

IN THE
SUPREME COURT OF THE UNITED STATES

Paras Jhokke,
Petitioner,

v.

Trail Court Case# PC058004
Court of Appeal Case#B288177
Supreme Court Case #S253038

City of Los Angeles
Police Department,
Morby & Pagarigan,
Respondent,

APPENDIX TO PETITION FOR WRIT OF
CERTIORARI TO THE CALIFORNIA
COURT OF APPEAL SECOND DISTRICT

G	Cassandra Villegas Declaration	g1
H	Email Communication between Paras Jhokke and Villegas Representative [Keith James Wooten] & Incomplete Police Report.	h1-h2
I	Complete Police Report Produced in Jhokke v. City of Los Angeles et. al , #PC058004 after issuing incomplete Police Report to the Villegas in BC593986	i1-i5
J	Claim Presented to Victim Compensation and Government Claims Board of California	j1-j2

APPENDIX B

[b1]

**IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA SECOND APPELLATE DISTRICT**
DANIEL P. POTTER, CLERK
DIVISION 2

Los Angeles County Superior Court

**PARAS JHOKKE,
Plaintiff and Appellant,**

v.

**CITY OF LOS ANGELES, ET AL.,
Defendant and Respondent.**

B288177

Los Angeles County Super. Ct. No. PC058004

***** REMITTITUR *****

I, Daniel P. Potter, Clerk of the Court of Appeal of the State of California, for the Second Appellate District, do hereby certify that the attached is a true and correct copy of the original order, opinion or decision entered in the above-entitled cause on November 27, 2018 and that this order, opinion or decision has now become final.

City shall recover its costs on appeal.

Witness my hand and the seal of the Court affixed at my office
this : Jan 31, 2019

DANIEL P. POTTER,



Clerk

by: O. Carbone, Deputy
Clerk



[b3]

¶1 Plaintiff and appellant Paras Jhokke (Jhokke) appeals from the dismissal of his complaint after the trial court sustained without leave to amend a demurrer brought by defendant and respondent City of Los Angeles (City) based on the Government Torts Claims Act (the Act). After review, we conclude the trial court correctly ruled Jhokke's complaint—which stems from his alleged false arrest in April 2015—was barred for failing to comply with the claim presentation requirement under the Act. (Gov. Code § 945.4.)⁷ Accordingly, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND⁸

¶2 On April 17, 2015, Jhokke and his roommate, Cassandra V. (Cassandra), were involved in an argument that led to Jhokke “push[ing] [Cassandra] away from his body” (April incident). Cassandra called 911 and Jhokke was arrested pursuant to a citizen's arrest.

¶3 On May 13, 2015, City dismissed the battery charge against Jhokke due to “Insufficient Evidence.”

¶4 On June 3, 2015, Jhokke filed a claim related to the April incident against the State of California with the Victim

⁷ All further statutory references are to the Government Code unless otherwise indicated.

Section 945.4 provides in relevant part: “[N]o suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented . . . until a written claim therefor has been presented to the public entity....”

⁸ In reviewing trial court's decision to sustain a demurrer, we must accept as true all material allegations of fact that are well-pleaded in the complaint. (Blank v. Kirwan (1985) 39 Cal.3d 311, 318.)

[b5]

¶9 It further noted Jhokke's letter to Board, a State agency, did not satisfy the Act's requirements.

¶9 On December 7, 2017, Jhokke filed a motion for reconsideration. On December 21, 2017, the trial court entered judgment in favor of City. It subsequently denied Jhokke's motion for reconsideration on the grounds that it lacked jurisdiction.

¶10 Jhokke filed a timely notice of appeal¹⁰

DISCUSSION

¶11 Jhokke contends the trial court erred because the claim presentation requirement only applies to lawsuits filed against the "judicial branch," and not City. He also argues the trial court was required to rule on his motion for reconsideration because it was timely filed. We disagree.

A. City's Demurrer

¶12 1. *Standard of Review*

"The standard governing our review of an order sustaining a demurrer is well established. We review the order de novo, 'exercising our independent judgment about whether the complaint states a cause of action as a matter of law. [Citations.]'" (*Lefebvre v. Southern California Edison* (2016) 244 Cal.App.4th 143, 151.)

¹⁰ Jhokke has elected to proceed with reporter's transcript of the hearing. When an "appeal is from the sustaining of a demurrer, a reporter's transcript or agreed-on settled statement is not necessary" because we are reviewing legal issues de novo. (*Lin v. Coronado* (2014) 232 Cal.App.4th 696, 700, fn. 2, relying on *Chodos v. Cole* (2012) 210 Cal.App.4th 692, 699.)

[b7]

without leave to amend for failing to comply with the claim presentation requirement under the Act.

B. Jhokke's Motion for Reconsideration

¶15 "A court may reconsider its order granting or denying a motion and may even reconsider or alter its judgment so long as judgment has not yet been entered. Once judgment has been entered, however, the court may not reconsider it and loses its unrestricted power to change the judgment." (*Passavanti v. Williams* (1990) 225 Cal.App.3d 1602, 1606; see also Code Civ. Proc., § 1008.) It is immaterial that a motion to reconsider is filed before entry of judgment. (*APRI Ins. Co. S.A. v. Superior Court* (1999) 76 Cal.App.4th 176, 182 (APRI).)

¶16 Here, the trial court entered judgment before it ruled on Jhokke's motion for reconsideration. Thus, the trial court properly denied his motion on the grounds that it lacked jurisdiction. (APRI, *supra*, 76 Cal.App.4th at p. 182.)

DISPOSITION

¶17 The judgment of dismissal is affirmed. City shall recover its costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.

ASHMANN-GERST

We concur:

_____, P.J.
LUI

_____, J.
HOFFSTADT

APPENDIX C

[c1]

Dept. F-47.
Date:12/4/17
Case No: PC058004

DEMURRER TO COMPLAINT

MOVING PARTY: D City of Los Angeles
RESPONDING PARTY: P Paras Jhokke (in pro per)
NOTICE: ok

¶1 MP demurs to all C/A's alleged in the complaint.

¶2 SUMMARY OF ACTION: This action arises out of an altercation b/t RP and his roommate Cassandra Villegas ("Villegas"). The police were called and MP was arrested, purportedly pursuant to a citizen's arrest. RP filed suit against the City of Los Angeles, Los Angeles Police Department, Charlie Beck, as well as two officers (Morby and Pagarigan). The complaint alleges causes of action for: (1) false arrest; (2) fraud; (3) breach of obligation; and (4) violation of Penal Code 422.6(a); and (5) violation Government Code 815.2 and 815.3.

¶3 RULING: MP's demurrer is SUSTAINED without leave to amend.

¶4 *Request for Judicial Notice*

MP's RJD of the arrest documents (Exhibit A) is granted. Because MP failed to attach the exhibit, MP's RJD as to the declaration of Deputy City Clerk, Julia Amanti, stating that RP did not file a claim for damages based on the 4/17/15 incident (Exhibit B) is denied.

¶5 *Demurrer*

1. Government Tort Claim Act.

[c3]

(3) The arrest was made pursuant to the requirements of Section 142, 837, 838, or 839.

Because Villegas signed a Private Person's Arrest Statement Form, arresting RP for battery (PC 243(a)), the officers had a reasonable cause to believe the arrest was lawful. RP's complaint does not allege any facts that indicates that the form was not signed by Villegas, or any other factually substantiated evidence that disproves the officer's reasonable belief that the arrest was lawful.

¶8 Accordingly, the lawsuit is barred in its entirety because MP is immune under PC 847.

APPENDIX D

[d1]

Paras Jhokke to Cassandra Neighbor (+18182015857): Don't leave your food open in the Kitchen. Either put it in the fridge or throw it. It is rotting. [1:01 PM]

Clean the Kitchen occasionally since you guys are the one who use it most especially stove and floor. [1:19 PM]

— Sun, 04/12/2015 —

Paras Jhokke to Cassandra Neighbor (+18182015857): Did he leave you again? [9:25 AM]

It's better if both of you move out. If you are done with each other. [9:26AM]

— Mon, 04/13/2015 —

Paras Jhokke to Cassandra Neighbor (+18182015857): Ok, I am going to put an ad on Craigslist. Move out, both of you by the end of this month. [8:15 PM]

Cassandra Neighbor (+18182015857) to Paras Jhokke: Yea ok. [8:16 PM]

Paras Jhokke to Cassandra Neighbor (+18182015857): And Make sure you clean and vacuum everything before leaving. [8:26 PM]

Good Job. Lemme know if something changes I can delete the ad. [9:53 PM]

— Tue, 04/14/2015 —

Paras Jhokke to Cassandra Neighbor (+18182015857): Clean your dishes. Keep that area clear. [7:49 PM]

[d3]

Paras Jhokke to Cassandra Neighbor (+18182015857): You asked her Help. [7:14 PM]

Lol first mind off your language and you are mad cause I rejected your stupid ass. [7:14 PM]

And I told you several times to keep kitchen and fridge clean. You never throw your food away and you gather up trash.

[7:19 PM]

Move out or I am callings and the Manager.

Sat, 04/18/2015

Paras Jhokke to Cassandra Neighbor (+18182015857): Wait for lawsuit documents. [11:25 AM]

I need keys and parking key [11:27 AM]

Cassandra Neighbor (+18182015857) to Paras Jhokke: Stop trying to reach out or the situation for you will get worse.

[11:28 AM]

[e2]
COMPLAINT FORM RECEIPT
CF NO. 15-001550

Received at: LAPD Station
Input Date: 06/13/3015

Location of Incident and Date: 17730 Lassen Street, Apt. 140
Northridge California 91325 on 04/17/2015.
Reporting District: 1787

Complainant: Paras Jhokke, DOB: 12/10/1988,
Source: Public Person involved

SUMMARY

On April 17, 2015, at approximately 2055 hours, Officers Pagarigan and Morby responded to 17730 Lassen St. Apartment 140, for battery investigation. At the conclusion of the investigation Cassandra Villegas demanded a private person's arrest of Complainant Paras Jhokke for battery. Officers Pagarigan and Morby subsequently booked Jhokke for battery at Valley Jail Section (Booking ID. 4301450).

On June 13, 2015, at approx. 1335 hours, Jhokke walked into Devonshire Station lobby and demanded to speak to a supervisor stating that he wished to make a complaint. The watch commander assigned Sgt. Neville to investigate. Sergeant Neville immediately responded to the field. Jhokke left a copy of Los Angeles Police Dept. Complaint of Employee Misconduct Form (01.81.06) with a copy of a claim/complainant against peace officers attached. Jhokke claims in writing because the city attorney did not file charges against him he was falsely arrested.

Recorded by: SGT1, Neville, Serial #26324, DEV PAT W2 DENA

[f2]

Dept. F-47.
Date:3/29/16
Case No: BC593986

SPECIAL MOTION TO STRIKE

(Anti-SLAPP)

MOVING PARTY: D Cassandra Villegas
RESPONDING PARTY: P Paras Jhokke (in pro per)
NOTICE: ok

¶4 RELIEF REQUESTED: An order striking the complaint of RP pursuant to CCP 425.16. Additionally, MP requests an award of \$2800.00 in attorney fees and costs incurred in the connection with the motion.

¶5 SUMMARY OF ACTION: This action arises out of an altercation b/t RP and his roommate Cassandra Villegas ("Villegas"), The police were called and MP was arrested, purportedly pursuant to a citizen's arrest. The City Attorney rejected the case for insufficient evidence.

¶6 RULING: The motion is denied.

¶7 First MP fails to give clear notice of the relief sought by way of the instant motion. CRC3.1110 (a). The notice of motion indicates that MP is seeking "an order striking the Complaint of Paras Jhokke pursuant to Civil Procedure Section 425.16" and goes on to state that " the claims of [RP] arise from acts in furtherance of [MP's] constitutional rights of petition and free speech." (Notice of Motion p.2:3-4,p.2:7-9). Based on the notice it appears that the motion will address both of RP's claims against MP for false arrest and assault and battery. However, the motion only addresses the false imprisonment C/A.

¶8 MP has failed to meet the first requirement under CCP 425.16(b)(1) of making prima facie showing that P's 1st C/A for

APPENDIX G

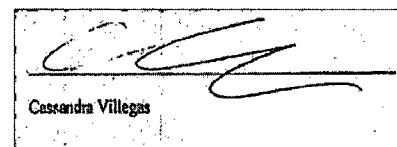
[g1]

DECLARATION OF CASSANDRA VILLEGAS

1. I am one of the party defendants named in the above entitled action. I make this declaration of my own personal knowledge, and if called as a witness, could and would testify competently hereto.
2. I did not request or make a citizen's arrest of Plaintiff Paras Jhokke on April 17, 2015 or any other date.
3. On April 17, 2015, I was assaulted and battered by Plaintiff Paras Jhokke in my residence which I shared with Plaintiff. I thereafter I called 911 and waited outside for the police to arrive.
4. Paras Jhokke was arrested by the Police, but I did not request that he be arrested, nor did I make a citizen's arrest or request a citizen's arrest of Paras Jhokke at any time.

I declare under the penalty of perjury under the laws of State of California that the foregoing is true and correct.

Executed on October 5, 2015 , at Encino, California.



A rectangular box containing a handwritten signature of "Cassandra Villegas" in black ink. The signature is fluid and cursive, with the name "Cassandra" on the top line and "Villegas" on the bottom line. Below the signature, the name "Cassandra Villegas" is printed in a smaller, sans-serif font.

[h2]

if you're just trying to be difficult. If you want it faxed, give me your fax number and go ahead and email me any evidence you plan on utilizing for your case.

Wed, Jul 6, 2016 at 1:12 AM

PARAS JHOKKE <parasjhokke@gmail.com>

To

Keith Wootten <keithjwootten@yahoo.com> Keithjwootten@yahoo.com

“Check the second page. You only sent 2 pages. It has 4 pages out of which you sent 2”.

Wed, Jul 6, 2016 at 1:21 AM

Keith Wootten <keithjwootten@yahoo.com> Reply-To:
"keithjwootten@yahoo.com" <keithjwootten@yahoo.com>

To:

PARAS JHOKKE <parasjhokke@gmail.com>

I have no idea why it says that, but that is literally all that was in the envelope.

[i2]

Continuation sheet

INVOLVED PARTY'S:

Suspect: Jhokke, Paras
Victim: Villegas, Cassandra
Witness: Wooten , Keith

SOURCE OF ACTIVITY:

On 04/17/2015 at approximately 2055 hrs, Officers Pagari-gan#41128 and I (Morby#41622) were assigned Los Angeles Police Department's Devonshire Division, dressed in full uniform, driving a marked black and white police vehicle and assigned 17A95. We received a radio call of a battery investigation at 17730 Lassen St. Apt#140. Inc#150417004641.

INVESTIGATION:

When we arrived at the location, we were flagged down by the Victim (later identified as Villegas, Cassandra) who was standing outside the apartment complex. Victim stated that she has been living with a roommate (later identified to us as suspect, Jhokke Paras) for the past four months and they both have been splitting the lease. Victim explained that ever since she has moved into the apartment with suspect, the suspect has been trying to 'hit' on her which has been 'creeping' her out. The Victim also stated the suspect has shown aggression in the past by yelling but never physically hit her.

Victim stated she was gone all day running errands and arrived back at the apartment at approximately 1730 hours. Victim stated she noticed a few items in her room were moved around and immediately assumed it was her roommate (Jhokke, Paras). Victim stated she then closed her bedroom door and planned on spending the rest of the night in her bedroom. At approximately 1930 hours the suspect was banging on the door

INJURY/MEDICAL TREATMENT:

Victim had a small cut on her right arm and a small bruise on the right side of her face. Victim also complained of pain to her right arm. Suspect had small visible scratch to this left hand. Both Victim and Suspect declined medical treatment.

PHOTOS, RECORDING,VIDEOS, DICV & DIGITAL IMAGES:

We took 12 photographs of the suspect and victims' injuries. The photo memory card was placed in LAPD record envelope D#0389555.

STATEMENTS:

Officer Pagarigan#41128 read suspect Jhokke, Paras his Miranda rights, per LAPD form 15.03, to which he replied "yes, yes, yes, yes". Suspect stated that victim came up to my face and scratched me for no reason. When asked a second time on what happened he suspect stated that he did push the victim because she was in his "personal space".

CANVASSING OF THE AREA:

Officers canvassed the surrounding area for additional witnesses with negative results.

PROPERTY DAMAGED:

None

COURT INFORMATION:

All officers can testify to the statements and the transportation of the investigation.

APPENDIX J

[j1]

VCGCB

Government Claims Program

STATE OF CALIFORNIA,

EDMUND G. BROWN Jr., Governor

400 R Street, 5th Floor Sacramento, CA
95811 ,

MARYBEL BATJER
Secretary, Gov. Operations Agency
BETTY Y. YEE, State Controller, Board
Member
MICHEAL A. RAMOS, San Bernardino
County District Attorney
JULIE NAUMAN, Executive officer

17730 LASSEN ST. APT #140,

NORTHRIDGE CA 91325

September 03, 2015

Claim#G623237

Dear Paras Jhokke,

The Victim and Compensation and Claims Board received your claim on June 13, 2015.

Based on its review of your claim, Board staff believes that the court system is the appropriate means for resolution of these claims, because the issues presented are complex and outside the scope of analysis and interpretation typically undertaken by the Board. The Board will act on your claim at October 15, 2015 meeting. You don't need to appear at this meeting. The Board's rejection of your claim will allow you to initiate litigation should you wish to pursue this matter further.