

Tentative Rulings for July 21, 2026

Department PS1

To request oral argument, you must notify Judicial Secretary Carol Delfosse-Kidd 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 PS1 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.**

COUNSEL AND SELF-REPRESENTED PARTIES ARE ENCOURAGED TO APPEAR AT ANY LAW AND MOTION DEPARTMENT TELEPHONICALLY WHEN REQUESTING ORAL ARGUMENTS.

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: **160 520 9376**

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
CVPS2508146	LOPEZ GONZALEZ VS MATARAS	MOTION TO BE RELIEVED AS COUNSEL FOR FRANK LOPEZ GONZALEZ, JR, EVA BERNARDINE GONZALEZ

Tentative Ruling:

Motion to be Relieved as Counsel for Frank Lopez Gonzalez Jr. and Eva Bernardine Gonzalez DENIED.

No proof of service filed that the motion has been served upon Plaintiffs.

2.

CASE #	CASE NAME	HEARING NAME
CVPS2508295	LITTLE VS ROCKET CLOSE, LLC	MOTION TO COMPEL ROCKET DEFENDANTS' RESPONSES TO FORM INTERROGATORIES, TO SPECIAL INTERROGATORIES, TO PRODUCTION OF DOCUMENTS, FURTHER RESPONSES TO INTERROGATORIES, FURTHER RESPONSES TO REQUEST FOR ADMISSIONS, AND PRODUCTION OF DOCUMENTS BY AUDREY LITTLE

Tentative Ruling: Plaintiff moves under CCP §§ 2030.300, 2031.310, and 2033.290 to compel further, verified, code-compliant responses and production from Rocket Close and Rocket Companies, including compliance with her Corrected Consolidated Narrowed Priority RFA and SROG lists (Exhibits P and Q), request-specific RFP responses, an amended privilege log, full FROG responses, in camera review of the redacted escrow-log entries, and monetary sanctions.

In opposition, Defendants raise both procedural and substantive grounds: the motion was filed without the 16-court-day notice required by CCP § 1005(b); it exceeds the Court's June 22, 2026, Minute Order because the July 2 IDC permission was limited to a motion to compel RFPs, whereas the motion also reaches RFAs, SROGs, FROGs, privilege-log challenges, and in camera review; the "Corrected Consolidated Narrowed Priority" lists were not propounded as numbered sets under sections 2033.010 or 2030.010, so no statutory "response" can be compelled; the "concise outline" does not comply with CRC Rule 3.1345; the motion improperly combines multiple distinct discovery motions; and Defendants have already served timely, Code-compliant responses.

In reply, Plaintiff argues that the Court's written July 2 Minute Order authorized "the motion to compel that already has a reservation" without any RFP-only limitation, that Defendants' own protective order reply concedes document production, FROGs, escrow logs, and privilege log disputes are "entirely outside the scope" of that motion, that RFP Set One responses are non-request-specific and lack a section 2031.230 statement, RFP Set Two contains only objections, and both entities failed to substantively answer FROG Nos. 4.1 and 14.1, and that the narrowed lists narrow existing discovery rather than propound new discovery, with sections 2030.300(b)(2), 2031.310(b)(3), and

2033.290(b)(2) authorizing a concise outline (now supplemented by a Supplemental Separate Statement).

CCP § 2030.300(a) permits a party to move for an order compelling further response to interrogatories if an answer is evasive or incomplete, an exercise of the option to produce documents is unwarranted or inadequate, or an objection is without merit or too general. Similarly, CCP § 2031.310(a) authorizes a motion to compel further production of documents (“RFPs”) where a statement of compliance with a demand is incomplete, a representation of inability to comply is inadequate or evasive, or an objection in a response is without merit or too general. CCP § 2033.290(a) permits a party to move for an order compelling a further response to a request for admission (“RFA”) on the ground that an answer to a particular request is evasive or incomplete or an objection is without merit or too general.

CRC Rule 3.1345(a) requires that a motion to compel further responses to RFAs, FROGs, SROGs, or RFPs be accompanied by a separate statement containing, for each discovery request at issue, the request, the response, and a statement of the factual and legal reasons for compelling a further response. Sections 2030.300(b)(2), 2031.310(b)(3), and 2033.290(b)(2) permit a concise outline of discovery requests and responses in lieu of a separate statement when the court has authorized such format. (CCP §§ 2030.300(b)(2), 2031.310(b)(3), 2033.290(b)(2).)

CRC Rule 3.1300(b) states that “[w]hen several motions are made at the same time, a separate notice of each motion and supporting papers, except declarations, must be filed.”

Plaintiff moves to compel further responses, seeking relief across multiple categories of discovery: RFAs, SROGs, RFPs, FROGs, a privilege log, production of a signed escrow contract, and in camera review of redacted escrow-log entries. The motion seeks compliance with “Corrected Consolidated Narrowed Priority RFAs and SROGs” that Plaintiff identifies as served “for case-management purposes.” The motion should be denied on multiple independent procedural and substantive grounds.

First, Plaintiff seeks to compel responses to “Corrected Consolidated Narrowed Priority RFAs and SROGs” that she served unilaterally and describes as provided “for case-management purposes.” Plaintiff’s declaration represents that these narrowed lists are attached to the motion as Exhibits P and Q. (Little Decl. ¶ 7, Exs. P & Q.) However, no such exhibits are attached to the declaration on file with the Court. Even accepting Plaintiff’s representations concerning those lists, the narrowed lists were not served as a new, numbered set of RFAs or SROGs under CCP §§ 2033.010 or 2030.010. Sections 2030.300 and 2033.290 authorize a motion to compel further responses only to RFAs and SROGs properly propounded under the Civil Discovery Act. Because the informal narrowed lists were not propounded as discovery under the Act, there is no corresponding statutory “response” as to which further responses can be “compelled.”

Second, CRC Rule 3.1345(a) requires a separate statement for motions to compel further responses to RFAs, SROGs, FROGs, and RFPs. Plaintiff filed what she describes as a “Separate Statement/Concise Outline.” Plaintiff states that she submitted a concise outline because “the same boilerplate objections recur across the responses.” However, the concise outline exception under sections 2030.300(b)(2), 2031.310(b)(3), and 2033.290(b)(2) requires court authorization, not automatic invocation by the moving party. The Court has not authorized use of a concise outline in lieu of a separate statement. The document Plaintiff filed does not comply with CRC Rule 3.1345’s requirement of setting forth, for each request at issue, the text of the request, the response given, and the

reasons a further response is warranted. The failure to provide a compliant separate statement is, by itself, a sufficient basis on which to deny a motion to compel further discovery responses. (*Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 893.) Plaintiff filed a Supplemental Separate Statement with her reply on July 13, 2026. That document is limited to certain RFPs and FROGs and does not address the RFAs or SROGs Plaintiff seeks to compel. It was also filed only eight days before the July 21, 2026 hearing, without opportunity for Defendants to address it in opposition. To the extent the Supplemental Separate Statement partially cures the CRC Rule 3.1345 defect as to the requests included, the motion nonetheless fails on the additional independent grounds set forth above.

Third, the motion improperly combines several legally distinct discovery motions into a single noticed motion: a motion to compel further responses to RFAs, SROGs, RFPs, FROGs, a request for an amended privilege log, and a request for in camera review of redacted escrow-log entries. Each category of discovery is governed by its own statutory procedure and, under CRC Rule 3.1345, independently requires its own separate statement. CRC Rule 3.1300(b) requires that when several motions are made at the same time, a separate notice of each motion and supporting papers must be filed. Plaintiff has failed to do that.

Fourth, the Court's June 22, 2026 Minute Order expressly provided that "no FURTHER discovery motions shall be filed or heard without conducting an informal discovery conference." (Court's Minute Order, dated June 22, 2026.) Following the July 2, 2026 IDC, the Court's Minute Order stated: "Plaintiff is given permission to file the motion to compel that already has a reservation." (Court's Minute Order, dated July 2, 2026.) The July 2, 2026 permission authorized only a motion to compel further responses to RFPs—the category of discovery for which Plaintiff had a pending reservation. The instant motion exceeds the scope of that permission by also reaching RFAs, SROGs, FROGs, an amended privilege log, and in camera review.

Finally, the record reflects that Defendants served timely responses to Plaintiff's discovery requests. Rocket Close served responses to RFA Set One on May 20, 2026, responses to SROGs Set One on May 22, 2026, and responses to RFAs, SROGs, RFPs, and FROGs Set Two on June 4, 2026. (Little Decl. ¶ 3; Iqbal Decl. ¶ 8.) Rocket Companies served responses to Plaintiff's RFAs and SROGs Set One on May 22, 2026. (Little Decl. ¶ 6; Iqbal Decl. ¶ 8.) Rocket Close served responses to Plaintiff's RFPs Set One on March 31, 2026, followed by supplemental productions and a privilege log on April 24, 2026, and further supplemental production thereafter producing documents through Bates number RC 001633. (Little Decl. ¶ 2; Iqbal Decl. ¶¶ 3–7.) The deficiencies Plaintiff alleges concerning the scope, completeness, and privilege objections in these responses may be addressed through the IDC process than through the procedurally deficient motion currently before the Court.

Plaintiff's Motion to Compel Further Responses and Produce Responsive Documents is DENIED.

3.

CASE #	CASE NAME	HEARING NAME
CVPS2508295	LITTLE VS ROCKET CLOSE, LLC	PLAINTIFF'S MOTION FOR PREFERENTIAL TRIAL SETTING

Tentative Ruling:

No opposition filed.

The court in its discretion finds that preference would be in the interests of justice and a sufficient showing has been made by Plaintiff.

Motion for Preferential Trial Setting pursuant to CCP 36(e) is GRANTED.

Trial call on 11.06.26. Parties directed to read and review Riverside Local Rule 3401 and the PS1 Rules governing Trial & Law and Motion posted on the Court's website incorporated by reference into this order. Failure to comply with these rules may result in monetary, issue, or other sanctions against counsel and parties jointly and severally.

Any jury deposit or fee waiver shall be submitted by end of business 7.21.26. Failure to do so will result in waiver of right to a jury trial.

4.

CASE #	CASE NAME	HEARING NAME
CVPS2508295	LITTLE VS ROCKET CLOSE, LLC	DEFENDANTS' MOTION FOR PROTECTIVE ORDER

Tentative Ruling: CCP § 2030.030(a) provides that, unless otherwise authorized, a party may propound a maximum of 35 SROGs. Similarly, CCP § 2033.030(a) establishes a presumptive limit of 35 RFAs. A party may exceed those limits by serving a declaration under CCP §§ 2030.050 and 2033.050. Section 2030.050 requires the declaration to state "each factor described in Section 2030.040 that is relied on, as well as the reasons why any factor relied on is applicable to the lawsuit." (CCP § 2030.050.) Similarly, section 2033.050 requires the declaration to state "the reasons why the complexity or the quantity of issues in the lawsuit warrants this number of requests for admission." (CCP § 2033.050.)

The factors set forth in section 2030.040(a) include: (1) "[t]he complexity or the quantity of the existing and potential issues in the particular case"; (2) "[t]he financial burden on a party entailed in conducting the discovery by oral deposition"; and (3) "[t]he expedience of using this method of discovery to provide to the responding party the opportunity to conduct an inquiry, investigation, or search of files or records to supply the information sought." (CCP § 2030.040(a)(1)–(3).) The same factors apply to RFAs under section 2033.040(a). (CCP § 2033.040(a) ["any party . . . may request a greater number of [RFAs] . . . if the greater number is warranted by the complexity or the quantity of the existing and potential issues in the particular case"].)

Once the responding party moves for protective order challenging the number as unwarranted, the propounding party bears the burden of justifying the number of SROGs and RFAs. (CCP §§ 2030.040(b); 2033.040(b).) The court may make any order justice requires to protect any party from unwarranted annoyance, embarrassment, or

oppression, or undue burden and expense. (CCP §§ 2030.090(b); 2033.080(b).) Such an order is appropriate where, contrary to representations made in a declaration submitted under sections 2030.050 or 2033.050, the number of SROGs or RFAs is unwarranted. (CCP §§ 2030.090(b)(2); 2033.080(b)(2).)

Defendants move to challenge the number of Plaintiff's SROGs and RFAs as unwarranted. Defendants' motion shifted the burden to Plaintiff to justify the number under CCP §§ 2030.040(b) and 2033.040(b).

Here, Plaintiff has not carried her burden to justify SROGs and RFAs in the full volume propounded. Plaintiff served combined declarations under sections 2030.040 and 2033.040 dated May 4, 2026, addressing SROGs and RFAs propounded on Rocket Close, with additional RFAs served on Rocket Close on May 22, 2026 and separate declarations concerning discovery propounded on Rocket Companies. (Iqbal Decl. ¶¶ 6–7, 11, Ex. A.) The declarations were served approximately one month before Defendants filed the instant motion on June 4, 2026. (*Id.* at ¶ 11, Ex. A.)

Plaintiff's declarations invoke each of the statutory grounds enumerated in sections 2030.040(a) and 2033.040(a) and identify case-specific factual categories bearing on the July 2025 loan closing, the title commitment and underwriting record, internal records pre- and post-disbursement, post-closing discovery and transmission of the lien-priority defect, corporate governance and parent-subsidiary relationships, post-notice conduct, institutional ratification, insurance and indemnification considerations, and affirmative defenses. (*Id.*) The declarations further identify developments post-dating Set One, including the March 31, 2026 verified document production disclosing internal pre-disbursement title work, demurrers and Case Management Statements filed in April 2026, and the September 10, 2025 Notice of Claim authored by Oaktree Funding Corporation's General Counsel. (*Id.*)

Weighed against the volume actually propounded—98 aggregate SROGs and 202 aggregate RFAs across the two moving Defendants—the declarations set forth categories of issues but do not explain which specific requests correspond to which specific issue, or why the presumptive limit of 35 SROGs and 35 RFAs per Defendant is insufficient to develop those issues, as required by CCP §§ 2030.050 and 2033.050. Plaintiff's own prior filings further describe this action as document-driven and comparatively narrow in scope.

Notwithstanding the foregoing, sections 2030.090(b) and (c) and sections 2033.080(b) and (c) expressly authorize the Court to enter any order that justice requires, including orders that discovery be had only on specified terms and conditions, and to order that discovery be provided on just terms where the motion is granted in part. (CCP §§ 2030.090(b)–(c); 2033.080(b)–(c).)

Plaintiff's opposition and supporting declaration represent that Plaintiff has narrowed her operative discovery to priority lists of no more than 50 RFAs and 35 SROGs per moving Defendant, and reference an exhibit purporting to set forth those narrowed lists. (Little Decl. ¶ 8, Ex. F.) No such exhibit is attached to the declaration on file with the Court.

Defendants' Rocket Close and Rocket Companies, Inc. Motion for Protective Order GRANTED in PART and DENIED in PART.

Defendants' request for a blanket protective order limiting discovery at 35 SROGs and 35 RFAs per Defendant is DENIED.

Plaintiff to file and serve the referenced narrowed lists within 10 days of this order.

Plaintiff's discovery as to Defendants Rocket Close, LLC and Rocket Companies, Inc. shall proceed within no more than 50 RFAs and 35 SROGs per Defendant, consistent with Plaintiff's narrowed priority lists referenced in her opposition.

5.

CASE #	CASE NAME	HEARING NAME
CVPS2508295	LITTLE VS ROCKET CLOSE, LLC	PLAINTIFF'S MOTION FOR RECONSIDERATION OF PRELIMINARY INJUNCTION PURSUANT TO CCP § 1008(B)

Tentative Ruling: No tentative ruling. A hearing shall be conducted.

6.

CASE #	CASE NAME	HEARING NAME
CVPS2508945	ZADEII VS BIRDSALL	DEMURRER ON 1ST AMENDED COMPLAINT FOR OTHER COMPLAINT) OF GHOLAM ZADEII, M.D. BY GREGORY PHILLIP BIRDSALL, KANDICE KAY BIRDSALL

Tentative Ruling: A general demurrer lies where the pleading does not state facts sufficient to constitute a cause of action. (C.C.P. § 430.10(e).) In evaluating a demurrer, the court gives the pleading a reasonable interpretation by reading it as a whole and all of its parts in their context. (*Moore v. Regents of University of California* (1990) 51 Cal.3d 120, 125.) The court assumes the truth of all material facts which have been properly pleaded, of facts which may be inferred from those expressly pleaded, and of any material facts of which judicial notice has been requested and may be taken. (*Crowley v. Katleman* (1994) 8 Cal.4th 666, 672.)

However, a demurrer does not admit contentions, deductions or conclusions of fact or law. (*Daar v. Yellow Cab Company* (1967) 67 Cal.2d 695, 713.) If the complaint fails to state a cause of action, the court must grant the plaintiff leave to amend if there is a reasonable possibility that the defect can be cured by amendment. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.)

A special demurrer lies where the pleading is uncertain, ambiguous, or unintelligible. (C.C.P. § 430.10(f).) "A demurrer for uncertainty is strictly construed, even where a complaint is in some respects uncertain, because ambiguities can be clarified under modern discovery procedures." (*Khoury v. Maly's of Cal., Inc.* (1993) 14 Cal.App.4th 612, 616.) As a result, a special demurrer for uncertainty is not intended to reach failure to incorporate sufficient facts in the pleading but is directed only at uncertainty existing in the allegations already made. (*People v. Taliaferro* (1957) 149 Cal.App.2d 822, 825.) Where a complaint is sufficient to state a cause of action and to apprise defendant of issues he or she is to meet, it is not properly subject to a special demurrer for uncertainty. (*Ibid.*)

Demurrer as to Kandice Birdsall, All Causes of Action:

Defendants demur to each cause of action in the FAC for failure to state sufficient facts to constitute causes of action against Kandice, and specially demurs to the FAC because it is uncertain as to the allegations set forth against Kandice. Specifically, Defendants contend that Plaintiff's reliance on conclusory allegations of "agency" are insufficient as a matter of law.

However, "[a]n allegation of agency is an allegation of ultimate fact that must be accepted as true for purposes of ruling on a demurrer." (*City of Industry v. City of Fillmore* (2011) 198 Cal.App.4th 191, 212.) Further, in general, the allegations in a pleading are liberally construed with a view to substantial justice between the parties. (C.C.P. § 452.) "This rule of liberal construction means that the reviewing court draws inferences favorable to the plaintiff, not the defendant." (*Perez v. Golden Empire Transit Dist.* (2012) 209 Cal.App.4th 1228, 1238.) Where a complaint is sufficient to state a cause of action and to apprise defendant of issues he or she is to meet, it is not properly subject to a special demurrer for uncertainty. (*Taliaferro, supra*, 149 Cal.App.2d at 825.)

Here, the FAC alleges that Kandice is Gregory's spouse, and on information and belief, "participated in planning the burglary and directed or aided in the concealment and disposition of Plaintiff's stolen property." (FAC, ¶ 3.) The FAC further alleges that each defendant was the agent of the others and liable for the acts and omissions of their agent and co-conspirator. (FAC, ¶ 5-6.) Accordingly, the FAC clearly states that Plaintiff is imputing each defendant's actions or omissions upon the other. Given the policy of liberal construction with inferences made in favor of Plaintiff, the FAC has alleged sufficient facts to apprise Kandice that she is to meet each issue alleged against all Defendants. Any ambiguities can be later "clarified under modern discovery procedures." (*Khoury, supra*, 14 Cal.App.4th at 616.)

3rd Cause of Action Receipt of Stolen Property:

"Penal Code section 496, subdivision (a) (section 496(a)) makes receiving or buying property 'that has been obtained in any manner constituting theft' a criminal offense punishable by imprisonment. Section 496, subdivision (c) (section 496(c)) provides that any person 'who has been injured by a violation of [section 496(a)] ... may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.'" (*Bell v. Feibush* (2013) 212 Cal.App.4th 1041, 1043 [italics omitted], citing Pen. Code § 496.)

Defendants argue that Plaintiff fails to allege any facts to state that Defendants received any of Plaintiff's stolen property to state a cause of action for receipt of stolen property. Plaintiff contends that the FAC sufficiently alleges that Plaintiff's passport was stolen, and 10 weeks later, personal information contained in the passport was used to seek credit in Plaintiff's name. (FAC, ¶ 8, 29.) Plaintiff further argues that the loan application was submitted from Seattle, where Defendants have family, friends, and substantial connections because they previously lived there. (FAC, ¶ 30-31.) The FAC further states that "[t]he identity theft and fraudulent loan application further *suggest* that Birdsall, or persons acting in concert with him, had access to and possession of items stolen from Plaintiff's safe after the burglary—specifically, Plaintiff's passport and personal documents—and used those stolen items for financial gain." (FAC, ¶ 32 [emphasis added].) However, these allegations are not based on fact, but rather are mere contentions, deductions, or conclusions of fact, none of which are admitted upon demurrer. (*Daar, supra*, 67 Cal.2d at 713.)

4th Cause of Action Civil Conspiracy:

As Plaintiff acknowledges, “[c]onspiracy is not a cause of action, but a legal doctrine that imposes liability on persons who, although not actually committing a tort themselves, share with the immediate tortfeasors a common plan or design in its perpetration.” (*Applied Equipment Corp. v. Litton Saudi Arabia Ltd.* (1994) 7 Cal.4th 503, 510–511.) Accordingly, there is no independent cause of action for conspiracy.

5th Cause of Action Fraud (Identity Theft):

The elements of fraud are: (1) misrepresentation or concealment, (2) knowledge of falsity, (3) intent to defraud, (4) justifiable reliance, and (5) resulting damage. (*Lovejoy v. AT&T Corp.* (2004) 119 Cal.App.4th 151, 157-158.) Every element of a cause of action for fraud must be pled factually and specifically, and the policy of liberal pleading does not apply. (*Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 47.) “This particularity requirement necessitates pleading *facts* which ‘show how, when, where, to whom, and by what means the representations were tendered.’ [Citation.]” (*Lazar v. Superior Court* (1996) 12 Cal.4th 631, 645.)

The FAC alleges that Defendants used Plaintiff’s stolen personal information, including information from his passport, to submit a fraudulent loan application under Plaintiff’s name. (FAC, ¶ 58.) The FAC further alleges that the fraudulent loan application contained knowing misrepresentations of material fact, including the identity of the applicant, which were made with the intent to defraud PenFed Credit Union to obtain money. (FAC, ¶ 59.)

However, as Defendants point out, the FAC fails to allege any misrepresentation, reliance, or damage directed at Plaintiff. Further, as discussed above, the FAC’s allegations that Defendants were responsible for filing the loan application are improperly based on deductions, contentions, or conclusions rather than facts, and therefore not admitted upon demurrer. (*Daar, supra*, 67 Cal.2d at 713.)

In opposition, Plaintiff argues that the fifth cause of action is not a “garden-variety fraud” claim, nor is it a claim under the Identity Theft Act. (Opp., p. 10.) However, Plaintiff fails to establish how sufficient these allegations are to state any independent claim at all. Specifically, to the extent that Plaintiff characterizes the cause of action as “a claim for the wrongful taking and misuse of Plaintiff’s property whether the count is labeled fraud, conversion, or receipt of stolen property” (*id.*), Plaintiff’s claim is duplicative of the cause of action for conversion.

Courts have long held that a duplicative cause of action is a basis for sustaining a demurrer. (See *Palm Springs Villas II Homeowners Association, Inc. v. Parth* (2016) 248 Cal. App. 4th 268, 290 [duplicative cause of action for breach of fiduciary duty subject to dismissal by way of demurrer]; *Ponce-Bran v. Trustees of Cal. State University* (1996) 48 Cal. App. 4th 1656, 1658 [court struck the fourth cause of action as duplicative]; *Rodrigues v. Campbell Industries* (1978) 87 Cal. App. 3d 494, 501 [finding demurrer was properly sustained without leave to amend as to cause of action that contained allegations of other causes and “thus add[ed] nothing to the complaint by way of fact or theory of recovery”]; *Award Metals, Inc. v. Superior Court* (1991) 228 Cal. App. 3d 1128, 1135 [demurrer properly sustained to duplicative negligence cause of action].) By Plaintiff’s own admission, the allegations set forth in the fifth cause of action also fall under a cause of action for conversion. Because Defendants do not demur to Plaintiff’s cause of action for conversion, it remains viable. Accordingly, the fifth cause of action is duplicative of Plaintiff’s existing cause of action for conversion.

7th Cause of Action Unfair Business Practices:

Business and Professions 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.4th 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.5th 110, 129.) “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.4th, 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.4th 1327, 1334.) UCL claims must be pled with reasonable particularity. (*Gutierrez v. Carmax Auto Superstores California* (2018) 19 Cal.App.5th 1234, 1261.)

Defendants argue that Plaintiff has failed to state a cause of action under the UCL because a residential burglary does not qualify as a “business practice.” Plaintiff contends that the FAC alleges a planned, profit-seeking enterprise, which could be inferred to be called a business practice, and that “fencing stolen goods and selling stolen identities is commerce.” (Opp., p. 12.) However, the FAC contains no allegations of fencing or selling stolen goods or identities, or any allegations to infer that Defendants were engaged in a “profit-seeking enterprise.”

Special Demurrer as to Uncertainty for all Causes of Action against Kandice Birdsall OVERRULED.

General Demurrer as to the 3rd, 5th and 7th Causes of Action against Gregory and Kandice Birdsall SUSTAINED with leave to amend. Plaintiff to file amended complaint within 20 days.

General Demurrer as to the 4th Cause of Action against Gregory and Kandice Birdsall SUSTAINED without leave to amend.

Case Management Conference continued to 9.16.26.

7.

CASE #	CASE NAME	HEARING NAME
CVPS2604642	MCDONALD VS PAUL DAVIS RESTORATION OF GREATER PALM	PETITION FOR RELEASE OF PROPERTY FROM MECHANICS LIEN

Tentative Ruling:

Petition for Release of Property from Mechanics Lien GRANTED.

No attorney’s fees awarded.