

PARTIES/ATTORNEYS

Plaintiff	Judith Jackson	Neil Tardiff
Defendant	Kenneth Ibsen	Michael Leight

RECOMMENDATION

For all the reasons discussed below, the court deems the motion as one for substitution of Erin Biddle, as special administrator of the estate of Judith Jackson, for plaintiff Judith Jackson in this matter, and grants it. As this motion is not interpreted as a motion to amend the complaint, the proposed amended complaint submitted on December 30, 2025, need not be filed.

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](#).)

According to the complaint, plaintiff Judith Jackson was the life partner of Howard Ibsen for over 37 years. Howard died on September 21, 2022. Howard had four sons from a previous marriage, one of whom is defendant Kenneth Ibsen. On March 13, 2023, Kenneth Ibsen filed a petition to invalidate the second amendment to the Howard Ibsen 2018 Trust, contending that Howard lacked capacity to execute the amendment, in which he gave Judith his Morgan Stanley account. (Related Case No. 23PR00138.) On January 6, 2024, plaintiff alleges Ibsen came to Jackson's home and attempted to extort the Morgan Stanley Account from her by intimidation, fear, and harassment.

On May 22, 2025, Jackson filed a complaint against defendant Ibsen asserting six causes of action, as follows: 1) attempted extortion; 2) intentional infliction of emotional distress; 3) negligent infliction of emotional distress; 4) physical elder abuse under Welfare and Institutions Code section 15610.07, 16610.53, and 15610.63; 5) financial elder abuse, pursuant to Welfare and Institutions Code section 15610, 15610.70, and 15657.5; 6) and trespass.

Jackson died on September 29, 2025. (See Notice of Death filed October 3, 2025.) On December 2, 2025, her daughter, Erin Biddle, as special administrator of the estate of Judith Jackson, filed an ex parte application to file an amended complaint to amend the Complaint naming her as the plaintiff to proceed with the

lawsuit pursuant to Code of Civil Procedure, section 377.31. The matter was calendared for January 28, 2026.

Opposition was filed on December 31, 2025. Ibsen has no objection to Biddle being substituted into the case as the plaintiff in her capacity as Special Administrator, but argues the original complaint cannot be "amended" because there is an anti-SLAPP motion pending. Once an anti-SLAPP motion is filed a plaintiff may not frustrate a hearing on the motion by amending the complaint. (*Simmons v. Allstate Ins. Co.* (2001) 92 Cal.App.4th 1068, 1073-1074.)

Defendant is correct. A pending action does not abate by reason of the death of a party if the cause of action survives. (Code Civ. Proc. § 377.21.) On motion after the death of a person who commenced an action or proceeding, the court shall allow a pending action or proceeding to be continued by the decedent's personal representative or, if none, by the decedent's successor in interest. (*Id.*) This is usually accomplished by a motion for substitution, rather than motion to amend the complaint.

The court deems the motion as one for substitution of Erin Biddle, as special administrator of the estate of Judith Jackson, for plaintiff Judith Jackson in this matter, and grants it. As this motion is not interpreted as a motion to amend the complaint, the proposed amended complaint submitted on December 30, 2025, need not be filed.