

Tentative Ruling:

For all the reasons discussed below, the motion is granted. State Farm must file its answers in intervention and complaint in intervention within 14 days of this order.

The parties are instructed to appear at the hearing for oral argument. Appearance by Zoom Videoconference is optional and does not require the filing of Judicial Council form RA-010, Notice of Remote Appearance. (See [Remote Appearance \(Zoom\) Information | Superior Court of California | County of Santa Barbara](#).)

Background:

On December 16, 2024, at approximately 2:20 p.m., decedents Ricardo Mejia Flores and Luis Garcia Pineda aka Ivan Garcia Pineda were traveling eastbound in a 2007 Honda on East Clark Avenue when the Honda was struck from behind by a 2020 Chevrolet Silverado driven by defendant Andres Perez. The force of the rear-end impact propelled the Honda into oncoming traffic. After being pushed into oncoming traffic, the Honda was struck by a Ram 3500 driven by defendant Hermenegildo Saul Villegas Ramirez.

As a result of the collisions, decedents Ricardo Mejia Flores and Luis Garcia Pineda sustained fatal injuries and died.

Plaintiffs allege that Perez, the driver of the 2020 Chevrolet Silverado, was acting within the course and scope of an employment and/or independent contractor relationship with one or more of the following: defendant Ana Ybarra Rodriguez; defendant Pedro Cardenas; defendant Santa Maria Ag Irrigation, Inc. (also identified as Santa Maria Ag Irrigation and Rancho Monteviejo, LLC); defendant Little Pete's Farm, Inc.; defendant SM Ag Irrigation Rental Services, Inc.; and/or defendant SM Ag Irrigation Supplies, Inc.

Plaintiffs also allege that the Ram vehicle driven by Villegas Ramirez was owned by defendant Durant Harvesting, Inc. and/or defendant Durant Harvesting, LLC, (together, Durant) and that Villegas Ramirez negligently operated that vehicle while acting within the course and scope of his employment and/or agency relationship with those entities.

Plaintiffs are the surviving spouse and children of Ricardo Mejia Flores as well as the natural parents of Luis Garcia Pineda aka Ivan Garcia Pineda.¹ They bring this action as the surviving heirs and successors-in-interest of the decedents, including claims for wrongful death and survival damages arising from the incident described above against Andres Perez aka Adolfo Perez; Ana Ybarra Rodriguez; Pedro Cardenas; Santa Maria Ag Irrigation, Inc. aka Santa Maria Ag Irrigation and Rancho Monteviejo, LLC; Little Pete's Farm, Inc.; SM AG Irrigation Rental Services, Inc.; SM AG Irrigation Supplies, Inc.; Hermenegildo Saul Villegas Ramirez; Durant Harvesting, Inc.; Durant Harvesting, LLC; and Ana Obdulia Lopez Espinoza.

Andres Perez filed a cross-complaint for declaratory relief and comparative indemnity against Villegas Ramirez and Durant. Defendant SM AG Irrigation Rental

¹ The spouse of decedent Luis Garcia Pineda aka Ivan Garcia Pineda has filed a separate complaint (25CV08180), which has been related to this action.

Services, Inc. has filed a complaint for declaratory relief and comparative indemnity against Villegas Ramirez and Durant.

State Farm Mutual Automobile Insurance Company moves for leave to intervene under California Code of Civil Procedure section 387 on behalf of three defendant entities — Little Pete’s Farm, Inc., Santa Maria Ag Irrigation, Inc.,² and Rancho Monteviejo, LLC — because each entity is suspended/inactive and therefore lacks capacity to participate in the litigation or mount a defense, even though they can still be sued and face default. It requests the court to take judicial notice of each entity’s suspension status with the Secretary of State. (RJN, Nos. 2-4.) The court grants the request. A corporation whose powers have been suspended for nonpayment of taxes lacks capacity to defend itself in California courts. (See Rev. & Tax. C. § 23301.)

State Farm argues it has a direct and immediate interest because its insureds (defendants Ybarra and Cardenas), who allegedly owned/operated the suspended entities, purchased insurance from State Farm that may apply to the claims; if judgment is entered against the suspended entities, State Farm could face exposure to pay some or all of it. State Farm contends intervention is appropriate, timely, and will not enlarge the issues, and it has complied with section 387(d) by submitting the necessary proposed pleadings.

State Farm asks the court to grant leave to intervene for each suspended defendant and to permit filing an Answer in Intervention and a Complaint in Intervention (to assert defenses and claims such as indemnification, contribution, and declaratory relief that the suspended entities otherwise cannot pursue).

The insurer is entitled to intervene in order to protect its own interest and avoid having to pay a default judgment against an insured whose corporate powers have been suspended. (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2006) 136 Cal.App.4th 212, 222; see *El Escorial Owners' Ass'n v. DLC Plastering, Inc.* (2007) 154 Cal.App.4th 1337, 1350.) Substantively, the relief is warranted.

Procedurally, a nonparty shall petition the court for leave to intervene by noticed motion or ex parte application. The petition shall include a copy of the proposed complaint in intervention or answer in intervention and set forth the grounds upon which intervention rests. The moving party has accomplished both. Timely service occurred. No opposition was filed.

The motion is granted. State Farm must file its answers in intervention and complaint in intervention within 14 days of this order.

² The court notes that this entity has been sued in various iterations. SM AG Irrigation Rental Services, Inc. is represented and has filed an answer and cross-complaint.