

## PROPOSED TENTATIVE

Pursuant to Santa Barbara County Superior Court Local Rule 201, “. . . it shall be assumed that Santa Barbara County has been divided geographically into two separate regions hereinafter referred to as ‘South County’ and ‘North County.’ ” The portion of Santa Barbara County southerly and easterly of the following described line constitutes "South County": “Beginning at the intersection of the west bank of Gaviota Creek and the mean high tide line of the Pacific Ocean; northerly to intersection with the westerly right-of-way line of U.S. Highway 101; northerly along the westerly right-of-way line of U.S. Highway 101 to the south bank of the Santa Ynez River; easterly along the south bank of said river to the westerly right-of-way line of Happy Canyon Road and Figueroa Mountain Road; northerly and northeasterly along said right-of-way line to the boundary line between Township 8 North and Township 7 North; and easterly along said boundary line to the Ventura County line, including the islands of Anacapa, San Miguel, Santa Rosa, and Santa Cruz.” The remainder of Santa Barbara County constitutes "North County."

Santa Barbara County Superior Court Local Rule 203(a) provides that when, “under California law, ‘North County’ would be a ‘proper county’ for venue purposes, all files for such matters shall be in the appropriate division of the Clerk’s office in North County. All other filing shall be made in the Clerk’s office in the appropriate division of the Court in South County.” Subdivision (c) provides that the “any filing made in a division of the Court may be transferred to the appropriate division upon motion of any party or on the court’s own motion. . . .”

The operative pleading alleges venue is proper in North County based on the following allegations: 1) “Defendant employed and putative class members in locations throughout California, including but not limited to Santa Barbara County [] at 2025 De La Vina St., Santa Barbara CA 93105 . . . .” (§ 2); and 2) “Defendant Trader Joe’s Company operates in Santa Barbara County and employed Plaintiff and putative class members in Santa Barbara County, including, but not limited to, at 3025 De La Vina St[.], Santa Barbara, CA 93105.” (§ 6.) The “Civil Cover Sheet” filed contemporaneously with the operative pleading on March 25, 2025, fails to explain why venue is appropriate in North County. It appears the named class representative (Michael Hopper) worked in Santa Barbara. Defendant’s authorized agent for service was personally served in Sacramento, CA.

In class actions, the named plaintiff must have a personal cause of action against the defendant tying venue to the county (or in case of Santa Barbara County Superior Court, pursuant to Local Rules, that part of the county, north or south) in which the action was filed. (*Crestwood Behavioral Health, Inc. v. Superior Court* (2021) 60 Cal.App.5th 1069, 1076, citing *General Motors Corp. v. Superior Court* (1983) 141 Cal.App.3d 966, 969.)<sup>1</sup> A representative

---

<sup>1</sup> In *General Motors Corp.*, plaintiff filed a complaint in Alameda County Superior Court, alleging defects in the 1981 Cadillac V-8-6-4 engine. Plaintiff sought to represent a class of plaintiffs suing General Motors Corporation, amongst others, and various Doe defendants. After defendant filed a change of venue motion, plaintiff amended the complaint and served one Lew Doty Cadillac of Hayward, in Alameda County, and substituted that entity for a Doe defendant designation. The appellate court found venue in Alameda was improper, concluding that unless the named plaintiff has a cause of action against Lew Doty Cadillac venue in Alameda County, venue cannot be based upon service of Lew Doty as a Doe defendant. (141 Cal.App.3d at p. 969.) The appellate court concluded that unless “real party ***has a personal cause of action*** against Lew Doty Cadillac, he may not represent a class in

plaintiff in class action has only a single claim for relief – plaintiff’s own. (See *Kim v. Reins International California, Inc.* (2020) 9 Cal.5th 73, 89.) All evidence before this court indicates that the named plaintiff, Mr. Michael Hopper, worked in Santa Barbara. There is nothing to suggest this lawsuit has any connection with North County for venue purposes – that is, there is nothing before the court to suggest plaintiff has a personal cause of action against defendant in North County. It is not enough that other members of the putative class action might have claims against defendant in a North County location. (See, e.g., Edmond and Karnow, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group, 2025 June Update), Representative and Class Actions, ¶ 14.80.1 [discussing venue in the class action context].) Accordingly, because venue seems appropriate in South County, not North County, the court, on its own motion as authorized per Santa Barbara County Local Rule 203, will transfer this matter to South County.

### Oral Argument Not Required

Pursuant to California Rules of Court, 3.1308 (a)(1) and Santa Barbara County Superior Court Local Rule 1301, the court does not require a hearing; oral argument will be permitted only if a party notifies all other parties and the court by 4:00 p.m. (Department 2) the day before the hearing of the party’s intention to appear. This tentative ruling will become the ruling of the court if notice of intent to appear has not been given. If no hearing is held, the court directs the clerk to transfer the matter to South County.

---

suit against Lew Doty. If a real party cannot maintain an action against Lew Doty, it follows a fortiori that he cannot justify venue because of Lew Doty.” (*Ibid*, emphasis added.) The same is true here – unless plaintiff can sue Trader Joe’s in North County, he cannot advance a class action lawsuit in North County against Trader Joe’s.