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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

PARAS JHOKKE,

Plaintiff and Appellant,

v.

CITY OF LOS ANGELES,

Defendant and Respondent.

B288177

(Los Angeles County  
Super. Ct. No. PC058004)

APPEAL from a judgment of the Superior Court of  
Los Angeles County, Melvin D. Sandvig, Judge. Affirmed.

Paras Jhokke, in pro. per., for Plaintiff and Appellant.

Michael N. Feuer, City Attorney, Blithe S. Bock, Assistant  
City Attorney, Jonathan H. Eisenman, Deputy City Attorney, for  
Defendant and Respondent.

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Plaintiff and appellant Paras Jhokke (Jhokke) appeals from the dismissal of his complaint after the trial court sustained without leave to amend a demurrer brought by defendant and respondent City of Los Angeles (City) based on the Government Torts Claims Act (the Act). After review, we conclude the trial court correctly ruled Jhokke’s complaint—which stems from his alleged false arrest in April 2015—was barred for failing to comply with the claim presentation requirement under the Act. (Gov. Code § 945.4.)<sup>1</sup> Accordingly, we affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND<sup>2</sup>**

On April 17, 2015, Jhokke and his roommate, Cassandra V. (Cassandra), were involved in an argument that led to Jhokke “push[ing] [Cassandra] away from his body” (April incident). Cassandra called 911 and Jhokke was arrested pursuant to a citizen’s arrest.

On May 13, 2015, City dismissed the battery charge against Jhokke due to “Insufficient Evidence.”

On June 3, 2015, Jhokke filed a claim related to the April incident against the State of California with the Victim

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<sup>1</sup> All further statutory references are to the Government Code unless otherwise indicated.

Section 945.4 provides in relevant part: “[N]o suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented . . . until a written claim therefor has been presented to the public entity. . . .”

<sup>2</sup> In reviewing a trial court’s decision to sustain a demurrer, we must accept as true all material allegations of fact that are well-pleaded in the complaint. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.)

Compensation and Government Claims Board (Board).<sup>3</sup> In response, Board rejected Jhokke's claim and advised him that "the court system [was] the appropriate means for resolution of [his] claims."

Jhokke thereafter filed suit against Cassandra and the arresting officers from the April incident; however, his complaint was dismissed because he failed to appear at the final status conference.

On September 26, 2017, more than two years after his arrest, Jhokke filed the instant action against City and others for false arrest, fraud, "Breach of Obligation, Civ. Code 3294," violation of "Civil Rights, PC 422.6(a)," and violation of "Gov. Code 815.2 subd. (a), Gov. Code 815.3."

On November 2, 2017, City filed a demurrer, arguing Jhokke's complaint failed to state a claim because he did not comply with the claim presentation requirement under the Act. Specifically, City argued that as a condition precedent to maintaining his lawsuit, Jhokke was required to present a written claim to City no later than six months from the date of his arrest, which he failed to do. Jhokke opposed the demurrer, arguing, among other things, that the requirements of the Act were inapplicable to his lawsuit. He also noted that he filed a claim with Board prior to filing his lawsuit against City.

On December 4, 2017, following a hearing, the trial court sustained City's demurrer without leave to amend. It agreed with City and ruled Jhokke's failure to comply with the claim presentation requirement barred his lawsuit against City. It further noted Jhokke's letter to Board, a State agency, did not satisfy the Act's requirements.

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<sup>3</sup> Jhokke did not include as part of the record on appeal a copy of his letter sent to Board.

On December 7, 2017, Jhokke filed a motion for reconsideration. On December 21, 2017, the trial court entered judgment in favor of City. It subsequently denied Jhokke’s motion for reconsideration on the grounds that it lacked jurisdiction.

Jhokke filed a timely notice of appeal.<sup>4</sup>

## **DISCUSSION**

Jhokke contends the trial court erred because the claim presentation requirement only applies to lawsuits filed against the “judicial branch,” and not City. He also argues the trial court was required to rule on his motion for reconsideration because it was timely filed. We disagree.

### **A. City’s Demurrer**

#### *1. Standard of Review*

“The standard governing our review of an order sustaining a demurrer is well established. We review the order de novo, ‘exercising our independent judgment about whether the complaint states a cause of action as a matter of law. [Citations.]’” (*Lefebvre v. Southern California Edison* (2016) 244 Cal.App.4th 143, 151.)

#### *2. Analysis*

“Government Code section 900 et seq. establishes certain conditions precedent to the filing of a lawsuit against a public entity.” (*State of California v. Superior Court* (2004) 32 Cal.4th 1234, 1237, fn. omitted (*Bodde*)). A “public entity” is defined to include “the state, the Regents of the University of California, the

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<sup>4</sup> Jhokke has elected to proceed without a reporter’s transcript of the hearing. When an “appeal is from the sustaining of a demurrer, a reporter’s transcript or agreed-on settled statement is not necessary” because we are reviewing legal issues de novo. (*Lin v. Coronado* (2014) 232 Cal.App.4th 696, 700, fn. 2, relying on *Chodos v. Cole* (2012) 210 Cal.App.4th 692, 699.)

Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.” (§ 811.2.) The purpose of the “claims statutes” is “to provide the public entity sufficient information to enable it to adequately investigate claims and to settle them, if appropriate, without the expense of litigation. [Citations.]” (*City of Stockton v. Superior Court* (2007) 42 Cal.4th 730, 738.) Thus, a claim relating to a cause of action for personal injury must be presented to a public entity no later than six months after the accrual of the cause of action. (§ 911.2.) The failure to present a timely claim to the public entity bars a plaintiff from bringing suit against that entity. (§ 945.4; *Bodde, supra*, at p. 1237.)

Here, Jhokke’s argument that the claim presentation requirement is only applicable to the “judicial branch” is without merit. The language of the Act as well as case law refute this contention, and so do we. (§ 811.2; see also *City of Los Angeles v. Superior Court* (1993) 14 Cal.App.4th 621, 627–628 [applying claims presentation requirement under the Act to City]; *Baines Pickwick Ltd. v. City of Los Angeles* (1999) 72 Cal.App.4th 298, 300 [same].) The requirements of the Act apply to City, a public entity, as a matter of law. Thus, Jhokke was required to present a claim to City within six months of April 17, 2015, the date of his arrest, prior to filing his lawsuit. (*Mohlmann v. City of Burbank* (1986) 179 Cal.App.3d 1037, 1041, fn. 1 [a cause of action for false arrest accrues on the date of arrest].) There is no dispute Jhokke failed to submit any claim to City. Accordingly, the trial court properly sustained City’s demurrer without leave to amend for failing to comply with the claim presentation requirement under the Act.

**B. Jhokke’s Motion For Reconsideration**

“A court may reconsider its order granting or denying a motion and may even reconsider or alter its judgment so long as judgment has not yet been entered. Once judgment has been entered, however, the court may not reconsider it and loses its *unrestricted* power to change the judgment.” (*Passavanti v. Williams* (1990) 225 Cal.App.3d 1602, 1606; see also Code Civ. Proc., § 1008.) It is immaterial that a motion to reconsider is filed before entry of judgment. (*APRI Ins. Co. S.A. v. Superior Court* (1999) 76 Cal.App.4th 176, 182 (*APRI*).)

Here, the trial court entered judgment before it ruled on Jhokke’s motion for reconsideration. Thus, the trial court properly denied his motion on the grounds that it lacked jurisdiction. (*APRI, supra*, 76 Cal.App.4th at p. 182.)

**DISPOSITION**

The judgment of dismissal is affirmed. City shall recover its costs on appeal.

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\_\_\_\_\_, J.  
ASHMANN-GERST

We concur:

\_\_\_\_\_, P. J.  
LUI

\_\_\_\_\_, J.  
HOFFSTADT