



# Superior Court of California County of San Benito

## **Tentative Decisions for June 30, 2025**

**Courtroom #1: Judge J. Omar Rodriguez**

**CL-24-00723      Espinoza, et al. vs. Smolka**

Defendant's Motion Reducing Bond or Undertaking is DENIED. The Court's orders regarding the Request to Stay were specifically based on Code of Civil Procedure section 1176, which specifically addresses appeals in unlawful detainer actions whereas Defendant is now making a motion to reduce the bond based on Code of Civil Procedure section 995.240, which is not the applicable statute. Other than the details of the bond, Defendant presented no new facts that were not available to Defendant at the time of the initial motion, which was initially heard April 18, 2025 where Commissioner Galloway granted the stay, tentatively set bond at \$150,000 and continued the hearing to May 9, 2025 to address the bond value. Defendant's evidence, which was available to him at the last motion, includes his Court Fee Waiver that was filed on November 6, 2024 and a May 1, 2025 email regarding the rental value of the subject property.

**CU-24-00126      Thompson, et al. vs. San Benito Health Care District, et al.**

The Motion for Summary Judgment filed by San Benito Health Care District ("SBHCD") (dba Hazel Hawkins Memorial Hospital) is GRANTED. SBHCD's Request for Judicial Notice are GRANTED. The Evidentiary objections to the Declaration of Ms. Prieto on the basis of relevance are overruled.

California Code of Civil Procedure Section 437c provides that for purposes of motions for summary judgment and summary adjudication, a defendant has met his or her burden of showing that a cause of action has not merit if the party has shown that one or more elements of the cause of action, even if not separately pleaded, cannot be established, or that there is a complete defense to the cause of action. The moving party bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material facts. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.)

A defendant moving for summary judgment carries the burden of persuasion and/or production by presenting evidence that would require such a trier of fact not to find any underlying material fact more likely than not. (*Ibid.*) In the alternative, he may present evidence showing that the plaintiff did not possess, and could not reasonably obtain, needed evidence. (*Id.* at 854-55.)

Finally, a party moving for summary judgment or summary adjudication must support the motion with a separate statement that sets forth plainly and concisely all material facts that the moving party contends are undisputed, and each of these material facts must be followed by a reference to the supporting evidence. (Cal. Civ. Proc. §437c(b)(1), (f)(2).) A separate statement is required to afford due process to the opposing party and to permit the judge to expeditiously review the motion for summary judgment or summary adjudication to determine quickly and efficiently whether material facts are disputed. (*Parkview Villas Ass'n. Inc. v. State Farm Fire & Cas. Co.* (2005) 133 Cal.App.4th 1197, 1210.) Only facts and evidence the judge may consider in determining whether summary judgment or summary adjudication should be granted are those set forth in the separate statement. (See *Scripps Clinic v. Superior Court* (2003) 108 Cal.App.4th 917, 929; *Rodger H. Proulx & Co. v. Crest-Liners, Inc.* (2002) 98 Cal.App.4th 182, 198.)

When a complaint is made against a public entity, the plaintiff must comply with the Government Code's requirements to present the claim in a timely manner in accordance with the statute before filing a complaint with the court. (Cal. Govt. §945.4.) Summary judgment is proper where the plaintiff failed to file a timely government tort claim as required by Government Code §§900, et seq. (See *Estill v. County of Shasta* (2018) 25 Cal.App.5th 702, 705-706.) The timely presentation of a claim is a condition precedent to Plaintiff's

entitlement to maintain an action against the public entity. (*Lowry v. Port of San Luis Harbor Dist.* (2020) 56 Cal.App.4<sup>th</sup> 211, 219.) Only after the entity has acted on or has deemed to have rejected the claim is the plaintiff entitled to bring a lawsuit alleging a cause of action in tort against the entity. (*Ibid.*)

Suits for money or damages filed against a public entity are regulated by the Government Code, specifically the Government Claims Act, section 810, et seq. Section 905 requires the presentation of all claims for money or damages against a local public entity, with certain exceptions not relevant here. Claims for personal injury and property damage must be presented within six months after the claim accrues; all other claims must be presented within one year. (Cal. Gov't Code §911.2.) The failure to timely present a claim for money or damages to a public entity is a complete bar against a plaintiff filing a lawsuit against that entity. (*DiCampli-Mintz v. County of Santa Clara* (2012) 55 Cal.4th 983, 990.) The intent of the government claims act, as noted in case law interpreting this act, is not the expansion of the rights of plaintiffs, but rather to confine potential governmental liability within rigidly defined circumstances. (*Id.* at 991.) The claimant bears the burden of ensuring that the claim is presented to the appropriate public entity. (*Ibid.*)

Government Code Section 915(a)(1) identifies those who may receive claims on behalf of a local public entity. A claim may be delivered to the “clerk, secretary, or auditor thereof” or mailed “to the clerk, secretary, auditor, or to the *governing body* at its principal office.” (Cal. Govt. §915(a), emphasis added.) “ ‘Board’ means: (a) In the case of a local public entity, the governing body of the local public entity.” (Cal. Govt. §900.2.) “ ‘Local public entity’ includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State...” (Cal. Govt. §900.4.)

“In construing any statute, we first look to its language... ‘Words used in a statute ... should be given the meaning they bear in ordinary use... If the language is clear and unambiguous there is no need for construction...’” (*DiCampli-Mintz*, supra 55 Cal. 4th at 992.) “Section 915(a)(1) reflects the Legislature's intent to precisely identify those who may receive claims on behalf of a local public entity.” (*Ibid.*) Section 915(a)(2) only lists four recipients who may properly receive a mailed claim. Those recipients are: the clerk, secretary, auditor, or the governing body.”

It is undisputed that Plaintiff submitted the relevant claim in this action and mailed the claim, which was addressed to the “San Benito Healthcare District dba Hazel Hawkins.” It would have been acceptable to mail the claim to the Board of the San Benito Health Care District. Instead Plaintiff mailed the claim to the public entity itself and not the governing body. “A goal of the Government Claims Act is to eliminate confusion and uncertainty resulting from different claims procedures.” (*DiCampli-Mintz*, supra, 55 Cal. 4th at 990.)

Section 915 further reflects the legislature’s intent that a misdirected claim will satisfy the presentation requirement if the claim is “actually received” by a statutorily designated recipient. Thus, compliance with §915(e)(1) requires actual receipt of the misdirected claim by one of the designated recipients. If the proper public employee or the board never receives the claim, an undelivered or misdirected claim does not comply with the statute.

Plaintiff argues that the mere signing of the return receipt by Brittney Prieto constitutes actual receipt by a statutorily designated recipient for San Benito Health Care District, sufficient to fulfill the requirements of Government Code section 915 sub (a), and (e)(1). The court disagrees. Compliance with section 915 requires that the claim be mailed to the clerk, secretary, auditor, or governing body of the public entity at their principal place of business, or if misdirected, claim actually be received by the clerk, secretary, auditor, board of the local public entity. (Cal. Govt Code §915 sub (a)(2), (e)(1); *Life v. County of Los Angeles* (1991) 227 Cal. App.3<sup>rd</sup> 894, 900.) Ms. Prieto was not an individual statutorily designated in section 915 of the Government Code for the receipt of claims, irrespective of other considerations. In light of the verified responses to Plaintiff’s special interrogatories, signed under penalty of perjury that no person designated by Government Code section 915 was served with nor actually received the Plaintiff’s claim prior to its attachment to the Complaint served in August 2024, there is no triable issue of fact regarding whether the claim was actually received by the clerk, secretary, auditor or board of the local public entity as required by Government Code section 915(e).

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**CU-24-00147**      **Espinola vs. Van**

Defendant's Motion to Expunge Lis Pendens is GRANTED. The court awards attorney's fees pursuant to CCP§405.38 from Plaintiff to Defendants' counsel of \$2,860.00. The Case Management Conference shall remain on calendar.

Pursuant to Code of Civil Procedure section 405.2, a lis pendens is available in actions in which "a real property claim is alleged." A "cause or causes of action in a pleading which would, if meritorious, affect (a) title to or the right to possession of, specific real property or (b) the use of an easement identified in the pleading, other than an easement obtained pursuant to statute by any regulated public utility." (Cal. Code Civ. Proc. §405.4.) At any time after a notice of pendency of action has been recorded, any party may file to have the notice expunged. (Cal. Code Civ. Proc. §405.30.) The claimant has the burden of proof under Section 405.32. (*Ibid.*) Section 405.32 states, "the court shall order that the notice be expunged if the court finds that the claimant has not established by a preponderance of the evidence the probable validity of the real property claim. The court shall not order an undertaking to be given as a condition of expunging the notice if the court finds the claimant has not established the probable validity of the real property claim." Plaintiff submitted no evidence regarding the probable validity of Plaintiff's real property claim. Instead, Plaintiff focuses on the pleading demurrer-like analysis described in Code of Civil Procedure section 405.31 and fails to provide any evidence regarding the probable validity of the real property claim.

A prevailing party in a motion to expunge a lis pendens shall be awarded reasonable attorney's fees and costs for making or opposing the motion, unless the court finds the other party acted with substantial justification, or other circumstances make the award of fees unjust. (Cal. Code Civ. Proc. §405.38).

**CU-24-00299**      **Resendiz vs. City of Hollister**

The Court read and considered the Joint Case Management Conference Statement. The Case Management Conference is continued to August 4, 2025 at 10:30 a.m.

**CU-25-00017                      Smolka vs. Espinoza, et al.**

Counsel's Motion to be Relieved is GRANTED as requested. The Order is effective upon the filing of the proof of service of this order upon the client.

An attorney in an action may be changed at any time before or after judgment or final determination "(u)pon the order of the court, upon the application of either client or attorney, after notice from one to the other." (Cal. Code Civ. Proc. §284.) The motion must be accompanied by a declaration stating "in general terms and without compromising the confidentiality of the attorney-client relationship why a motion under Code of Civil Procedure Section 284(2) is brought."

Defendant's counsel has complied with the requirements and demonstrated good cause to grant the motion. The attorney-client communication is necessary for proper representation is not possible under the circumstances described. The motion will not prejudice either party, given that no motions or trials are currently pending before the court.

**CU-25-00032                      Serpa, et al. vs. Silva, et al.**

In light of the recent service on Defendants, the Court continues the Case Management Conference to August 4, 2025 at 10:30 a.m. Plaintiff to provide notice of the hearing.

**CU-25-00033                      Johnson vs. Kimura, et al.**

The Court read and considered Plaintiff's Case Management Conference Statement. The Case Management Conference is continued to October 13, 2025 at 10:30 a.m. Plaintiff to provide notice of the hearing.

**CU-25-00045                      IPFS Corp. of California vs. Rapid Response Force, LLC**

The Court read and considered the Case Management Conference Statements. In light of Plaintiff's request, the Case Management Conference is continued to October 6, 2025 at 10:30 a.m. The Court intends to select a trial date at the next Case Management Conference.

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**CU-25-00055                      In the Matter of Mary Erlinda Valdivia Solano**

The Petition for Change of Name is APPROVED as requested. No appearances are necessary.

**PR-17-00027                      In Re Conservatorship of: Tea Rose Mendolla**

The Court has read and reviewed the Investigator's Report and will adopt the recommendations therein. The conservatorship will remain without modification. The hearing will be taken off calendar and no appearances are necessary. The Court will schedule a review in two (2) years and will provide notice of the hearing.

**PR-22-00013                      Conservatorship of Tyler Patrick Abercrombie**

The Court has read and reviewed the Investigator's Report and will adopt the recommendations therein. The conservatorship will remain without modification. The hearing will be taken off calendar and no appearances are necessary. The Court will schedule a review in two (2) years and will provide notice of the hearing.

**PR-25-00040                      In re Estate of Ociel Canela Prado, Sr. (In re Imelda Prado)**

The Spousal Property Petition is APPROVED as requested.

**PR-25-00041                      In the Matter of Williams (Minor)**

The Petition is APPROVED as requested.

**PR-25-00048                      In the Matter of Francesca Garcia**

The Orders regarding the Minor's Compromise have been signed. The hearing shall be taken off calendar with no future court dates scheduled. No appearances are necessary.

**END OF TENTATIVE DECISIONS**