee);
- XIII Negligence (against City, McCarthy, and Magee);
- XIV Negligent infliction of emotional distress (against City, McCarthy, and Magee);
- XV Declaratory relief (against City, McCarthy, and Magee);
- XVI Violation of First Amendment retaliation (against City, McCarthy, Logue, and Magee);
- XVII Defamation (against District, Meyer, and Glazer);
- XIX Civil conspiracy (against City, McCarthy, Logue, and Magee);
- XX Deliberate indifference (against City, McCarthy, and Logue);
- XXI Violation of Equal Protection (against City, McCarthy and Magee);
- XXII Vicarious liability (against District);
- XXIV Gross negligence (against City, McCarthy, Magee, RGMK, and Judd);
- XXVI Intentional misrepresentation (against City, McCarthy, Magee, Bizjak, and Shrivastava)

Currently before the Court is 1) a demurrer by Toney; 2) a demurrer by RGMK and Judd; 3) a demurrer by District, Meyer, Glazer, and Walker (collectively, “District Defendants”); and 4) a demurrer by City, McCarthy, Logue, Magee Bizjak, and Shrivastava (collectively, “City Defendants”). Additionally, defendants Meyer and Glazer filed a motion to strike the seventh and eighth causes of action. Plaintiff filed a single opposition to all the demurrers. There does not appear to be an opposition to the motion to strike. Four replies were filed to the respective demurrers.

Legal Standard on Demurrer

In ruling on a demurrer, the court treats it “as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law.” (*Piccinini v. Cal. Emergency Management Agency* (2014) 226 Cal.App.4th 685, 688, citing *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) “A demurrer tests only the legal sufficiency of the pleading. It admits the truth of all material factual allegations in the complaint; the question of plaintiff’s

ability to prove these allegations, or the possible difficulty in making such proof does not concern the reviewing court.” (*Committee on Children’s Television, Inc. v. General Foods Corp.* (1983) 35 Cal.3d 197, 213-214.)

Christopher Toney’s Demurrer

Toney demurs generally to the fourth and fifth causes of action for assault and battery. Plaintiff has filed a single opposition to all the demurrers. Plaintiff fails to address any of the arguments raised by Toney in the opposition and does not address the fourth or fifth causes of action at all. Thus, the Court will treat Toney’s demurrer as unopposed. (See *Schulster Tunnels/Pre-Con v. Traylor Brothers, Inc.* (2003) 111 Cal.App.4th 1328, 1345, fn. 16 [failure to address point is “equivalent to a concession”]; *Sexton v. Superior Court* (1997) 58 Cal.App.4th 1403, 1410 [failure to oppose motion creates inference that motion or demurrer is meritorious]; *Westside Center Associates v. Safeway Stores 23, Inc.* (1996) 42 Cal. App. 4th 507, 529.)

Accordingly, Toney’s demurrer to the fourth and fifth causes of action is SUSTAINED without leave to amend. Toney’s request for judicial notice is DENIED. (See *Jordache Enterprises, Inc. v. Brobeck, Phleger & Harrison* (1998) 18 Cal.4th 739, 748, fn. 6 [declining to take judicial notice of materials not “necessary, helpful, or relevant”].)

RGM Kramer, Inc. and Ken Judd’s Demurrer

RGMK and Judd demur generally to the ninth and twenty-fourth causes of action for nuisance and gross negligence. Again, Plaintiff fails to address either cause of action in his opposition to the demurrers. As such, RGMK and Judd’s demurrer is SUSTAINED without leave to amend and their request for judicial notice is DENIED.

Mountain View-Los Altos Union High School District, Nellie Meyer, Kip Glazer, and Achilles Walker’s Demurrer

The District Defendants demur generally to the seventh, eighth, seventeenth, and twenty-second causes of action for intentional infliction of emotional distress, negligence, defamation, and vicarious liability. As noted above, Plaintiff does not substantively address these causes of action. The Court will treat the demurrer as unopposed, and it is therefore SUSTAINED without leave to amend. The request for judicial notice is DENIED. While there does not appear to be an opposition to the motion to strike, given the Court’s ruling on the demurrer, Meyer and Glazer’s motion to strike is MOOT.

City of Mountain View, Kimbra McCarthy, Jennifer Logue, Wahed Magee, Nena Bizjak, and Aarti Shrivastava’s Demurrer

The City Defendants demur generally to causes of action nine through sixteen and nineteen, twenty, twenty-one, twenty-four, and twenty-six. Like the three above demurrers, Plaintiff fails to address the issues raised in the City Defendants’ demurrer. For the same reasons, the demurrer is SUSTAINED without leave to amend.

Plaintiff's Opposition

As the Court notes several times above, Plaintiff's opposition fails to substantively address the issues raised in each demurrer. Instead, Plaintiff raises new and unrelated issues, including: 1) assertions of perjury; 2) discovery matters; 3) assertions of retaliation after the filing of an anti-SLAPP motion; and 4) a request for court intervention to ensure the integrity of the proceedings. While the Court appreciates Plaintiff's situation, in ruling on a demurrer, the Court's consideration is confined to the face of the pleadings under attack and no extrinsic evidence may be considered. (See e.g., *Ion Equipment Corp. v. Nelson* (1980) 110 Cal.App.3d 868, 881 [superseded by statute on other grounds][“The purpose of a general demurrer is to determine the sufficiency of the complaint and the court should only rule on matters disclosed in that pleading.”].)

Plaintiff is not excused for failing to appropriately oppose the demurrers because of his status as a self-represented litigant. The Court notes that while Plaintiff previously filed three very detailed oppositions to the prior demurrers. Moreover, self-represented litigants are held to the same standard as attorneys. (See e.g., *County of Orange v. Smith* (2005) 132 Cal.App.4th 1434, 1444 [self-represented litigants are entitled to the same, but no greater, consideration than other litigants and attorneys]; *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985 [“A doctrine generally requiring or permitting exceptional treatment of parties who represent themselves would lead to a quagmire in the trial courts, and would be unfair to the other parties to litigation.”].)

Any requests made in Plaintiff's opposition are improper and are therefore DENIED.

Conclusion and Order

Each demurrer is SUSTAINED without leave to amend. The motion to strike is MOOT. The requests made in Plaintiff's opposition are DENIED. As a result of these demurrers, there are no more causes of action remaining in the TAC. The Court shall prepare the final order.

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