

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - May 02, 2024

EVENT DATE: 05/03/2024

EVENT TIME: 09:00:00 AM

DEPT.: C-60

JUDICIAL OFFICER: Matthew C. Braner

CASE NO.: 37-2023-00012828-CU-OE-CTL

CASE TITLE: FIGUEROA VS FLETCHER [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED:

Defendant Nathan Fletcher's motion to strike the second amended complaint is **CONTINUED** to May 17, 2024, at 9:00 a.m. in this department. Parties to appear if there is a problem with the proposed hearing date.

Plaintiff Grecia Figueroa's second amended complaint was filed by her former legal counsel. Defendant met and conferred with her former counsel and filed his motion to strike after those efforts failed to result in an agreement. Plaintiff recently obtained new counsel, and her new counsel had very little time to prepare and file an opposition to Defendant's motion upon joining the case. Under these circumstances, the court believes an opportunity for Plaintiff's new counsel to meet and confer with Defendant's counsel may prove fruitful and may help lower the overall temperature of the case.

The parties are therefore ordered to meet and confer via telephone or video conference regarding Defendant's motion within the next five court days. To assist the parties in this effort, the court provides the following comments regarding Defendant's motion:

First, Defendant's motion appears to have merit. In particular, the court is not persuaded the specific identity and job title of Defendant's wife has any relevance whatsoever to Plaintiff's claims. Inclusion of these allegations appears intended to harass and inflame, rather than to support Plaintiff's particular causes of action.

Second, the court is similarly unpersuaded that prelitigation settlement discussions have any relevance to Plaintiff's claims. Even if they did, the evidence to support those alleged facts is not admissible to prove liability, which appears to be Plaintiff's intended goal. (Evid. Code, § 1152, subd. (a) ["Evidence that a person has, in compromise or from humanitarian motives, furnished or offered or promised to furnish money or any other thing, act, or service to another who has sustained or will sustain or claims that he or she has sustained or will sustain loss or damage, as well as any conduct or statements made in negotiation thereof, is inadmissible to prove his or her liability for the loss or damage or any part of it."].)

Finally, the court is inclined to also treat the allegations of third-party online postings as irrelevant to Plaintiff's claims. At a minimum, the SAC as drafted does not adequately connect these postings to Plaintiff's state of mind at the time of her alleged interactions with Defendant or to her specific allegation (not sought to be stricken) that she complained to Defendant during a phone call on October 5, 2022, "that she was afraid of being publicly exposed or dragged into some kind of scandal, because it would ruin her career and destroy her professional reputation." (SAC, ¶ 43.)

