

# Tentative Rulings for June 30, 2026 Department 10

**To request oral argument, you must notify Judicial Secretary  
Crystal Marias at (760) 904-5722  
and inform all other counsel no later than 4:30 p.m.**

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at [Riverside Superior Court-Tentative Rulings](#). If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 10 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear remotely, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

For information and instructions on remote appearances via **ZOOM**, visit the court's website at [Riverside Superior Court-Remote Appearances](#)

You may also make a Telephonic Appearance: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252,  
1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: **161 888 5460**

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

**Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.**

1.

CASE #	CASE NAME	HEARING NAME
CVRI2403136	POINSETTE VS TARGET CORPORATION	MOTION TO TAX COSTS

**Tentative Ruling:** The Court DENIES Plaintiff's request for judicial notice of Exhibits 1 through 6. The Court GRANTS Plaintiff's motion to tax costs.

2.

CASE #	CASE NAME	HEARING NAME
CVRI2507157	GELLER VS AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA	DEMURRER ON COMPLAINT

**Tentative Ruling:** At the prior hearing, Defendants were ordered to meet and confer as required by CCP §§ 430.41 and 435.5 and file the requisite declaration. After the hearing, the parties filed a Stipulation re Filing of Plaintiff's Amended Complaint and a declaration stating a virtual meet and confer conference occurred on 6/4/25. (Dec.Kamau ¶ 2.) Plaintiff agreed to file and serve an amended pleading within ten days of the Court's order. (Id. ¶¶ 3-4.) While meet and confer efforts occurred as required, no amended Complaint has yet been filed.

On the merits, the Court **SUSTAINS** the demurrer to each cause of action in the Complaint with thirty days' leave to amend.

**Analysis:**

1<sup>st</sup> Cause of Action for False Advertising (Bus. & Prof. Code § 17500) (FAL)

The False Advertising Law ("FAL") prohibits advertising "which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading." (Bus. & Prof. Code, § 17500.) To state a claim for false advertising, a plaintiff must allege that the defendant intended to either dispose of real or personal property or perform services; and either (a) defendant publicly disseminated advertising which (1) contained a statement which was untrue or misleading, and (2) which the defendant knew, or in the exercise of reasonable care should have known, was untrue or misleading, and (3) which concerned the real or personal property or services or their disposition or performance; or (b) defendant publicly disseminated advertising with the intent not to sell the property or services at the price stated or as advertised. (Bus. & Prof. Code, § 17500, *et. seq.*; *Bower v. AT&T Mobility, LLC* (2011) 196 Cal.App.4th 1545, 1555; *People v. Toomey* (1984) 157 Cal.App.3d 1, 16.)

Here, the Complaint alleges that "Defendants made false or misleading statements in advertising or other public representations"; that Defendants represented to Plaintiff they "would provide homeowners' insurance with certain terms, conditions,

and rates, without disclosing additional requirements that would later be imposed, such as the need for specific water shut-off valves, or the potential for substantial increases in deductibles and premiums.” (Compl. ¶¶ 25-27.) It is alleged that Defendants knew or should have known the statements were false or misleading at the time the policy was issued. (*Id.* ¶¶ 28-29.) It is alleged that the failure to disclose the additional requirements renders the representations false or misleading, which were likely to deceive reasonable consumers. (*Id.* ¶¶ 30-32.) The Complaint alleges “Plaintiff suffered injury as a result.” (*Id.* ¶¶ 33.) That injury proximately caused by the representations is described as Plaintiff cancelled his prior policy, faced a threat of substantially increased deductibles and premiums, and potential costs to install water shut-off valves. (*Id.* ¶ 34.)

Defendants argue that Plaintiff has not sufficiently alleged “public dissemination”. Courts have found violations of Bus. & Prof. Code § 17500 “based merely on oral representations made face-to-face or by telephone to a single potential customer.” (Stern, Bus. & Prof. C § 17200 Practice (TRG 2023) § 4:18 citing *Chern v. Bank of America* (1976) 15 Cal.3d 866, 875-876.) “[V]irtually any statement made in connection with the sale of a product or service is “advertising.” (*Id.* at § 4:19.) “No use of public media or widespread publicity is required. Statements a single salesperson makes to a single buyer can constitute advertising.” (*Ibid.*) The Complaint sufficiently alleges false advertising under § 17500.

Defendants also argue that Plaintiff lacks standing to bring this cause of action. In order to establish standing under the FAL (and the UCL discussed below), a plaintiff must demonstrate some form of economic injury. (*Kwikset Corp. v. Superior Court* (2011) 51 Cal.4th 310, 323.) There must be a causal connection between the economic injury and the alleged misrepresentation. (*Id.* at 326.) “[A] Party must now (1) establish a loss or deprivation of money or property sufficient to qualify as injury in fact, i.e. economic injury, and (2) show that the economic injury was the result of, i.e. caused by, the unfair business practice or false advertising that is the gravamen of the claim.” (*Jenkins v. JP Morgan Chase Bank N.A.* (2013) 216 Cal.App.4th 497, 522.)

“There are innumerable ways in which economic injury from unfair competition may be shown. A plaintiff may (1) surrender in a transaction more, or acquire in a transaction less, than he or she otherwise would have; (2) have a present or future property interest diminished; (3) be deprived of money or property to which he or she has a cognizable claim; or (4) be required to enter into a transaction, costing money or property, that would otherwise have been unnecessary.” (*Kwikset, supra.* at 323.)

Defendants argue that Plaintiff has not alleged he personally suffered “injury in fact and ... lost money or property as a result” of the false advertising. (Bus. & Prof. Code § 17535.) Defendants assert that Plaintiff does **not** allege that he actually paid the \$50 premium increase, paid the \$10,000 deductible, installed a water shut-off valve, incurred unreimbursed installation costs, had a lapse in coverage, had a claim denied, or that unused premiums were not returned. Instead, Defendants point out that he

alleges the unused portion of his premium was returned and he obtained alternative coverage; there was also no lapse in coverage.

In the Opposition, Plaintiff asserts that he was forced to obtain replacement coverage when onerous new conditions were required under threat of cancellation, and a loss of the use of funds from a six-week delay in the return of his unused premium. However, Plaintiff has not alleged a loss of money or property. Also, Defendants are correct that these *proposed* allegations do not establish an economic injury suffered by Plaintiff. (*Kwikset, supra.* at 323; see also *Schwartz v. Provident Life & Accident Ins. Co.* (2013) 216 Cal.App.4<sup>th</sup> 607, 610 [plaintiff alleging a deceptive scheme to deny benefits, despite no alleged denial of benefits, lacks standing; no economic injury was alleged.]) Thus, the Court SUSTAINS the demurrer on this ground with leave to amend.

## 2<sup>nd</sup> Cause of Action for Unfair Business Practices (Bus. & Prof. Code § 17200) (UCL)

Bus. & Prof. Code § 17200 states that “unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice. The Unfair Competition Law’s (UCL) scope is broad and coverage is sweeping. (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4<sup>th</sup> 163, 180.) “[B]ecause the statute is framed in the disjunctive; a business practice need meet only one of the three criteria to be considered unfair competition.” (*Wiseman Park, LLC v. Southern Glazer’s Wine & Spirits, LLC* (2017) 16 Cal.App.5<sup>th</sup> 110, 129.) UCL claims must be pled with reasonable particularity. (*Gutierrez v. Carmax Auto Superstores California* (2018) 19 Cal. App. 5<sup>th</sup> 1234, 1261.)

Under the unlawful prong, the UCL borrows violations of other laws and treats them as unlawful business practices that are independently actionable under the UCL. (*Smith v. State Farm* (2001) 93 Cal.App.4<sup>th</sup> 700, 718.) “Virtually any law or regulation—federal or state, statutory or common law—can serve as a predicate for a § 17200 ‘unlawful’ violation.” (*Wiseman Park, supra.* 16 Cal.App.5<sup>th</sup> at 130.)

“An unfair business practice occurs when the practice offends an established public policy or when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.” (*Podolsky v. First Healthcare Corp.* (1996) 50 Cal.App.4<sup>th</sup>, 632, 647.) The unfair standard is also intentionally broad, “thus allowing courts maximum discretion to prohibit new schemes to defraud.” (*Searle v. Wyndham Intl.* (2002) 102 Cal.App.4<sup>th</sup> 1327, 1334.)

“A business practice is ‘fraudulent’ within the meaning of section 17200 if it is “likely to deceive the public. [Citations.] It may be based on representations to the public which are untrue, and also those which may be accurate on some level, but will nonetheless tend to mislead or deceive.” (*Klein v. Chevron U.S.A., Inc.* (2012) 202 Cal.App.4<sup>th</sup> 1342, 1380.) Although the facts must be pled with reasonable particularity, the standard is more lenient than the standard applied to common law fraud claims. (*Gutierrez supra.* 19 Cal.App.5<sup>th</sup> at 1261.)

Defendants argue that Plaintiff has not identified any statute, regulation, or case law that they allegedly violated. Plaintiff merely alleges dissatisfaction over underwriting adjustments and the cancellation process. Plaintiff argues that the “practice” is issuing policies and imposing undisclosed conditions after insured’s cancel their prior coverage. But, Plaintiff has not demonstrated how this practice is unlawful.

In addition, Defendants argue that Plaintiff has not identified any “public” advertisement; he individually received a premium quote. Similar to the FAL claim above, a single representation made to a single buyer is sufficient. (*Chern, supra.*)

Moreover, just as discussed above in connection with the FAL cause of action, Plaintiff lacks standing as he has not sufficiently alleged standing. Thus, the Court SUSTAINS the demurrer on this ground with leave to amend.

### 3<sup>rd</sup> Cause of Action for Fraudulent Misrepresentation

The elements of fraud are (a) misrepresentation (false representation, concealment, or nondisclosure); (b) knowledge of falsity (or 'scienter'); (c) intent to defraud, i.e., to induce reliance; (d) justifiable reliance; and (e) resulting damage." (*Lazar v. Superior Court* (1996) 12 Cal.4th 631, 638.) Fraud must be pled with particularity; general and conclusory allegations are not sufficient. (*Id.* at 645.) Under the particularity requirement, plaintiff must plead facts which 'show how, when, where, to whom, and by what means the representations were tendered.' " (*Stansfield v. Starkey* (1990) 220 Cal.App.3d 59, 73.) As alleged against a corporate defendant, Plaintiff must also allege who made the alleged misrepresentations, their authority to speak, to whom they spoke, what they said or wrote, and when it was said or written. [Citations.]” (*Cansino v. Bank of America* (2014) 224 Cal.App.4<sup>th</sup> 1462, 1469.)

Defendants argue that the fraud cause of action lacks particularity. It is accurate that other than attributing all fraudulent conduct to “Defendants”, Plaintiff has not alleged “how, when, where, to whom, and by what means the representations were tendered.” (*Stansfield, supra.*)

In the Opposition, Plaintiff argues that this cause of action is *actually* based on concealment/omission as opposed to an affirmative misrepresentation. The elements of an action for fraud based on concealment are: (1) the defendant concealed a material fact; (2) the defendant had a duty to disclose the fact to the plaintiff; (3) the defendant intentionally concealed the fact with intent to defraud; (4) the plaintiff was unaware of the fact and would not have acted had she or he had knowledge of the concealed fact; and (5) the plaintiff sustained damages as a result of the concealment. (*Blickman Turkus, LP v. MF Downtown Sunnyvale, LLC* (2008) 162 Cal.App.4<sup>th</sup> 858, 868.) Plaintiff argues that there is a duty to disclose where the insurer makes only partial disclosures, but conceals material conditions. However, no such duty is alleged in the Complaint.

Plaintiff also argues that as to corporate defendants, specificity is relaxed. It is accurate that “[a]n exception to the strict pleading standard is recognized when it

appears that the facts lie more within defendant’s knowledge than plaintiff’s: i.e., less specificity is required where “defendant must *necessarily possess full information* concerning the facts of the controversy.” (Weil & Brown, CPG: Civ. Proc. Before Trial (TRG 2026) § 6:147 citing *Miles v. Deutsche Bank Nat’l Trust Co.* (2015) 236 Cal.App.4<sup>th</sup> 394, 403-404.) Plaintiff explains that the underwriting conditions and internal practices are within defendants’ exclusive knowledge so, specificity is not required. As discussed above, concealment is not sufficiently alleged. The demurrer is sustained with thirty days’ leave to amend.

**3.**

CASE #	CASE NAME	HEARING NAME
CVRI2507157	GELLER VS AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA	MOTION TO STRIKE COMPLAINT

**Tentative Ruling:** The motion to strike is DENIED as moot.

**4.**

CASE #	CASE NAME	HEARING NAME
CVRI2601718	IQBAL VS HULSMAN	PETITION FOR AN ORDER RELIEVING PLAINTIFFS FROM GOVERNMENT ENTITY CLAIM FILING REQUIREMENTS, OR IN THE ALTERNATIVE, FOR AN ORDER THAT PLAINTIFFS HAVE SUBSTANTIALLY COMPLIED WITH SAID REQUIREMENT

**Tentative Ruling:** The Court DENIES the Petition.

Here, Petitioners filed a late claim with the County pursuant to Government Code section 911.4 within one year after the accrual of the claim. The inquiry turns to whether Petitioners’ failure to present their claim was through mistake, inadvertence, surprise, or excusable neglect. Based on the evidence presented, Petitioners fail to establish their failure to timely file a claim was based on excusable neglect.

The showing required for relief on the grounds of “mistake, inadvertence, surprise or excusable neglect” is the same as required under Code of Civil Procedure section 473, subdivision (b), for relieving a party from a default judgment. (*Ebersol v. Cowan* (1983) 35 Cal.3d 427, 435.) “Cases in which relief on the basis of counsel’s excusable neglect is granted generally involve plaintiffs who have diligently acted within the claims-filing limitation period (i.e., six months) to retain counsel...” and the neglectful conduct of counsel or counsel’s staff is deemed “relatively minor.” (*Munoz v. State of California* (1995) 33 Cal.App.4th 1767, 1782; *Leake v. Wu* (1976) 64 Cal.App.3d 668 [relief denied where counsel retained three weeks after accrual of cause of action did

not make any inquiry to determine that the defendant named in the plaintiff's complaint was a public employee].) The petitioner has the burden of proving by a preponderance of evidence the grounds for relief from the claim-presentation requirement. (*Rodriguez v. County of Los Angeles* (1985) 171 Cal.App.3d 171, 175.)

To show mistake or excusable neglect by a preponderance of the evidence, “[a] petitioner or counsel for a petitioner must show more than the mere failure to discover a fact until too late; he or she must establish the failure to discover that fact in the use of reasonable diligence.” (*Munoz, supra*, 33 Cal.App.4th at 1783.) Relief has generally been denied where the plaintiff failed to take any action to pursue his or her claim during the claims-filing period, or where the conduct of plaintiff's retained counsel was unreasonable or dilatory. (*Ebersol, supra*, 35 Cal.3d at p. 437, fns. 10, 11.)

Here, despite Petitioners' assertions that their failure was due to staff mistake, the evidence shows that Ghalchi was acting as Petitioners' attorney within four days of the accident, having electronically opened the file on 7/8/25. (Ghalchi Decl., ¶ 5.) Counsel's declaration states that her intake employee, Habib Ghalchi, “neglected to categorize correctly to indicate that claims against a government entity were involved.” (*Id.*) “As such, no further reminders were triggered in the Ghalchi Law's calendar to file the necessary government claim form on or before January 4, 2026, the 6-month date.” (*Id.*) Counsel declares that her office only received the requested traffic report on 1/29/26, and she did not review or discover the mistake until 2/4/26. (*Id.* at ¶¶ 5-6.) The declaration, however, is silent as to when she requested the traffic report.

An attorney's failure to review files, oversee staff, or request a police report for more than 6 months is not the conduct of a reasonably prudent person. In *Leake, supra*, 64 Cal.App.3d 668, plaintiffs claimed they did not know or have reason to know that an anesthesiologist was a county employee even though the county hospital was named as a defendant. (*Id.*) The Court of Appeal found that the failure of plaintiffs' attorney to make a minimal inquiry into the matter is not the conduct of a reasonably prudent person or the type of mistake or neglect for which the statute affords relief. (*Id.* at 673.)

Here, Petitioners were rear-ended by an on-duty Deputy Sheriff driving a marked sheriff's vehicle. That gives clear and immediate notice of public entity involvement. There is no indication from either Petitioner denying such knowledge. Counsel's failure to perform basic discoveries and file a timely claim is not the conduct of a reasonably prudent person or the type of mistake or neglect that affords relief.

Therefore, the Court DENIES the motion for relief based on failure in establishing excusable neglect.

As to Petitioners' alternative request for an order on their substantial compliance, they made no substantive legal or factual arguments in their moving papers as to how the doctrine of substantial compliance applies. The Court DENIES the requested alternative relief.