

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF VENTURA**

**Tentative Ruling**

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**2025CUPA044571: SILVIA VELASCO, et al. vs JOSH YMON KAVANAMALIL  
KURIAKOSE, et al.**

**06/18/2026 in Department 43**

**Demurrer to First Amended Complaint by County of Ventura**

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](mailto: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](mailto: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 County of Ventura's Demurrer to the First Amended Complaint

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**Tentative Ruling:** Defendant County of Ventura’s Demurrer to the First Amended Complaint is SUSTAINED as to both causes of action with leave to amend. Leave to amend as to the negligence cause of action is limited to Government Code section 840.2 elements.

The County’s request for judicial notice as to documents 1 (the official record, required by Streets and Highways Code section 908, of all highways that have been accepted into the County’s highway system) and 2 (the absence of any record in the County’s official records that the location of the alleged incident at the railroad crossing on Rice Avenue, north of Fifth Street (State Route 34), in the City of Oxnard has been accepted into the County’s highway system) is granted.

Plaintiff’s request for judicial notice is granted as to Exhibit A (the Rice Avenue Grade Separation Project Final Environmental Impact Report/Environmental Assessment (“EIR”) (May 2018, SCH No. 2017091040), prepared by the California Plaintiffs’ Second Amended Complaint Department of Transportation (Caltrans) and the City of Oxnard) but denied as to Exhibit B (the Second Amended Complaint). The Second Amended Complaint was rejected by the clerk because Plaintiffs already used their one amendment by right for the First Amended Complaint. It is not part of the court record.

**A. Merits**

Plaintiffs’ argument that the demurrer is moot because it filed the Second Amended Complaint is without merit. Plaintiffs attempted to file the Second Amended Complaint, but it was rejected by the clerk. The First Amended Complaint was filed as Plaintiffs’ amendment by right and filing the Second Amended Complaint requires leave of Court. Because there is no Second Amended Complaint filed with the court, the demurrer is not moot and the Court will decide it on the merits.

*1. Negligence*

Government Code section 840 immunizes public employees from liability for conditions of public property. (Gov. Code § 840; *Van Kempen v. Hayward Area Park etc..Dist.*, 23 Cal. App. 3d 822, 825.) Government Code section 815.2, subdivision (b) bars vicarious liability against the County because the employees are immune. (*Ibid.*). Plaintiffs’ section 840.2 argument may be viable but it is not pleaded within the First Amended Complaint which identifies no employee who created the condition or had the authority, funds, and responsibility to remedy it with notice. The Court sustains the demurrer as to the negligence cause of action with leave to amend solely to plead the elements of Government Code § 840.2.

*2. Dangerous Condition*

The FAC’s allegations regarding dangerous condition of public property are conclusory after elimination of Plaintiffs’ maintained-road-system theory given the particularity requirement for claims against public entity. The specific control theory that Plaintiffs briefed in the opposition as to the County right-of-way south of the crossing, the signal location, and the basis for County authority over signal phasing may be viable, but these facts are not alleged in the FAC. As such, the Court sustains the demurrer as to the dangerous condition cause of action and grants leave to amend.

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The Court grants leave to file an amended complaint on or before July 7, 2026.

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