
PARTIES/ATTORNEYS

Plaintiff	Abraham Huacuja	Juarez, Adam & Farley LLP Mario Juarez, Esq.
Defendant	Albert Hunter	Self-Represented
Defendant	Keaira Chearis	No appearance.

TENTATIVE RULING

For all the reasons discussed below, the motion is granted.

According to the first amended complaint, in October 2023, plaintiff Abraham Huacuja entered into a contract with defendants Albert Hunter and Keaira Chearis to design create plaintiff's website and related services. The work was expected to be completed within four months at a cost of no more than \$10,000 - \$15,000. The work has not been completed. On October 10, 2025, plaintiff filed a complaint alleging causes of action for breach of contract, misrepresentation, and related matters.

According to the record, personal service on Albert Hunter was completed on December 19, 2025, at an address in Cordova, Tennessee. On January 15, 2026, Albert Hunter specially appeared by motion to quash service of summons. He states by declaration that: (1) he is not the defendant named in this action; (2) he had no involvement in the allegations set forth in the complaint; (3) he never engaged in the conduct alleged nor does he have a relationship with plaintiff; (4) service was based solely on a shared name. (Motion/Hunter Decl., ¶¶ 1-5.) He moves to quash service for lack of jurisdiction. (Code Civ. Proc., § 418.10, subd. (a)(1).)

For a state court to exercise personal jurisdiction over a nonresident defendant, the defendant must have certain minimum contacts with the forum state such that maintenance of the suit does not offend traditional notions of fair play and substantial justice. (*Internat. Shoe Co. v. Washington* (1945) 326 U.S. 310, 316.) Where a defendant properly moves to quash out-of-state service of process for lack of jurisdiction, the burden of proof is upon the plaintiff to establish the facts of jurisdiction by a preponderance of the evidence. Evidence of those facts or their absence may be in the form of declarations. (*Alexander v. Heater* (1987) 193 Cal.App.3d 1241, 1246.)

Here, Albert Hunter has denied he is the person with whom plaintiff contracted and denied any other contacts with California. The evidence was not offered as a separate declaration but rather conflated with the motion. However, it

the facts were preceded by the heading “Motion and Declaration” and ultimately supported by a signature under penalty of perjury. (Code Civ. Proc., §2015.5.) The court will accept the facts recited in the motion as evidence.

The burden is thus on plaintiff to establish the facts of jurisdiction by a preponderance of the evidence. Here, plaintiff has failed to meet this burden. The opposition simply reiterates that the summons was lawfully served and notes without discernment that no declaration was provided in support of the motion. This fails to meet the burden to establish the facts of jurisdiction.

The motion is granted.

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](#).)