

Jeralynne Hoffman, et al. v. Michael Powell 17CVP0131

Hearing: Defendant's Demurrer to Amended Complaint

Date: November 7, 2017

Jeralynne Hoffman and James Robinson (Plaintiffs) bring this self-represented action against Michael Powell (Defendant) in his capacity as the Executive Officer and Clerk of the Superior Court of California, County of San Luis Obispo.

The form complaint is represented to be an amended complaint and the only cause of action identified is a claim for "trespass on case." In the attachment Plaintiffs allege Defendant interfered with Jeralynne Hoffman's right to petition the court. Plaintiffs attach to the complaint correspondence from Defendant, as the Court Executive Officer, related to a no bail felony bench warrant issued against Jeralynne Hoffman.

Defendant demurs to the complaint on the grounds it is vague and ambiguous. However, because the complaint is based on Defendant's correspondence, Defendant also demurs on the grounds any claims are barred by Defendant's quasi-judicial immunity. (*Falls v. Superior Court* (1996) 42 Cal.App.4th 1031, 1035) Additionally, Defendant is protected by the litigation privilege set forth in Civil Code §47(a) and (b)(2). Lastly, Plaintiffs' claims appear to be barred by their failure to comply with the Government Claims Act under Government Code §945.4. Plaintiffs filed a limited opposition to the demurrer which fails to address any of the immunities and defenses raised by Defendant.

The demurrer shall be sustained without leave to amend unless Plaintiffs show that the complaint can be amended to state a valid cause of action and overcome the arguments raised by Defendant and discussed above.