
PARTIES/ATTORNEYS

Plaintiff	Antonio Zaranda Salinas	Vince Martinez Blanca Mejia Twitchell & Rice
Defendants	Juana Velazquez Moreno Iran Yadira Zaranda Velazquez Michelle Stephanie Zaranda Velazquez	Emilie de la Motte CARMEL & NACCASHA LLP

TENTATIVE RULING

According to the complaint, Jose Ramiro Saranda Alvarez (decedent) had at least three children: Armando Saranda Salinas, plaintiff Antonio Zaranda Salinas, and Maria Guadalupe Zaranda Salinas. Decedent owned real property at 615 W. Alvin Ave. in Santa Maria. Decedent's son, Armando, his wife, Juana Velazquez Moreno, and their daughters, Iran and Michelle¹, moved in with decedent at the property upon their arrival from Mexico. Decedent was retired at the time they moved in, had money in savings, and was receiving his social security and pension directly deposited into his bank account(s). Decedent did not know how to read or write and trusted his family for assistance with such activities. Armando and Juana gained increasing control of decedent's finances and Juana acted as his primary caregiver. On October 16, 2020, decedent signed a Grant Deed conveying the property to himself, Armando, Juana, Michelle, and Iran as joint tenants.

In November 2021, decedent tested positive for COVID. He was ultimately admitted to the hospital on December 4, 2021. At the same time, Armando and decedent's daughter, Maria, were admitted to the hospital. Both Armando and Maria passed away at the hospital. Decedent was discharged on January 5, 2022. On February 17, 2022, Juana and Iran presented him with a gift deed conveying his interest in the property to Iran, which decedent signed. On March 8, 2022, Iran executed and recorded an Affidavit Death of Joint Tenant to remove Armando's name from the property's title and recorded the gift deed conveying decedent's interest to her.

In March of 2022, decedent moved in with his son, Antonio (the plaintiff in this action). Decedent died on November 28, 2023.

¹ For ease of reference, the court refers to the parties by their first names. No disrespect is intended.

On January 19, 2024, plaintiff filed a complaint against defendants Armando, Juana, Iran, and Michelle for the following causes of action: (1) intentional misrepresentation (2) negligent misrepresentation; (3) fraud – concealment; (4) constructive fraud; (5) breach of fiduciary duties; (6) elder abuse [financial, physical, neglect, abandonment, & isolation]; (7) conspiracy; (8) survival action; (9) intentional infliction of emotional distress; (10) negligent infliction of emotional distress; (11) quiet title; (12) cancellation of written instruments; (13) constructive trust. On May 28, 2024, he filed an amended complaint omitting Armando as a defendant.

On July 29, 2024, Juana and Iran filed a cross-complaint against Antonio and his wife, Teresa Hernandez Zaranda, alleging elder abuse for forcibly removing decedent from his home, isolating him, and manipulating him into believing they betrayed him.²

On August 1, 2024, Juana, Iran, and Michelle filed a notice of motion seeking sanctions pursuant to Code of Civil Procedure sections 128.5 and 128.7. On August 7, 2024, Juana, Iran, and Michelle filed a demurrer to the first amended complaint. Oppositions were filed on September 5 and 6, respectively. Both were on calendar on September 18, 2024. After plaintiff's counsel, Twitchell & Rice, reported a conflict of interest, the court announced its intent to strike the oppositions to the demurrer and sanctions based on the apparently conceded conflict and continued the matters to October 30, 2024 for briefing. On October 14, 2024, Twitchell & Rice filed opposition to the court's motion to strike. On October 29, 2024, Jonas Bailey substituted in as plaintiff's counsel. The court continued the matter to December 4, 2024. As of November 19, 2024, no new filings have been submitted. While Twitchell & Rice filed the September 5 and 6 oppositions in the interests of protecting plaintiff's position in the litigation, plaintiff is now represented by counsel who is free of conflict.

The court is prepared to rule on the demurrer based on the present record, should the parties stipulate for it to do so. Absent stipulation, the court will strike the opposition to the demurrer filed on September 5, 2024 as well as the declaration of Antonio Zaranda Salinas filed on the same date; set a new hearing date on demurrer on January 8, 2025 at 8:30 a.m.; and order submission of a new opposition and reply pursuant to the statutory briefing schedule. An amended pleading, should the parties so stipulate to one, will vacate the hearing on the demurrer.

The court will not strike the opposition to the sanctions motion, as sanctions are sought against not only plaintiff, but plaintiff's attorneys of record, Blanca Mejia and Vincent Martinez, and the law firm of Twitchell & Rice, LLP. The ruling on the sanctions motion, however, will be deferred until after the demurrer is resolved. Thus, this motion is likewise continued to January 8, 2025. No new

² On October 31, 2024, default was entered on this cross-complaint.

briefing is permitted. If the demurrer hearing is vacated, this hearing will go forward as scheduled.