

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

Tentative Ruling

**2025CUPP050272: XITLALI ESTRELLA BARRAGAN vs AURORA VISTA DEL MAR,
LLC,, et al.**

01/13/2026 in Department 43

**Motion to Strike PORTIONS OF PLAINTIFF'S COMPLAINT BY DEFENDANT
AURORA VISTA DEL MAR, LLC**

The morning calendar in courtroom 43 will normally begin at 8:45. Please arrive for your hearing no later than 8:30 a.m. The door will be opened before the calendar is called.

The Court allows appearances by CourtCall and Zoom. Refer to the Courtroom 43 webpage for more information about remote appearances. If appearing by CourtCall, call in no later than 8:30 a.m. If you wish to appear by CourtCall, you must make arrangements with CourtCall by 4:00 p.m. the court day before your scheduled hearing. Requests for approval of a CourtCall appearance made on the morning of the hearing will not be granted. No exceptions will be made.

For Zoom appearances, all counsel appearing by Zoom must email the court at Courtroom43@ventura.courts.ca.gov with a simultaneous copy to all other counsel/self-represented parties no later than 3:00 p.m. the court day before the hearing. INCLUDE THE PHRASE "ZOOM APPEARANCE ON (DATE OF HEARING)" IN THE SUBJECT LINE OF YOUR EMAIL. The email must identify the person who will make the appearance. You will receive the login information for your appearance in reply to your email. If appearing by Zoom, log into the hearing no later than 8:30 a.m. The Court will transfer you to the meeting room when your matter is called. Additional instructions can be found on the Courtroom 43 webpage. When you log in to Zoom, be sure that your name and the case name are used as your Zoom name. IF YOU DO NOT FOLLOW ALL OF THESE INSTRUCTIONS, YOU WILL NOT BE PERMITTED TO APPEAR BY ZOOM AT THE HEARING.

With respect to the tentative ruling below, no notice of intent to appear is required. If you wish to submit on the tentative ruling you can fax notice to Judge Coats's secretary, Ms. Brantner at 805-477-8790, stating that you submit on the tentative. Or you may email Courtroom43@ventura.courts.ca.gov with all counsel copied on the email. Do not call in lieu of sending a fax or email. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. If you are the moving party and do not advise the Court that you submit on the tentative, or you do not appear at the hearing, the Court may deny your motion irrespective of the tentative.

Unless stated otherwise at the hearing, if a formal order is required but not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

Motion: Defendant Aurora Vista Del Mar's Motion to Strike Portions of Complaint

Tentative Ruling: Defendant Aurora Vista Del Mar's Motion to Strike Portions of Complaint is DENIED.

As much as moving party may disagree, this Court is bound by the ruling of the Second District Court of Appeals, Division Six, in *Samantha B. v Aurora Vista Del Mar, LLC* (2022) 77 Cal App. 5th 85.¹ In *Samantha B.*, supra, the court's holding is diametrically opposed to the argument made in Defendant's reply brief in comparing the facts in *Samantha B.* to those in *Lisa M. v. Henry Mayo Newhall Memorial Hospital* (1995) 12 Cal.4th 291.

"But this case is not like *Lisa M.* In that case the employee's interaction with the victim was brief and the employee's duties were technical. The circumstances of employment were highly unlikely to engender a personal relationship that might result in sexual exploitation.

In contrast, here there is sufficient evidence for a jury to conclude Valencia was acting within the scope of his employment. The duties of a mental health worker include helping patients with daily living activities. The workers are personally involved with the patients over an extended period of time. The patients are vulnerable; they may suffer from impaired judgment or other cognitive impairments. Sexual exploitation of the patients by employees is a foreseeable hazard arising from the circumstances of the job. That hazard was exponentially increased by Aurora's policies, including allowing male workers 20 minutes alone with patients and providing inadequate training on worker-patient boundaries.

In concluding that the ultrasound technician in *Lisa M.* was not acting within the scope of his employment, the court stated, "We deal here not with a physician or therapist who becomes sexually involved with a patient as a result of mishandling the feelings predictably created by the therapeutic relationship." (*Lisa M. v. Henry Mayo Newhall Memorial Hospital*, supra, 12 Cal.4th at p. 303.) Quite the contrary. That is what is happening here. Ample evidence supports a finding that Valencia was acting within the scope of his employment. The trial court erred in granting a judgment of nonsuit on the question."

Samantha B. v Aurora Vista Del Mar, LLC (2022) 77 Cal App. 5th 85, 108.

In *Central Pathology Service Medical Clinic, Inc. v. Superior Court* (1992) 3 Cal. 4th 181, 192, the California Supreme Court stated the following:

"Thus, a cause of action against a health care provider for battery predicated on treatment exceeding or different from that to which a plaintiff consented is governed by section 425.13 because the injury arose out of the manner in which professional services are provided. By contrast, a cause of action against a health care provider for sexual battery would not, in most instances, fall within the statute because the defendant's conduct would not be directly related to the manner in which professional services were rendered."

¹ Erroneously referred to by counsel as "Samantha B. v. Aurora Las Encinas, LLC..."

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The CCP § 425.13 prohibition on punitive damages without leave to amend does not apply here because the claims here are not directly related to the manner in which professional services were rendered.

For the foregoing reasons, the motion to strike is denied.

Plaintiff is ordered to serve notice of the Court's ruling.