SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Ruling

2025CUPP046632: RANDOLPH RAMIREZ vs COUNTY OF VENTURA, et al.
02/02/2026 in Department 43
Demurrer

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: The State of California’s Demurrer to the First Amended Complaint

Tentative Ruling: The demurrer is SUSTAINED. Unless Plaintiff can articulate a reasonable possibility of curing the defect at the hearing, leave to amend will not be granted. The additional

allegations in the First Amended Complaint simply contain alternative synonyms for signage and do not extend beyond the immunity afforded for defects in signage and lighting.

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

DISCUSSION

I. Legal Standard

A defendant must file a demurrer to the complaint within 30 days of service unless extended by stipulation or court order. (Code Civ. Proc., § 430.40. subd. (a).) The grounds for a demurrer must appear on the face of the pleading or from judicially noticeable matters. (Code Civ. Proc., § 430.30, subd. (a); *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) Concerning the legal sufficiency of a pleading, the sole issue on demurrer is whether the facts pleaded, if true, state a valid cause of action – i.e., if the complaint pleads facts that would entitle the plaintiff to relief. (*LiMandri v. Judkins* (1997) 52 Cal.App.4th 326, 339.) It is an abuse of discretion to sustain a demurrer without leave to amend if there is a reasonable probability that the defect can be cured by amendment. (*Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074, 1081.)

A general demurrer admits the truth of all factual, material allegations properly pled in the challenged pleading, regardless of possible difficulties of proof. (*Blank*, *supra*, 39 Cal.3d at p. 318.) Thus, no matter how unlikely or improbable, plaintiff's allegations must be accepted as true for the purpose of ruling on the demurrer. (*Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604.) Nevertheless, this rule does not apply to allegations expressing mere conclusions of law, or allegations contradicted by the exhibits to the complaint or by matters of which judicial notice may be taken. (*Vance v. Villa Park Mobilehome Estates* (1995) 36 Cal.App.4th 698, 709.) A general demurrer does not admit contentions, deductions, or conclusions of fact or law alleged in the complaint; facts impossible in law; or allegations contrary to facts of which a court may take judicial notice. (*Blank*, *supra*, 39 Cal.3d at p. 318.)

II. Application

"A condition is not a dangerous condition within the meaning of this chapter merely because of the failure to provide regulatory traffic control signals, stop signs, yield right-of-way signs, or speed restriction signs, as described by the Vehicle Code, or distinctive roadway markings as described in Section 21460 of the Vehicle Code." (Gov. Code § 830.4.)

> Neither a public entity nor a public employee is liable under this chapter for an injury caused by the failure to provide traffic or warning signals, signs, markings or devices described in the Vehicle Code. Nothing in this section exonerates a public entity or public employee from liability for injury proximately caused by such failure if a signal, sign, marking or device (other than one described in Section 830.4) was necessary to warn of a dangerous condition which endangered the safe movement of traffic and which would not be reasonably apparent to, and would not have been anticipated by, a person exercising due care.

(Gov. Code § 830.8.)

Both parties agree that the State is immune from suit for a dangerous condition of public property due to the absence of signage and lighting, and the State is not immune if the allegations include conditions other than signage and lighting. The disagreement is whether the complaint alleges conditions other than signage and lighting.

The First Amended Complaint added the following relevant allegations:

> 8. The roadway leading to the T-intersection and the subject T-intersection were dangerous conditions for the following reasons:
>
> 1. There were insufficient warnings to alert motorists of the upcoming T-intersection. Specifically, any signage which did exist was not only insufficient but also too close to the subject intersection so as to allow motorists time to stop or turn safely.
>
> 2. To the extent that there was a functioning flashing beacon, if any, such signal did not contain any notification as to what the beacon pertained to as is required.
>
> 3. There were no pavement based warnings to alert motorists of the upcoming T-intersection, including but not limited to transverse rumble strips, rumble stripes, raised pavement markers, transverse raised bars or alert strips, pavement grooving, raised sound strips or textured pavement panels.
>
> 4. There were no reflective barriers, guardrails or otherwise on the east side of the T-intersection, which would have further warned PLAINTIFF of the T-intersection and/or prevented PLAINTIFF from going airborne and crashing into the agricultural field.

(FAC ¶ 8.)

> 9. The improper and insufficient warnings on the roadway approaching the T-intersection, as described above, prevented PLAINTIFF from being alerted to the upcoming T-intersection, thereby preventing him from slowing down, stopping and/or turning and causing his vehicle to go airborne and crash in the agricultural field.

(FAC ¶ 9.)

> 18. The SUBJECT LOCATION was in a dangerous condition, including, but not limited to non-existent and/or deficient warning signals, beacons, lights, traffic control devices, signs, designs, pavement markings, texturing, rumble strips, guard rails, reflective panels, sound strips as described previously to indicate the end of the roadway and/or the inability to continue straight. PLAINTIFF is informed and

> believes and thereupon alleges that DEFENDANTS were and are responsible for operating, monitoring, regulating, controlling, designing, installing, maintaining, constructing, inspecting, and/or repairing the roadway at the SUBJECT LOCATION. DEFENDANTS' failure to inspect, operate design, maintain, manage, allow, control, operate,

(FAC ¶ 18.)

> 20. The SUBJECT LOCATION was a concealed trap, combined with inadequate, nonexistent and/or deficient warning signals, signs, designs, pavement markings, guard rails, reflective paneling and texturing to ensure the safety of those people at the SUBJECT LOCATION, PLAINTIFF alleges that the actions set forth above by DEFENDANTS were negligent, careless, and reckless acts or failures to act which proximately caused the injuries and damages to PLAINTIFF, as alleged herein.

(FAC ¶ 20.)

The dispositive question is whether Plaintiff's allegations are sufficient to extend beyond signage and lighting to survive demurrer based on statutory immunity. (Complaint ¶ 8.) Plaintiff relies on *Washington v. City & County of San Francisco,* but that matter can easily be distinguished because there, the plaintiff alleged visual limitations resulting from pillars and shadows from the elevated freeway. (*Washington v. City & County of San Francisco* (1990) 219 Cal.App.3d 1531, 1535.) Plaintiff also relied on *Hilts v. County of Solano*, but in that matter the plaintiff plead that the presence of trees and differences in elevation between roadway grades and adjoining fields created a dangerous condition. (*Hilts v. County of Solano* (1968) 265 Cal.App.2d 161, 174.) It is not alleged that any such dangerous conditions exist at the scene of the subject accident.

Plaintiff's First Amended Complaint contains new allegations that are merely alternative nomenclature for signage. (See *Summerfield v. City of Inglewood, supra,* 96 Cal.App.5th at p. 995; Complaint ¶ 9.) Pavement based warnings such as transverse rumble strips, rumble stripes, raised pavement markers, transverse raised bars or alert strips, pavement grooving, raised sound strips or textured pavement panels are, for all intents and purposes, forms of signage. The analysis in *Washington* establishes that the alleged dangerous condition must be more than the absence of warning signage. (*Washington v. City & County of San Francisco, supra* 219 Cal.App.3d at p. 1535.)

Unless counsel can demonstrate at the hearing a reasonable possibility of curing the above defects, the Court intends to sustain the demurrer without leave to amend.