

Tentative Ruling for Department 2, October 16, 2026.

Case No.: CVL67975
Case Title: William Bell v. California Highway Patrol, et al.
Case Type: Civil Rights
Hearing Type: Demurrer to Second Amended Complaint

This case arises from the seizure of a 2001 Ford Mustang. Plaintiff William Bell (“Plaintiff”) alleges California Highway Patrol Officer Susan Addleman (“Defendant”) secured a warrant to seize his vehicle without sufficient basis to do so, and that the warrant was executed beyond the time allowed, resulting in a Fourth Amendment violation. He seeks monetary damages. Defendant has filed a demurrer to Plaintiff’s Second Amended Complaint. She contends this case was filed outside the time allowed by the statute of limitations and that this defect cannot be cured by amendment.

Having reviewed Plaintiff’s Second Amended Complaint, Defendant’s Notice of Hearing and Demurrer to Plaintiff’s Second Amended Complaint, Defendant’s Memorandum of Points and Authorities, Defendant’s Request for Judicial Notice, Plaintiff’s Opposition to Demurrer (two filed copies), Defendant’s Reply Memorandum of Points and Authorities, Defendant’s Amended Reply Memorandum of Points and Authorities, and various exhibits and declarations made part of the file, and in accordance with California Rules of Court, rule 3.1308(a) and Local Rule 3.11.0, the Court issues the following tentative ruling:

Defendant’s Request for Judicial Notice is **GRANTED**.

Defendant’s Demurrer is **SUSTAINED WITH** leave to amend. Plaintiff must file an amended complaint within 10 days.

Relevant Procedural Background

Plaintiff filed a small claims case on June 2, 2025, which is not presently before the Court.

On January 8, 2026, Plaintiff filed his original civil complaint against Defendant and the State of California by and through the California Highway Patrol. Defendants demurred to the original complaint on several grounds, including that Plaintiff did not file within the required statute of limitations. The Court noted small claims case SC20629, pertaining to the same underlying set of facts, remained open. On June 17, 2026, the Court sustained the demurrer without leave to amend as to CHP, and allowed an amended complaint.

The current operative complaint is the Second Amended Complaint, which was filed on July 10, 2026. Plaintiff states Defendant “while acting under color of state law,” had his vehicle “seized in violation of... the Fourth Amendment.” He cites 42 U.S.C. § 1983 and the Fourth Amendment as the jurisdictional basis of his case. Second Amended Complaint (“2AC”) 1:24-29. He attaches 28 pages of exhibits to the complaint. Of these,

one is a receipt for a Lyft rideshare dated October 2, 2023, for a trip from Modesto to Big Oak Flat, California. 2AC Ex. C-2 (p. 30). Plaintiff cites this as support for damages incurred. 2AC 2:12 & Ex. C-2.

On July 23, 2026, Defendant filed the instant Demurrer with Request for Judicial Notice. Defendant argues Plaintiff failed to file this case within the required two-year statute of limitations, calculated from the date of impound, September 6, 2023. Demurrer 5:1-28.

In her Request for Judicial Notice, Defendant seeks notice of the fact that Plaintiff's vehicle was impounded on September 6, 2023. In support, Defendant provides certified copies of records from the small claims case Plaintiff filed in June 2025 (Case No. SC20629).

On August 4, 2026, Plaintiff filed his Opposition. He argues the Second Amended Complaint adequately states a civil rights claim and that complaint does not "affirmatively establish on its face" that the statute of limitations expired before filing. Opp. 2:4-13.

Defendant initially filed a Notice of Non-Opposition. Then, on August 10, 2026, having received Plaintiff's Opposition, Defendant filed a Reply. She reiterated her statute of limitations argument and requested leave to amend be denied.

Legal Authorities

"The party against whom a complaint or cross-complaint has been filed may object, by demurrer..., to the pleading on any one or more of the following grounds... (e) The pleading does not state facts sufficient to constitute a cause of action." Cal. Code Civ. P. § 430.10. "When any ground for objection to a complaint... appears on the face thereof, or from any matter of which the court is required to or may take judicial notice, the objection on that ground may be taken by a demurrer to the pleading." *Id.* at § 430.30.

"A demurrer raises only questions of law, as the allegations of fact contained in the complaint must be accepted as true..."; a court must overrule a demurrer when the allegations state a cause of action under any legal theory. *Cellular Plus, Inc. v. Superior Court* (1993) 14 Cal.App.4th 1224, 1231 (citations omitted). When the allegations are subject to different reasonable interpretations, the court must draw inferences in favor of the plaintiff. Cal. Code Civ. P. § 452 (liberal construction of pleadings with a view to "substantial justice"); *Perez v. Golden Empire Transit Dist.* (2012) 209 Cal.App.4th 1228, 1238-39. However, when the objecting party negates any essential element of a particular cause of action, the court should sustain the demurrer as to that cause of action. *Cantu v. Resolution Trust Corp.* (1992) 4 Cal.App.4th 857, 880 ("*Cantu*").

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Analysis

1. Defendant's Request for Judicial Notice Is Granted.

As noted above, Plaintiff contends the Court may only review the four corners of the complaint. However, the plain language of the relevant Code states otherwise. Cal. Code Civ. P. § 430.30 (objection may rely on the pleading or “any matter of which the court is required to or may take judicial notice...”). Therefore, Defendant's Request for Judicial Notice is addressed first.

Judicial notice may be taken of records of any court of this state. Cal. Evid. Code § 452(d). However, the trial court shall take judicial notice of any matter specified in section 452 if a party requests it, gives the adverse party sufficient notice and furnishes the court with sufficient information to enable it to take judicial notice of the information. *Id.* at § 453.

Additionally, courts may properly take judicial notice of a party's earlier pleadings and positions as well as established facts from both the same case and other cases. See, e.g., *Colapinto v. County of Riverside* (1991) 230 Cal.App.3d 147, 151.

Defendant met the technical requirements to seek judicial notice of Plaintiff's earlier pleadings. She secured certified copies of court records, gave notice, and provided the records to the court. The Court, therefore, grants the request for judicial notice.

2. Defendant Has Established That Plaintiff Failed to File This Case Within the Two-Year Statute of Limitations.

Civil rights claims filed pursuant to 42 U.S.C. § 1983 are subject to the statute of limitations set by the state for personal injury torts. *Wallace v. Kato* (2007) 549 U.S. 384, 387. In California, the statute of limitations for “assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another” is two years. Cal. Code Civ. P. §355.1.

If an amended pleading is filed after the statute of limitations has expired, that pleading *may* relate back to an earlier date in some circumstances. This analysis turns on whether the original complaint put the defendant on sufficient notice of the factual basis of the claim. Cal. Code Civ. P. § 425.10(a) (complaint must contain a statement of the facts “constituting the cause of action” and a demand for judgment for the requested relief). “An amended complaint relates back to a timely filed original complaint, and thus avoids the bar of the statute of limitations, only if it rests on the same general facts and refers to the same ‘offending instrumentalities,’ accident and injuries as the original complaint.” *Davaloo v. State Farm Ins. Co.* (2005) 135 Cal.App.4th 409, 415 (citations omitted).

Under the doctrine of equitable tolling, the statute of limitations may be deemed suspended or extended to ensure “fundamental practicality and fairness.” *Long v. Forty*

Niners Football Co., LLC (2019) 33 Cal.App.5th 550, 554-55 (quoting *McDonald v. Antelope Valley Comm. College Dist.* (2008) 45 Cal.4th 88) (“*Long*”) (no equitable tolling where plaintiff voluntarily dismissed state case shortly before trial to refile in federal court, then refiled in state court). This doctrine may apply when a first action, filed in good faith, is found to be defective for some reason. *Long*, 33 Cal.App.5th at 555. The purpose of equitable tolling is to ease the pressure on the plaintiff who seeks redress in multiple forums, and increases judicial and court economy. To rely on this doctrine, the plaintiff must show: 1) timely notice to the defendant; 2) lack of prejudice to the defendant; and, 3) good faith conduct by plaintiff. *Id.* “Where a claim is time-barred on its face, the plaintiff must specifically plead facts that would support equitable tolling.” *Id.*

Defendant argues the time to file should be calculated from the date Plaintiff admits in his small claims case that his vehicle was seized, September 6, 2023. Under that scenario, filing was due by that date in 2025. Plaintiff did not file this case until January 8, 2026. This relies on the ability to take notice of Plaintiff’s “admission” of the date of the seizure of his vehicle.

Plaintiff does not provide an alternate date the Court should consider but claims the Second Amended Complaint does not allow the Court to determine the statute of limitations issue.

Facts that are subject to judicial notice should be read into the complaint regardless of any express contrary allegation. *Pinto Lake MHP LLC v. County of Santa Cruz* (2020) 56 Cal.App.5th 1006, 1013. However, judicial notice of matters on demurrer is dispositive only if there is not or cannot be a factual dispute concerning those matters. *Williams v. Southern Cal. Gas Co.* (2009) 176 Cal.App.4th 591, 599-600.

The admission of the date of the seizure is not necessarily dispositive that Plaintiff discovered the seizure on that same date. That said, Plaintiff included a rideshare trip receipt, dated October 2, 2023, as an exhibit to the Second Amended Complaint. 2AC Ex. C-2. This represents the date Plaintiff traveled from his home to the tow yard to retrieve the vehicle. From this, there can be no dispute that Plaintiff was aware of the seizure by then. If the statute of limitations runs from that date, a case must have been filed by October 2, 2025. This case was filed more than three months after that.

Based on the evidence available in the Second Amended Complaint, this case was not filed within the two-year statute of limitations.

3. Leave to Amend Is Granted.

A plaintiff that seeks leave to amend must “set forth clearly and specifically the substantive law, the elements of the proposed cause of action, the supporting legal authority, and supporting factual allegations” that could overcome the defects that resulted in a sustained demurrer. *Myles v. PennyMac Loan Servs., LLC* (2019) 40 Cal.App.5th 1072, 1076. The court is not required to grant leave to amend when there is no reasonable possibility an amendment could change the result. See, e.g., *Nealy v. County of Orange*

(2020) 54 Cal.App.5th 594, 608-09; *Save Lafayette Trees v. City of Lafayette* (2019) 32 Cal.App.5th 148, 154 (“Leave to amend should not be granted if the pleadings disclose the action is barred by a statute of limitations”).

Plaintiff has not yet proffered any facts or legal authorities pertaining to the statute of limitations. The Court grants plaintiff leave to amend, and the amended complaint must be filed within 10 days.