

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

Special Set Calendar

Judge: HONORABLE DANNY Y. CHOU

Department 22

1050 Mission Road, South San Francisco, CA 94080

Courtroom K

Thursday, June 24, 2021

IF YOU INTEND TO APPEAR ON ANY CASE ON THIS CALENDAR YOU MUST DO ONE OF THE FOLLOWING:

1. EMAIL [Dept22@Sanmateocourt.org](mailto:Dept22@Sanmateocourt.org) BEFORE 4:00 P.M. CONTEMPORANEOUSLY COPIED TO ALL PARTIES OR THEIR COUNSEL OF RECORD. IF BY EMAIL, IT MUST INCLUDE THE NAME OF THE CASE, THE CASE NUMBER, AND THE NAME OF THE PARTY CONTESTING THE TENTATIVE RULING
2. YOU MUST CALL (650) 261-5122 BEFORE 4:00 P.M. AND FOLLOW THE INSTRUCTIONS ON THE MESSAGE.
3. You must give notice before 4:00 P.M. to all parties of your intent to appear pursuant to California Rules of Court 3.1308(a) (1) .

Failure to do both items 1 or 2 and 3 will result in no oral presentation.

**At this time, all appearances will be by Zoom. No personal appearances will be allowed.**

**Zoom Video/Computer Audio Information:**

<https://zoom.us/join>

Meeting ID: 834 5563 8600

Password: AisW6YxBU3

**Zoom Phone-Only Information Please note: You must join by dialing in from a telephone; credentials will not work from a tablet or PC**

Phone number: 1-669-900-6833

Meeting ID: 834 5563 8600

Password: 7566167045

**TO ASSIST THE COURT REPORTER, the parties are ORDERED** to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) use a dedicated land line if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any case cites; and (8) spell all names, even common names.

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**Case****Title / Nature of Case**

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2:00 **SPECIAL SET**

[SANTA CLARA COUNTY CASE]

19CV352777

ZOSIMA SUSIE A. ANDRADA VS. VIVIAN QUE-AZCONA, ET AL.

ZOSIMA SUSIE A. ANDRADA

PRO PER

JAMES H. COFFER

PRO PER

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DEFENDANT JAMES COFFER'S DEMURRER TO PLAINTIFF'S SECOND AMENDED COMPLAINT

**TENTATIVE RULING:**

Defendant James Coffe's unopposed Demurrer to Plaintiff's Second Amended Complaint (SAC) is SUSTAINED. If Plaintiff Zosima Susie A. Andrada wishes to add new claims against a new defendant like Coffe, she must seek leave to amend through a properly noticed motion.

On August 5, 2020, the Court sustained the demurrers of Defendants Michael Nisperos, Jr. and the State Bar of California with leave to amend. (Aug. 5, 2020 Minute Order.) On August 28, 2020, the Court sustained the demurrers of the Judicial Defendants and the Commission on Judicial Performance with leave to amend. (Aug. 28, 2020 Minute Order.)

In August and September 2020, Plaintiff filed six documents, each purporting to be Plaintiff's Second Amended Complaint. These documents were filed on: August 1, September 2, 8, 9, 18, and 21, 2020. On September 8, 2020, Plaintiff filed "Complaint Amendment 2, Deceits and Damages, Plaintiff Andrada's Suffering from Detriments; Cause of Action 3: Conspiracy to Commit Murder and Robbery on Plaintiff's Baypointe House (1987-2020)," naming Coffe as Doe Defendant 13. (Sept. 8, 2020 SAC (SAC).)

Plaintiff, however, never sought leave to add Coffe as a defendant, and the Court has never granted Plaintiff leave to add new defendants or causes of action. Notably, the allegations against Coffe appear to be unrelated to the allegations asserted against the named defendants in Plaintiff's First Amended Complaint. Because Plaintiff has not requested, and the Court has not granted, leave to amend the complaint to add the new cause of action, the demurrer is sustained for this reason alone.

In any event, the fraud claim against Coffe appears to be time barred. The SAC alleges fraud in conjunction with payments made to cure defaults on a home loan in the early 1990s. The SAC indicates that those payments were made in 1991 and 1992. (SAC, at pp. 5-6) As a result, the cause of action asserted against Mr. Coffe appears to be barred by the statute of limitations. (*Vaca v. Wachovia Mortgage Corp.* (2011) 198 CA4th 737.) Accordingly, the demurrer is sustained on this additional ground.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court. **A hard copy of the proposed order MUST be delivered or mailed to the Civil Clerk's Office in REDWOOD CITY. Please address the proposed order only to the Clerk's Office – and NOT to Department 22 or Judge Chou. The proposed order MUST also be emailed to the Court at dept22@sanmateocourt.org in Word format. The subject heading of the email shall include the case name, case number, and the phrase "Proposed Order."**

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2:00 **SPECIAL SET**  
[SANTA CLARA COUNTY CASE]

19CV352777

ZOSIMA SUSIE A. ANDRADA VS. VIVIAN QUE-AZCONA, ET AL.

ZOSIMA SUSIE A. ANDRADA  
KAMALA HARRIS

PRO PER  
MICHELLE D. MAGARRELL

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DEFENDANT KAMALA HARRIS'S DEMURRER TO PLAINTIFF'S SECOND AMENDED COMPLAINT  
**TENTATIVE RULING:**

Defendant Kamala Harris' unopposed Demurrer to Plaintiff's Second Amended Complaint (SAC) is SUSTAINED. If Plaintiff Zosima Susie A. Andrada wishes to add new claims against a new defendant like Harris, she must seek leave to amend through a properly noticed motion.

On August 5, 2020, the Court sustained the demurrers of Defendants Michael Nisperos, Jr. and the State Bar of California with leave to amend. (Aug. 5, 2020 Minute Order.) On August 28, 2020, the Court sustained the demurrers of the Judicial Defendants and the Commission on Judicial Performance with leave to amend. (Aug. 28, 2020 Minute Order.)

In August and September 2020, Plaintiff filed six documents, each purporting to be Plaintiff's Second Amended Complaint ("SAC"). These documents were filed on: August 1, September 2, 8, 9, 18, and 21, 2020. On September 21, 2020, Plaintiff filed "Complaint Amendment 2, Deceits and Damages, Plaintiff Andrada's Suffering from Detriments; Cause of Action 6: Conspiracy to Commit Murder on Andrada's Life and Robberies on All Her Inheritance (1977-2020)," naming Senator/Vice President Kamala Harris as Doe Defendant 24. (Sept. 21, 2020 SAC (SAC).)

Plaintiff, however, never sought leave to add Harris as a defendant, and the Court has never granted Plaintiff leave to add new defendants or causes of action. Notably, the allegations against Harris appear to be unrelated to the allegations asserted against the named defendants in Plaintiff's First Amended Complaint. Because Plaintiff has not requested, and the Court has not granted, leave to amend the complaint to add the new cause of action, the demurrer is sustained.

In any event, Plaintiff has not alleged sufficient facts to state a cause of action against Harris. Plaintiff vaguely alleges that Harris participated in a conspiracy. However, "[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) Plaintiff has alleged no facts indicating how Harris allegedly harmed Plaintiff by conspiring with others to commit a wrongful act. Accordingly, the demurrer is sustained on this additional ground.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court. **A hard copy of the proposed order MUST be delivered or mailed to the Civil Clerk's Office in REDWOOD CITY. Please address the proposed order only to the Clerk's Office – and NOT to Department 22 or Judge Chou. The proposed order MUST also be emailed to the Court at dept22@sanmateocourt.org in Word format. The subject heading of the email shall include the case name, case number, and the phrase "Proposed Order."**

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2:00 **SPECIAL SET**

[SANTA CLARA COUNTY CASE]

19CV352777

ZOSIMA SUSIE A. ANDRADA VS. VIVIAN QUE-AZCONA, ET AL.

ZOSIMA SUSIE A. ANDRADA  
SELVI STANISLAUS

PRO PER

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PLAINTIFF ZOSIMA SUSIE ANDRADA'S MOTION TO STRIKE  
**TENTATIVE RULING:**

Plaintiff Zosima Susie A. Andrada's unopposed Motion to Strike All Documents filed by Defendant Selvi Stanislaus, Motion to Recuse Attorney Sarah Fabian, and Motion to Strike Proposed Form of Judgment of Defendant Selvi Stanislaus (Motions) is ordered OFF CALENDAR.

Plaintiff has not filed any notice of hearing on her Motions in violation of rule 3.1112(a) of the California Rules of Court. Plaintiff also has not demonstrated that her Motions have been served on any party in accordance with Code of Civil Procedure section 1005, et seq. Although Plaintiff submitted an "Attachment to Proof of Electronic Service" at the end of her 464-page filing, she did not file a proof of service, signed under penalty of perjury, showing how the parties were served or by whom.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

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POSTED: 3:00 PM