

There court finds that Plaintiff did not unreasonably delay here. The court also finds there will be no prejudice to Defendant from amendment. Though Defendant contends that the amended complaint does not sufficiently state its causes of action it is better practice to permit filings and amendments and let their infirmities be challenged by demurrer or other subsequent proceedings than to engage in substantive analysis on a motion for leave to amend. (See *Kittredge Sports Co. v. Superior Court* (1989) 213 Cal.App.3d 1045, 1048.)

Conclusion. Plaintiff’s motion for leave to dismiss his individual claims and file an amended complaint is granted. Plaintiff is to file his second amended complaint within ten days of the date of this order.

LINE

2

BANK OF AMERICA, N.A. v. K.E.W. CORPORATION
CU25-02095

Motion by Receiver for Corrected Order on Receiver’s Motion for an Order (1) Approving the Receiver’s Final Report, (II) Approving the Receiver’s Fees and Costs, (3) Discharging the Receiver, and (4) Granting Related Relief

TENTATIVE RULING

The court grants the unopposed motion, finding that the terms in the proposed corrected order include the awards of amounts of fees and expenses, as well as other terms the court intended to include in its November 21, 2025 order, with one exception. Paragraph 6 in the proposed corrected order will be stricken. The court’s ruling was intended to include all reasonably incurred fees and expenses by Receiver and by Receiver’s counsel through the time of submission of the motion to the court, as well as the possible later reimbursement of costs for destruction of electronic and physical records if not accepted by any of the parties. Any later-incurred fees and expenses by Receiver or Receiver’s counsel, other than for reimbursement of costs for the possible destruction of those records, are also incompatible with the terms ordering the discharge of Receiver and termination of the Receivership.

LINE

3

GOMEZ v. THE CITY OF VALLEJO
CU25-03771

Demurrer

TENTATIVE RULING

Defendant CITY OF VALLEJO demurs to Plaintiff JOE GOMEZ’s complaint alleging retaliation in violation of Labor Code section 1102.5. Summarized as is relevant, Plaintiff’s complaint alleges that he worked for Defendant as Deputy Chief of Defendant’s

police department for nine and a half months, in which time he worked to “address administrative deficiencies and personnel issues.” (Complaint at ¶ 6.) Plaintiff alleges that his employment was terminated due to his reporting violations of law observed during his tenure to authorities, including most notably investigations of officer misconduct that were only completed before a one-year statutory deadline due to his efforts.

Legal Standard on Demurrer. “The function of a demurrer is to test the sufficiency of the complaint as a matter of law.” (*Holiday Matinee, Inc. v. Rambus, Inc.* (2004) 118 Cal.App.4th 1413, 1420.) A complaint is sufficient if it alleges ultimate rather than evidentiary facts, but the plaintiff must set forth the essential facts of his or her case “with reasonable precision and with particularity sufficient to acquaint [the] defendant with the nature, source and extent” of the plaintiff’s claim. (*Doheny Park Terrace Homeowners Assn., Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076, 1099.) Legal conclusions are insufficient. (*Id.* at 1098–1099; *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 551, fn. 5 [ultimate facts sufficient].) The Court “assume[s] the truth of the allegations in the complaint, but do[es] not assume the truth of contentions, deductions, or conclusions of law.” (*California Logistics, Inc. v. State of California* (2008) 161 Cal.App.4th 242, 247.)

Labor Code Section 1102.5 Retaliation. Labor Code section 1102.5 prohibits employers from retaliating against an employee for disclosing information to certain entities if the employee reasonably believes the information discloses a violation of law. (*Nejadian v. County of Los Angeles* (2019) 40 Cal.App.5th 703, 718.) It also prohibits employers from retaliating against an employee for refusing to participate in activities the employee believes will result in a violation of law. (*Ibid.*) The entities to which disclosure is protected include law enforcement agencies and persons with authority over the employee or another employee who have the authority to investigate and/or correct violations. (Lab. Code, § 1102.5, subd. (b).)

Plaintiff does not allege that he disclosed any information he reasonably believed was a violation of law to an authority. He does not allege facts showing that he disclosed anything in particular to the interim chief of police. He does not allege facts that he had a reasonable belief that any law was being violated, either; his allegation concerning officer misconduct investigations is simply that they were near the one-year deadline for completion and he “worked diligently to clear this backlog.” (Complaint at ¶ 9.) Plaintiff only vaguely alleges that he “attempted to address various incidents of potential officer misconduct” and that his “efforts to investigate these incidents and hold officers accountable were met with resistance.” (*Id.* at ¶ 11.) Plaintiff’s argument in opposition to demurrer that completing misconduct investigations near the deadline for completion is functionally a violation of the deadline or various statutes designed to protect police officers and/or the public is not well-taken. To construe completion of a task before its deadline as violative of the deadline vitiates the purpose of the deadline. As Plaintiff does not sufficiently allege that he disclosed a believed violation of law to an authority he does

not sufficiently allege that he suffered an adverse employment action due to such a disclosure, either.

Leave to Amend. Leave to amend is proper where identified defects are amenable to cure. (*Vaccaro v. Kaiman* (1998) 63 Cal.App.4th 761, 768.) It is the pleading party's burden to show the trial court that a reasonable possibility exists that amendment can cure identified defects in that party's pleading. (*Murphy v. Twitter, Inc.* (2018) 60 Cal.App.5th 12, 42.) Plaintiff's opposition to demurrer makes no directed argument as to amendment, instead merely asking for leave to amend if necessary, and so does not demonstrate a reasonable possibility that amendment could cure identified defects.

Conclusion. Defendant's demurrer is sustained without leave to amend.

9:30 a.m. Calendar

LINE

4

**IN RE THE ESTATE OF CASSIE ESTOISTA SANTOS, DECEASED
FPR050724**

Petition to Approve Creditor Claim for Attorney's Fees [Probate Code §§ 9100 – 9354]

Opposition of Personal Representative to Petition to Approve Creditor Claim for Attorney's Fees [Probate Code §§ 9100 – 9354]

Response / Objection of Reynaldo Santos to Claim for Fees by the Reynolds Law Firm

Petition for Order Determining Ownership of Property and Recovery of Estate Assets (Pursuant to California Probate Code §§ 850, 859)

Declaration of Gino Naval Regarding Petition for Recovery of Estate Assets

Declaration of Reynaldo Santos Jr. in Reply to Declaration of Gino Naval and in Support of Petition for Recovery of Estate Assets

Review/Compliance Hearing re Filing of Inventory and Appraisal

PREGRANT ORDER

This matter was continued from October 30, 2025 and January 26, 2026 at the request of newly-retained counsel to allow him to review the file. The court notes the objections filed March 17, 2026, to the creditor claim petition and the surcharge petition.