

FILED
 Superior Court of California
 County of Los Angeles

OCT 25 2024

W. S. S. W., Executive Officer of Court
 By: A. Barton, Deputy

**APPELLATE DIVISION OF THE SUPERIOR COURT
 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

REDACTED - JANE DOE 1

Petitioner,

v.

THE SUPERIOR COURT OF THE STATE OF
 CALIFORNIA FOR THE COUNTY OF
 LOS ANGELES;

Respondent,

REDACTED - JANE DOE 2

Real Party in Interest.

No. 24APCP00144

Compton Trial Court

No. 24CMUD01380

ORDER


The October 23, 2024 writ petition/stay request has been considered and is denied.

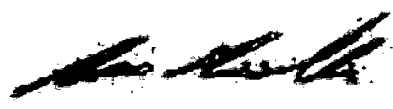
Petitioner has not provided an adequate record establishing the trial court abused its discretion in denying her motion to quash. (See *Stancil v. Superior Court* (2021) 11 Cal.5th 381, 391 [motion to quash service of summons may not be used as a means of disputing the merits of an unlawful detainer complaint or to argue the plaintiff failed to comply with pleading requirements]; *Blank v. Kirwan* (1985) 39 Cal.3d 311, 331 [burden is on the party alleging error to demonstrate abuse of discretion]; *Sherwood v. Superior Court* (1979) 24 Cal.3d 183, 186-187 [petitioner is obligated to provide an adequate record supporting extraordinary relief];

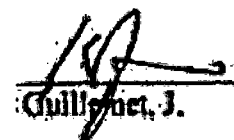
Appendix A

1 *Optical Surplus v. Superior Court* (1991) 228 Cal.App.3d 776, 782 [ruling on motion to quash
2 reviewed for abuse of discretion].)

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Kumar, Acting P. J.


Ricciardulli, J.


Gullis, J.

SUPREME COURT
FILED

Court of Appeal, Second Appellate District, Division Seven - No. B342007 JAN 15 2025

Jorge Navarrete Clerk

S288148

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

REDACTED - JANE DOE 1 Petitioner

SUPERIOR COURT OF LOS ANGELES COUNTY Respondent

REDACTED - JANE DOE 2 Real Party in Interest

The petition for review is denied.

GUERRERO
Chief Justice

Appendix C

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

COURT OF APPEAL - 1990001, 1990002

SECOND APPELLATE DISTRICT

FILED

DIVISION SEVEN

Nov 20, 2024

EVA WOODLEY, Clerk

C. Meze

Deputy Clerk

REDACTED - JANE DOE 1

B342007

Petitioner,

(Super. Ct. [App. Div.]
No. 24APCP00144)

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

(Super. Ct. No.
24CMUD01380)

Respondent.

REDACTED - JANE DOE 2

ORDER

Real Party in Interest.

THE COURT:

The petition for statutory writ filed on November 12, 2024, which is deemed a petition for extraordinary writ has been read and considered. The petition is granted.

Segal Stone Pulos
SEGAL, Acting P. J. STONE, J. PULOS, J. (Assigned)

Katrese L. Nickelson
PO Box 3521
Torrance, CA 90510
(310) 721-1788
In Pro Per

Electronically FILED by
Superior Court of California,
County of Los Angeles
9/12/2024 10:33 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By R. Clifton, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTHCENTRAL DISTRICT LIMITED CIVIL CASE

Kamille Nickelson

Plaintiff,

vs.

Katrese Nickelson, Honor Lee Nickelson, and
Does 1-5.

Defendants.

Case No.: 24CMUD01380

**DEFENDANT KATRESE L. NICKELSON'S
NOTICE OF MOTION AND MOTION TO
QUASH SERVICE OF SUMMONS;
SUPPORTING MEMORANDUM;
DEFENDANT KATRESE L. NICKELSON'S
DECLARATION (BY SPECIAL
APPEARANCE);**

Hearing Date: December 11, 2024

Time: 8:30 am

Dept: 7

Judge: Hon. Humberto Benitez

Action filed: August 28, 2024

Trial date: TBD

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 11, 2024 at or after 8:30 a.m., in the Department of Law and Motion of the above-titled court, the above-named defendant will move for an order from the court quashing service of summons in this action. This Motion is made through defendant's special appearance.

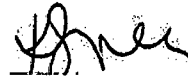
This Motion is made on the ground that the court lacks jurisdiction over defendant pursuant to §§415.10–415.45 and 1167 of the Code of Civil Procedure.

This Motion will be based on this Notice of Motion, the accompanying Memorandum, the Declarations in support of this Motion attached to this Notice and served and filed with this Notice,

DEFENDANT'S NOTICE OF MOTION AND MOTION TO QUASH SERVICE OF SUMMONS;
SUPPORTING MEMORANDUM; DECLARATION OF KATRESE NICKELSON

1 the papers and records on file in this action, and such oral and documentary evidence as may be
2 presented at the hearing of this Motion.

3 DATED: September 12, 2024



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5 Katrese Nickelson,
6 In Pro Per (By Special Appearance)
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STATEMENT OF FACTS

The present action is one in unlawful detainer. Despite Plaintiff's personal knowledge of the foregoing facts, she has deliberately committed intrinsic fraud in the form of perjury and false documentary evidence. Plaintiff filed "under penalty of perjury" a fraudulent unlawful detainer action that fraudulently included Honor Nickelson as a Defendant; a person whom she knows has not resided at 714 N. Locust St, Compton, CA 90221 ("the Property") since on or about July 8, 2024. See Decl. of Katrese Nickelson, at ¶3 Therefore, he was not in possession at the time of her filing the fraudulent action on or about August 28, 2024.

Defendant Honor has not lived at the Property since on or about July 8, 2024. He did not receive a copy of the 30-day notice to quit premises because he did not live at the Property on July 19, 2024. Defendant Honor has not been served in any manner with a summons and complaint. Defendant Katrese Nickelson received a copy of the summons and complaint. Any alleged service on her is not deemed "automatic" service on Defendant Honor. There was no service to an authorized person on his behalf. See Decl. of Katrese Nickelson, at ¶¶3, 4

For over six years, and presently, Plaintiff, Kamille Nickelson (half-sister, no blood relation to my father Mr. Nickelson), has resided at 714 N. Locust St, Compton, CA 90221 ("the Property"). As such, Plaintiff has first-hand personal knowledge that Defendant Honor Lee Nickelson ("Honor") has not lived at the Property since on or about July 8, 2024 - nearly two (2) months ago! On July 8, 2024, Plaintiff was informed in writing by text message at (310) 714-7145 from his mother and power of attorney, Defendant Katrese Nickelson ("KN"), that stated in part, "He isn't here...Honor will not be coming bck." (See Exhibit 1, 7/8/24 Text Message to Plaintiff). Also, on the following day, on or about July 9, 2024, Defendant KN also verbally informed the Plaintiff in-person, face-to-face at the Property, that Defendant Honor no longer lived there and would not be coming back. Since July 8,

1 2024, Defendant KH has been safekeeping with her at the Property some of his personal possessions
2 and taking care of their family dog. See Decl. of Katrese Nickelson, at ¶¶5 - 7 Moreover, Plaintiff
3 has multiple home security surveillance systems that records the outside and inside of the Property.
4 See Decl. of Katrese Nickelson, at ¶8 Therefore, her own security surveillance systems will no doubt
5 prove her deliberate fraud and perjury.
6

7 Even though Plaintiff knew that Defendant Honor no longer resided in the Property two
8 months before she filed the complaint, she proceeded to file an unlawful detainer complaint that
9 contains materially false and misleading statements by 1) naming him as a defendant (in possession)
10 on the summons, 2) on page 1, paragraph 1 of the complaint, she falsely alleges a cause of action
11 against him 3) on page 2, paragraph 9a of the complaint, she again falsely names him as a defendant
12 (in possession) 4) on page 3, in paragraph 10a she falsely states that that she served him with a 30-
13 day notice to quit. The thirty-day notice to quit premises also contains materially false and misleading
14 statements, for example, on page 1, paragraph 1, line2, it falsely states that Defendant Honor was in
15 possession of the Property by including his name in the thirty-day notice that states “..*you are to*
16 *vacate, and turnover the property you currently possess*.. It is unlawful to prepare false
17 evidence with the intent to use it fraudulently in a legal proceeding. (California PC§ 134)
18
19

20 The verification required in the unlawful detainer complaint on page 4 was executed by
21 Plaintiff under penalty of perjury pursuant to Code of Civil Procedure section 2015.5. Plaintiff
22 submitted a fraudulent unlawful detainer complaint and a perjured verification which constitute
23 intrinsic fraud. In addition, Plaintiff's deliberate concealment from the court that Defendant Honor
24 does not reside at the Property also constitutes intrinsic fraud. Her fraud caused the court clerk to
25 issue a defective, invalid summons that lacks *any* legal effect. The summons that includes Defendant
26 Honor's name was obtained through intentionally providing materially false statements and deliberate
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1 concealment of material facts. Her fraud also caused the registered process server to prepare falsely a
 2 “proof (declaration) of service of notice to tenant” falsely claiming that she served Defendant Honor
 3 with a of “30-day notice of termination of tenancy” when that was not possible because he no longer
 4 resided there. (See Plaintiff’s Exhibits 2 and 3 attached to the complaint)

5
 6 In addition to the summons being defective, invalid and lacking *any* legal effect due to fraud,
 7 it is also such because the summons is incomplete as no box is checked on page 2, paragraph 5
 8 “NOTICE TO THE PERSON SERVED: You are served..” A summons filled out erroneously is
 9 defective because it does not meet the required legal standards. Therefore, Defendant KN was not
 10 validly served with the summons and complaint because both documents are defective and invalid.

11
 12 To note, Plaintiff’s address and phone number stated on the summons differs from her actual
 13 physical address where she lives (at the Property), and her personal phone number of (310) 714-7145,
 14 a number that Defendant KN has, for over twenty (20) years, communicated with Plaintiff by phone
 15 calls and text messages. The summons reflects an address in Los Angeles and phone number (320)
 16 290-9936 which were not known to Defendant until on or about September 2024. See Decl. of
 17 Katrese Nickelson, at ¶9.

18
 19 **A MOTION TO QUASH LIES WHEN THE COURT LACKS JURISDICTION OVER THE**
 20 **DEFENDANTS DUE TO PLAINTIFF’S INTRINSIC FRAUD: PERJURY AND FALSE**
 21 **DOCUMENTARY EVIDENCE AND; DEFECTIVE SUMMONS**

- 22 1. Section 418.10 of the Code of Civil Procedure provides that a motion to quash service of
 23 summons may be filed on the grounds that the court lacks jurisdiction over defendant.
- 24 2. Federal courts have repeatedly found that terminating sanctions are appropriate when a party
 25 commits the cardinal sin of litigation since **“fabricating evidence has been referred to as the most**
 26 **egregious misconduct which justifies a finding of fraud upon the Court.”** Kenno v. Colorado’s
 27 Governor’s Off. of Info. Tech., 2021 WL2682619, at *19 (D. Colo. June 30, 2021). Numerous courts
 28

1 have found that: "To permit the fabrication of spurious corroborating evidence without the imposition
 2 of a harsh responsive sanction would constitute an open invitation to abuse of the judicial system of
 3 the most egregious kind." Asia Pac. Agr. & Forestry Co. v. Sester Farms, 2013 WL 4742934, *11 (D.
 4 Or. Sept. 3, 2013); see Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 641 (N.D. Cal. 1978), aff'd,
 5 645 F.2d 699 (9th Cir. 1981) ("Generally speaking, **only the most egregious misconduct, such as**
 6 **... the fabrication of evidence by a party...will constitute a fraud on the court.**"). Even ...the
 7 **presentation of fraudulent evidence, and the failure to correct the false impression**" can
 8 **constitute fraud on the court.** Pumphrey v. K.W. Thompson Tool Co., 62 F.3d 1128, 1132 (9th
 9 Cir.1995). [bold added]

11 **THE COURT LACKS JURISDICTION OVER DEFENDANT IN THAT DEFENDANT WAS**
 12 **NOT PROPERLY SERVED WITH THE SUMMONS AND COMPLAINT BECAUSE THE**
 13 **SUMMONS AND COMPLAINT ARE INVALID, FATALLY DEFECTIVE AND LACKS ANY**
 14 **LEGAL EFFECT DUE TO PLAINTIFF'S INTRINSIC FRAUD: PERJURY, FALSE**
 15 **DOCUMENTARY EVIDENCE; DEFECTIVE SUMMONS**

16 1. Section 415.10 of the California Code of Civil Procedure (all further code references are to the
 17 Code of Civil Procedure, unless otherwise noted) provides that a summons (a valid summons) may be
 18 served by personal delivery of the summons and of the complaint to the person to be served.

19 2. "Intrinsic fraud is an intentionally false representation that goes to the heart of what a given
 20 lawsuit is about..." https://en.wikipedia.org/wiki/Intrinsic_fraud. The U.S. Supreme Court in United
 21 States v. Throckmorton described intrinsic fraud as "any matter which was actually presented and
 22 considered in the judgment assailed " (United States v. Throckmorton, 98 U.S. 61 (1878))
 23

24 3. Concealment is defined as, "The act of deliberately hiding information that should be divulged
 25 out of moral obligation, possibly leading to cancellation of a contract or a lawsuit for deception."
 26 <https://dictionary.justia.com/concealment>:
 27

28 4. False evidence is preparing a "matter or thing," and "doing so with the intent to produce it

as evidence in a legal proceeding” with “the intent to deceive”. It is unlawful to prepare false evidence with the intent to use it fraudulently in a legal proceeding. (California PC§ 134)

5. California Penalty of “Perjury” Law, PC § 118 defines perjury as deliberately giving false testimony while under oath. “The language of the statute reads that:

“118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury.

This subdivision is applicable whether the statement, or the testimony, declaration, deposition, or certification is made or subscribed within or without the State of California.”

6. A false summon and/or a summons filled out erroneously is defective because it does not meet the required legal standards. Service of a defective summons that has not complied with the requirements of a summons is invalid and lacks any legal effect and constitutes improper/ineffective service and confers no jurisdiction over defendants.

**A MOTION TO QUASH IS AUTHORIZED WHEN A DEFENDANT HAS NOT BEEN
PROPERLY SERVED WITH THE SUMMONS AND COMPLAINT:
INVALID / IMPROPER SERVICE**

1. California CCP §1167.4, in conjunction with CCP §418.10, gives authority for a motion to quash in unlawful detainer proceedings. Absent proper service of a valid summons, the court has no jurisdiction over the party who does not voluntarily appear. See also CCP §§415.45, 410.50.

2. A summons filled out erroneously is defective because it does not meet the required legal standards. Service of a defective summons that has not complied with the legal requirements of a summons is invalid and lacks any legal effect and constitutes improper/ineffective service.

//

JURISDICTION IS REQUIRED FOR AN ENFORCEABLE JUDGMENT

1. A judgment entered without jurisdiction over the party subject to that judgment is void. *Sternbeck v Buck* (1957) 148 CA2d 829. Service of a valid summons is a jurisdictional requirement, without which the court has no jurisdiction in the action. *Chaplin v Superior Court* (1927) 81 CA 367; CCP §1917. In an unlawful detainer action, it is of particular importance that proper service of summons be achieved. *Greene v Municipal Court* (1975) 51 CA3d 446.

2. A trial court does not have jurisdiction to render a judgment that violates the California Constitution or the Constitution of the United States. (Code Civ. Proc., §410.10.

3. Defective service of summons is not service, and service of a defective summons is not service and confers no jurisdiction over the party. *Smith v Jones* (1917) 174 C 513; *Sternbeck v Buck* (1957) 148 CA2d 829. Mere knowledge of the action, absent voluntary appearance by the party, is not sufficient for the court to assert its jurisdiction over the party. *Coulston v Cooper* (1966) 245 CA2d 866. See CCP §§415.10–415.50.

4. California CCP §§415.10–415.50 govern the methods by which a summons and complaint may be served on a defendant in an unlawful detainer action. They include personal delivery to the defendant (CCP §415.10); substituted service by personal delivery to home or business, in the presence of or to the appropriate person there, and thereafter mailing (CCP §415.20); and posting and mailing under court order (CCP §415.45).

PROPER SERVICE IN THIS MATTER HAS NOT BEEN ACHIEVED

As can be seen from the aforementioned and the declaration of Honor L. Nickelson attached to this motion, no service had been nor can be achieved on Defendant due to plaintiff's intrinsic fraud of perjury and false documentary evidence and false and defective summons. The summons and complaint are fatally defective, invalid and lacks any legal effect due to fraud, and because the

1 summons is incomplete with no box is checked on page 2, paragraph 5. Any alleged type of service
2 of a defective summons that has not complied with the requirements of a summons is invalid and
3 constitutes improper/ineffective service. In an unlawful detainer action, the right to proper service is a
4 necessity, so that the defendant tenant may respond within the allotted time.

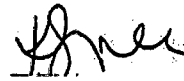
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6 In the instant case, service of the summons and complaint was not made as required by
7 statute, therefore there was no proper service.

8 CONCLUSION

9 Defendant has not been served in any valid manner provided by the California Code and
10 California Law and is therefore entitled to an order quashing service of summons in this action. For
11 the foregoing reasons, the court should grant Defendant's Motion to Quash Service of Summons.
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14 DATED: September 12, 2024

Respectfully submitted by:

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18 Katrese Nickelson,
19 In Pro Per (By Special Appearance)
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DECLARATION OF KATRESE NICKELSON

I, Katrese Nickelson, declare:

1. I am a defendant in the above-captioned unlawful detainer action.

2. The facts stated below are personally known to me. If called as a witness, I could and would competently testify as follows.

3. My son Honor Lee Nickelson has not lived at the Property since on or about July 8, 2024 – nearly two (2) months ago. Therefore, he was not in possession at the time of Plaintiff filing this action on or about August 28, 2024.

4. Honor did not receive a copy of the 30-day notice to quit premises because he did not live at the Property on July 19, 2024. Honor has not been served in any manner with a summons and complaint.

5. For over six years, and currently, Plaintiff, Kamille Nickelson, (half-sister, no blood relation to my father Mr. Nickelson), has resided at 714 N. Locust St, Compton, CA 90221 (“the Property”). On July 8, 2024, I, mother and power of attorney for Honor, informed the Plaintiff in writing by text message to (310) 714-7145 that stated in part, “He isn’t here...Honor will not be coming bck.” (See Exhibit 1, 7/8/24 Text Message to Plaintiff.)

6. Also, on the following day, on or about July 9, 2024, I also verbally informed the Plaintiff in person, face-to-face at the Property, that Honor no longer lived there and would not be coming back. Since July 8, 2024, I have been safekeeping with me at the Property some of his personal possessions and taking care of our family dog.

7. Plaintiff has multiple home security surveillance systems that records the outside and inside of the Property.

8. Plaintiff’s address and phone number stated on the summons differs from her actual physical

1 address where she lives (at the Property), and her personal phone number of (310) 714-7145, a
2 number that Defendant KN has, for over twenty (20) years, communicated with Plaintiff by phone
3 calls and text messages. The summons reflects an address in Los Angeles and phone number (320)
4 290-9936 which were not known to me until on or about September 2024.

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6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct, and that this declaration was executed on September 12, 2024 in Los Angeles
8 County, California.

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10 DATED: September 12, 2024



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12 Katrese Nickelson
13 Declarant (By Special Appearance)
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Exhibit A

Text Message on 7/8/24 from Defendant KN to Plaintiff

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CERTIFICATE OF COMPLIANCE

I hereby certify that this Petition complies with Supreme Court Rules 33.2 of paper format, typeset of Century Schoolbook, 12 point, double spacing, pages amounting to 16 and word limitations. This petition contains 3,770 words excluding the parts exempted by Rule 33.1. The word processing system used to prepare the Petition is Microsoft Word which was also used to calculate the word count.



By _____
Jane Doe 1
Petitioner, Pro Per
2510 Monterey Street
Torrance, CA 90503
Specially Appearing

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

South Central District, Compton Courthouse, Department A

24CMUD01380

October 18, 2024

REDACTED - JANE DOE 2 vs. REDACTED - JANE DOE 1 et al.

8:30 AM

Judge: Honorable Michael Shultz
 Judicial Assistant: Chantel Warren
 Courtroom Assistant: Kathryn Gray

CSR: None
 ERM: Electronically Recorded
 Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): (By Jeffrey Halliker for Rebecca Louise Hufford-Cohen Via LA CourtConnect)

For Defendant(s): JANE DOE 1 (Via LA CourtConnect)

NATURE OF PROCEEDINGS: Hearing on Motion to Quash Service of Summons; Hearing on Motion to Quash Service of Summons

Cause is called for Hearings.

The Court reviews and considers the Motion to Quash Service of Summons, and, Motion to Quash Service of Summons, filed by the Defendant on September 16, 2024 at 11:11 A.M. and 11:14 A.M., and, all Documents related to the Motions.

A Tentative Ruling is issued by the Court.

Defendant orally requests to continue the Motions to Quash. The Court Denies the Defendant's oral request to Continue. The Court finds the Defendant's oral request is untimely, and, is not a Noticed Motion.

Counsel for Plaintiff submits to the Court's Tentative Ruling.

Defendant responds to the Court's Tentative Ruling.

The Court orders the Tentative Ruling is Adopted as the Final Ruling by the Court. The Defendant's Motion to Quash Service of Summons filed by John Doe on 09/12/2024 is Denied.

The Defendant's Motion to Quash Service of Summons filed by JANE DOE 1 on 09/12/2024 is Denied.

ORDER DENYING DEFENDANT, REDACTED - JANE DOE 1, MOTION TO QUASH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

South Central District, Compton Courthouse, Department A

24CMUD01380

October 18, 2024

8:30 AM

REDACTED - JANE DOE 2 vs REDACTED - JANE DOE 1 et al.

Judge: Honorable Michael Shultz
 Judicial Assistant: Chante' Warren
 Courtroom Assistant: Kathryn Gray

CSR: None
 ERM: Electronically Recorded
 Deputy Sheriff: None

I. BACKGROUND FACTS

This is an unlawful detainer action arising from Defendant's alleged unauthorized occupancy of Plaintiff's residence. Plaintiff dismissed Defendant, Jane Doe 1, ("Jane 1") on October 2, 2024.

Defendant, Jane Doe 1 ("Jane 1"), moves to quash service of summons, contending that although she received a copy of the summons and complaint, this does not constitute service on John Doe who does not live at the premises. Jane 1 argues that the complaint includes false representations which invalidates the summons. The summons is also incomplete for failure to check a box on page 2, ¶ 3, indicating the capacity in which Defendant is served.

In opposition, Plaintiff argues service was properly made on Defendant Jane 1, who did not provide any evidence to support her claims. Plaintiff is entitled to a presumption that service was lawfully made.

In reply, Defendant argues that the complaint's failure to state a cause of action cannot support summons.

II. DISCUSSION

As Plaintiff dismissed Defendant John Doe his motion to quash is taken off calendar.

Defendant Jane 1 can move to quash service of summons based on the court's lack of jurisdiction over Defendant. (Code Civ. Proc., § 418.10, subd. (a)(1). Plaintiff bears the burden of proving by a preponderance of evidence that "all necessary jurisdictional criteria are met." (Zitler Electronics Lab GmbH v. Superior Court (1988) 206 Cal.App.3d 1222, 1233; Dill v. Berquist Construction Co. (1994) 24 Cal.App.4th 1426, 1439-1440.)

Defendant's contentions that the complaint fails to state a claim and asserts fraudulent statements are not relevant to the issue of whether the court has jurisdiction over Defendant. In the context of an unlawful detainer action, "the motion to quash remains a limited procedural tool appropriate where the court lacks personal jurisdiction because the statutory requirements for service of process are not fulfilled, or the summons is defective. ... A defendant may not use a motion to quash service of summons under section 418.10, subdivision (a)(1) to contest any conceivable defect or the merits of the allegations contained in an unlawful detainer complaint. A defendant may instead make use of other motions; a demurrer, motion to strike, or

2c
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

South Central District, Compton Courthouse, Department A

245M117M01380

REDACTED - JANE DOE 2 vs. REDACTED - JANE DOE 1 & al.

October 18, 2024

8:30 AM

Judge: Honorable Michael Shultz
Judicial Assistant: Chante' Warren
Courtroom Assistant: Kathryn Gray

CSR: None
ERM: Electronically Recorded
Deputy Sheriff: None

answer. (Stancil v. Superior Court (2021) 11 Cal.5th 381, 396.)

Defendant argues the summons is defective because she is not familiar with the address for Plaintiff that appears. Defendant does not cite any authority for the claim that her unfamiliarity with Plaintiff's address renders the summons invalid. Nor has Defendant cited authority that failure to indicate that Plaintiff is suing her as a defendant, under a fictitious name, as an occupant or on behalf of a corporation renders the summons invalid.

Defendant's reliance on *Greene v. Municipal Court* (1975) 51 Cal.App.3d 446 is misplaced. The summons in *Greene* was fatally defective because it required a response within five days pursuant to Code Civ. Proc., § 1167 governing unlawful detainer actions, although the complaint did not allege a claim for unlawful detainer. (*Greene* at 451.) Therefore, the summons was defective because it improperly shortened Defendant's time to plead, which would otherwise have been 30 days. (*Greene* at 452.)

The return of service effected by a registered process server establishes a presumption of affecting the burden of producing evidence of the facts stated in the return. (Evid. Code, § 647.)

The proof of service indicates that Defendant Jane 1 was personally served on September 7, 2024, at the residence at issue. (POS filed 10/2/24.) Jane 1 also admits she received a copy of the summons and complaint. (Mot. 3:14-16.)

III. CONCLUSION

Accordingly, Defendant's motion to quash is DENIED. Defendant is ordered to respond within five days. (Code Civ. Proc., § 1167.4.)

Counsel for Plaintiff to give notice.

POS-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Katrese Nickelson PO Box 3521 Torrance, CA 90510 TELEPHONE NO.: (310) 721-1788 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per		FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 9/16/2024 10:45 AM David W. Slayton, Executive Officer/Clerk of Court, By S. Johnson, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 200 W. Compton Blvd MAILING ADDRESS: same CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central		
PETITIONER/PLAINTIFF: Kamille Nickelson RESPONDENT/DEFENDANT: Katrese Nickelson, Honor Lee Nickelson		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 24CMUD01380

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
813 Harbor Blvd. Ste. 220
West Sacramento, CA 95691
- On (date): September 16, 2024 I mailed from (city and state): Sacramento, CA
the following documents (specify):
1) Defendant Katrese L. Nickelson's Notice of Motion and Motion to Quash Service of Summons; Supporting Memorandum; Def. Katrese L. Nickelson's Declaration 2) [Proposed] Order Granting Defendant Katrese L. Nickelson's Notice of Motion and Motion to Quash Service of Summons 3) Notice of Errata Re: Defendant's Motion to Quash Service of Summons 4) Litigation hold letter
☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
- I served the documents by enclosing them in an envelope and (check one):
a. ☐ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
b. ☒ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
a. Name of person served: Kamille Nickelson
b. Address of person served:
714 N. Locust Avenue
Compton, CA 90221

☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: September 16, 2024

James Thomas

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

Electronically FILED by
Superior Court of California,
County of Los Angeles
9/16/2024 11:11 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By R. Cruz-Marquez, Deputy Clerk

Katrese L. Nickelson
PO Box 3521
Torrance, CA 90510
(310) 721-1788
In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTH CENTRAL, LIMITED CIVIL CASE

Kamille Nickelson,

Plaintiff,

vs.

Katrese Nickelson, Honor Lee Nickelson,

and DOES 1-5,

Defendants.

Case No.: 24CMUD01380

**NOTICE OF ERRATA RE: DEFENDANT
KATRESE L. NICKELSON'S NOTICE OF
MOTION AND MOTION TO QUASH
SERVICE OF SUMMONS (BY SPECIAL
APPEARANCE)**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Katrese Nickelson, hereby respectfully submits the following Notice of Errata regarding Defendant Katrese L. Nickelson's Notice of Motion and Motion to Quash Service of Summons ("Motion"), which was originally filed on September 12, 2024.

Due to an oversight and inadvertent error, the text message dated July 8, 2024 was omitted from Exhibit "A" in the Motion, and is attached hereto as Exhibit "A" and incorporated herein by reference.

Defendant apologizes for the error, respectfully submits a corrected Exhibit "A" for the Motion with this Notice, and respectfully requests that the attached Exhibit "A" be substituted in the Motion that was previously filed. The substance of the Motion is identical to the Motion that was filed

NOTICE OF ERRATA RE: DEFENDANT KATRESE L. NICKELSON'S NOTICE OF MOTION AND MOTION
TO QUASH SERVICE OF SUMMONS

1 on September 12, 2024.

2 Defendant would be happy to file the corrected Motion as a separate document if the Court
3 would prefer that the error on the exhibit be corrected that way.

4 DATED: September 14, 2024

Respectfully Submitted,

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7
8 Katrese Nickelson
9 Defendant, In Pro Per
By Special Appearance

Exhibit A

Text Message on 7/8/24 from Defendant KN to Plaintiff

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EXHIBIT A-1

Katrese L. Nickelson
PO Box 3521
Torrance, CA 90510
(310) 721-1788
In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTH CENTRAL DISTRICT LIMITED CIVIL CASE

Kamille Nickelson,

Plaintiff,

vs.

Katrese L. Nickelson, Honor Nickelson, and

DOES 1-5

Defendants.

Case No. 24CMUD01380

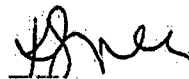
Action Filed: August 28, 2024

AFFIDAVIT OF AUTHENTICITY

I, Katrese Nickelson, declare that the following Exhibit A, which is a text message dated July 8, 2024 from Katrese Nickelson to Kamille Nickelson, is a true and correct [redacted] copy of the text that I retrieved from my phone.

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

Dated: September 14, 2024



Katrese Nickelson
Defendant, In Pro Per
By Special Appearance

EXHIBIT A-2

+1 (310) 714-7145 >

Mon, Jul 8, 11:43 AM

He isn't here.

REDACTED

REDACTED

Honor will not be coming bck.

POS-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Katrese Nickelson PO Box 3521 Torrance, CA 90510 TELEPHONE NO.: (310) 721-1788 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per		FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 9/16/2024 10:45 AM David W. Slayton, Executive Officer/Clerk of Court, By S. Johnson, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 200 W. Compton Blvd MAILING ADDRESS: same CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central		
PETITIONER/PLAINTIFF: Kamille Nickelson RESPONDENT/DEFENDANT: Katrese Nickelson, Honor Lee Nickelson		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 24CMUD01380

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
813 Harbor Blvd. Ste. 220
West Sacramento, CA 95691
- On (date): September 16, 2024 I mailed from (city and state): Sacramento, CA
the following documents (specify):
1) Defendant Katrese L. Nickelson's Notice of Motion and Motion to Quash Service of Summons; Supporting Memorandum; Def. Katrese L. Nickelson's Declaration 2) [Proposed] Order Granting Defendant Katrese L. Nickelson's Notice of Motion and Motion to Quash Service of Summons 3) Notice of Errata Re: Defendant's Motion to Quash Service of Summons 4) Litigation hold letter
☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
- I served the documents by enclosing them in an envelope and (check one):
a. ☐ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
b. ☒ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
a. Name of person served: Kamille Nickelson
b. Address of person served:
714 N. Locust Avenue
Compton, CA 90221

☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: September 16, 2024

James Thomas

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

Rebecca Hufford-Cohen, Esq. SBN 101783
 Law Offices of Rebecca Hufford-Cohen
 468 North Camden Drive, Suite 200
 Beverly Hills, California 90210
 Telephone (310) 279-5137

Attorneys for Plaintiff

Electronically FILED by
 Superior Court of California,
 County of Los Angeles
 10/09/2024 9:22 AM
 David W. Slayton,
 Executive Officer/Clerk of Court,
 By A. Sanchez, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

KAMILLE NICKELSON,

Plaintiff

vs.

KATRESE NICKELSON, HONOR LEE
 NICKELSON, ET AL.

Defendants

Case No. 24CMUD01380

PLAINTIFF'S OPPOSITION TO
 DEFENDANT'S MOTION TO QUASH
 DECLARATION OF PLAINTIFF KAMILLE
 NICKELSON

DATE: December 11, 2024

TIME: 8:30 am

DEPT. 7

PLAINTIFF'S OPPOSITION TO DEFENDANT MOTION TO QUASH

MEMORANDUM OF POINTS AND AUTHORITIES**I.****PROCEDURAL HISTORY**

Plaintiff is the owner of real property located at 714 N. Locust Avenue Room #1, Compton CA 90221. On July 19, 2024, Plaintiff served Defendant's with a 30-day Notice to Quit. Defendants failed to vacate the real property, thus Plaintiff filed an unlawful detainer action.

Despite being personally served, Defendant Katrese L. Nickelson filed this Motion to Quash claiming service of the complaint was defective.

II.**MOTION TO QUASH SERVICE OF SUMMONS SHOULD BE DENIED SINCE
SERVICE WAS PROPER.**

California Civil Code of Procedure § 415.10 states "A summons may be served by personal delivery of a copy of the summons and of the complaint to the person to be served. Service of a summons in this manner is deemed complete at the time of such delivery."

California Evidence Code § 647 asserts that there is a presumption service was properly performed by a Registered Process Server. *Palm Prop. Invs., LLC v Yadegar* (2011) 194 CA4th 1419, 1427. The burden is upon defendant to prove she was not personally served. Service was performed by Lisa Franklin, a registered process server, who signed under penalty of perjury that Defendant was personal served with the summons and complaint. A true and correct copy of the Proof of Service is attached hereto as Exhibit A.

Here, Defendant Katrese claims service upon Defendant Honor is invalid, however, Defendant Katrese does not have any legal authority to respond on his behalf. Defendant Honor has been dismissed from the case.

Defendant Katrese claims the summons is defective but fails to provide any proof support her claims.

Therefore, the presumption is that service was valid and the Motion to Quash Service of Summons should be denied.

IV.

CONCLUSION

It is hereby respectfully requested the court deny Defendant's Motion to Quash and require Defendant to file an answer within 5 days. Furthermore, Plaintiff respectfully requests that it be allowed to recover its fees and costs necessarily incurred in opposing Defendants' frivolous motion.

Dated: October 8, 2024

Law Offices of Rebecca Hufford-Cohen



By: Rebecca Hufford-Cohen

DECLARATION OF KAMILLE NICKELSON

I, Kamille Nickelson, declare as follows:

1. I am the plaintiff and owner of the property located at 714 North Locust Avenue, Compton, CA 90221, the subject matter of this unlawful detainer case. The facts set forth in this declaration are made of my own personal knowledge, and if called, I could and would testify competently thereto.
2. Defendant resides inside the same dwelling as myself, specifically Room #1.
3. On September 7, 2024 at 10:00AM, I opened the front door and let the process server, Lisa Franklin, into my home.
4. At 10:00AM, Defendant, Katrese Nickelson was walking down the hallway of the home. Ms. Franklin handed her a copy of the Summons and Complaint, case No. 24CMUD01380.

I declare under the penalty of perjury that the forgoing is true and correct. Dated this 8th of October 2024, Compton, CA.



Kamille Nickelson

EXHIBIT A

PROOF OF SERVICE OF SUMMONS

(Separate proof of service is required for each party served.)

- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

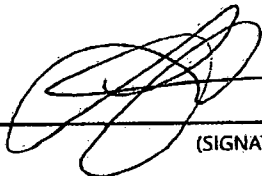
PLAINTIFF / PETITIONER: Kamille Nickelson	CASE NUMBER: 24CMUD01380
DEFENDANT / RESPONDENT: Katrese Nickelson, Honor Lee Nickelson	

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (*specify means of service and authorizing code section*):
- ☐ Additional page describing service is attached.
6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☐ On behalf of (*specify*):
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| <input type="checkbox"/> other: | |
7. Person who served papers
- a. Name: Lisa Franklin
- b. Address: 5042 Wilshire Blvd. #228, Los Angeles, CA 90036
- c. Telephone number: 323-642-7378
- d. The fee for service was: \$51.00
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor
- (ii) Registration No: 2021095911
- (iii) County: Los Angeles
8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 09/19/2024

Lisa Franklin

(NAME OF PERSON WHO SERVED PAPERS / SHERIFF OR MARSHAL)



 (SIGNATURE)

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is:

468 North Camden Drive, Suite 200 Beverly Hills, CA 90210

On October 8, 2024, I served the foregoing document(s) described **OPPOSITION TO MOTION TO QUASH** as on the interested parties in this action by placing a true (x) copy () original thereof enclosed in a sealed envelope addressed as follows:

Katrese Nickelson
714 North Locust Avenue Room #1
Compton, CA 90221

☐ **BY ELECTRONIC DELIVERY (EMAILED TO):**

☐ **BY OVERNITE EXPRESS DELIVERY:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the OVERNITE EXPRESS DELIVERY DROP BOX on the same day with postage thereon fully prepaid at Santa Ana, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation or postage meter date is more than one day after date of deposit for mailing in affidavit.

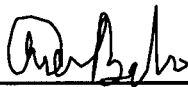
☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY PERSONAL SERVICE:** I delivered such envelope by hand to the offices of the addressee(s).

☐ **BY FAX:** (Code Civ. Prod. § 1013(a),(e); Cal. Rules of Court, rule 2.306)-By transmitting said document(s) by electronic facsimile to the respective facsimile numbers(s) of the party(ies). The facsimile machine I used complied with California Rules of Court, rule 2.3014, and no error was reported by the machine.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 8, 2024 at Beverly Hills California.



Ana Bebekian

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

OCT 16 2024

David W. Blayton, Executive Officer/Clerk of Court

Katrese L. Nickelson
PO Box 3521
Torrance, CA 90510
(310) 721-1788
In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTHCENTRAL DISTRICT, LIMITED CIVIL CASE

Kamille Nickelson,

Plaintiff,

vs.

Katrese Nickelson, Honor Lee Nickelson, and

Does 1-5,

Defendant.

Case No.: 24CMUD01380

**DEFENDANT'S REPLY IN SUPPORT OF
MOTION TO QUASH SERVICE OF
SUMMONS**

Hearing Date: October 18, 2024

Time: 8:30 am

Dept.: A

Action filed: August 28, 2024

Trial date: TBD

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DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS

I. REPLY INTRODUCTION

As mentioned, despite Plaintiff's personal knowledge of material facts, she has deliberately committed intrinsic fraud in the form of perjury and false documentary evidence. She intentionally provided materially false statements and deliberately concealed material facts. Plaintiff filed "under penalty of perjury" a unlawful detainer action that fraudulently included Honor Nickelson as a Defendant. Merely filing a dismissal of Defendant Honor Nickelson from this action does not remedy/cure the fraud, false documentary evidence, perjury or fatal defect in the notice and complaint which renders the summons defective and invalid, conferring no jurisdiction over defendant.

To note, at the time defendant requested a hearing date for the Motion to Quash, defendant specifically requested a date within 29 days of the expected filing date of 9/12/24, but the court informed her that December 11, 2024 was the earliest hearing date it could provide. Defendant had no control over the court's calendar and the initial 12/11/24 hearing date it provided. Nonetheless, on 10/10/24, within the statutory timeframe, the court on its own moved to advance the hearing date to October 18, 2024.

II. SERVICE OF A 5-DAY SUMMONS ON A COMPLAINT THAT FAILS TO STATE A CAUSE OF ACTION FOR UNLAWFUL DETAINER IS DEFECTIVE AND DOES NOT GIVE THE COURT JURISDICTION OVER THE DEFENDANT.

A. Plaintiff's fraud and perjury resulted in a fatally defective thirty-day notice of termination and fatally defective complaint that fails to state a cause of action for unlawful detainer.

Service of a 5-day summons on a complaint that fails to state a cause of action for unlawful detainer is defective and does not give the court jurisdiction over the defendant; it is therefore subject to a motion to quash. [*Greene v Municipal Court* (1975) 51 CA3d 446, 451-452.], California Judges Benchguide 31 § 31.8 (2). In *Green* the court stated that "...the municipal court

DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS

1 lacked subject matter jurisdiction, and the five-day summons was invalid." Likewise, in this case, the
 2 five-day summons is defective and invalid because the complaint is defective in that it fails to state a
 3 cause of action as a fatally defective termination notice cannot support a cause of action for unlawful
 4 detainer. See *Hinman v. Wagon* (1959) 172 Cal.App.2d 24 [held that plaintiff failed to state an
 5 unlawful detainer cause of action where the notice to quit was fatally defective.] The notice is fatally
 6 defective because it fraudulently claims that my son, Defendant Honor Nickelson, is in possession of
 7 the Property. It is undisputed that Defendant Honor Nickelson has not lived at the Property since July
 8 8, 2024 and at no point has he ever been back. Plaintiff, herself, lives at the Property and has first-
 9 hand knowledge of the fact that he has not lived there since 7/8/24, yet she has repeatedly lied. In
 10 addition, Plaintiff was twice informed (in writing 7/8/24 and in person 7/9/24) that Honor Nickelson
 11 no longer lived there. It is also undisputed that Defendant Honor Nickelson was not in possession of
 12 the Property at the time Plaintiff had the 30-day notice posted, nor at the time Plaintiff filed the action
 13 on 8/28/24. See Exhibit 1 "Declaration of Honor Nickelson" from his Motion to Quash)

14 Thus, the Notice on its face is fatally defective and will not support an unlawful detainer
 15 action. Notice requirements in unlawful detainers are strictly construed and must be strictly followed.
 16 There is no cause of action for unlawful detainer if the 30-day termination notice is defective. Strict
 17 compliance with termination notice requirements is a prerequisite for a landlord to invoke the
 18 summary procedures applicable to unlawful detainer. See *Dr. Leevll, LLC v Westlake Health Care*
 19 *Ctr.* (2018) 6 C5th 474, 480; *Llebovich v Shahrokhkhany* (1997) 56 CA4th 511, 513. Notices that do
 20 not strictly comply with the requirements are not valid. *Bevill v Zoura* (1994) 27 CA4th 694, 697.

21 Plaintiff cannot claim "mistake" because there was repeated deliberate lies with the intent to
 22 deceive, as the complaint form even provides multiple opportunities to catch any "mistake", yet
 23 Plaintiff persisted with the false statements. For instance, several places on the complaint form she
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 DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS

provides materially false and misleading statements: 1) she falsely named him as a defendant (in possession) on the summons. 2) she falsely claims a cause of action against him for unlawful detainer. (page 1, para. 1.) 3) she again falsely names him as a defendant (in possession) (page 2, para. 9a). 4) she lied about serving him with a 30-day notice when that was not possible because he did not live at the Property at that time, which plaintiff was well aware of. (page 3, para.10a). 5) her thirty-day notice to quit also contains materially false and misleading statements; it falsely states that Defendant Honor was in possession of the Property by including his name in the notice that states "...you are to vacate, ..." (page 1, para. 1, line 2).

Again, filing a dismissal of Defendant Honor Nickelson from this action does not remedy/cure the fraud, false documentary evidence, perjury or fatal defect in the notice and complaint which renders the summons defective and invalid, conferring no jurisdiction over defendant.

III. PLAINTIFF'S REQUEST THAT THE COURT ORDER DEFENDANT TO FILE AN ANSWER ONLY, IS UNLAWFUL.

"If a defendant files a motion to quash which is denied, defendant has 5 days to *respond* to the complaint, *i.e.*, to file an answer or demurrer, etc. See CCP §§422.10, 1170. A court cannot order a defendant to file only an answer. *Batenschoen v Flaker* (2017) 16 CA5th Supp 10, 15." California Judges Benchguide 31 §31.9(4). Therefore, plaintiff's request for such an order must be denied.

IV. CONCLUSION

Plaintiff committed intrinsic fraud and also served a defective complaint, therefore service of the summons is defective and invalid. Service of a 5-day summons on a complaint that fails to state a cause of action for unlawful detainer is defective and does not give the court jurisdiction over the defendant. For each of the foregoing reasons, the Motion to Quash Service of Summons should be granted.

DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS

1 DATED: October 16, 2024

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4 Katrese Nickelson
5 In Pro Per. (By Special Appearance)
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DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS

EXHIBIT 1

(Declaration of Honor Nickelson from his Motion to Quash)

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DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS

DECLARATION OF HONOR NICKELSON

I, Honor Nickelson, declare:

1. I am a defendant in the above-captioned unlawful detainer action.
2. The facts stated below are personally known to me. If called as a witness, I could and would competently testify as follows.
3. I have not lived at the Property since on or about July 8, 2024 – nearly two (2) months ago. Therefore, I was not in possession at the time of Plaintiff filing this action on or about August 28, 2024.
4. I did not receive a copy of the 30-day notice to quit premises because I did not live at the Property on July 19, 2024. I have not been served in any manner with a summons and complaint. Any alleged service on my mother, Katrese Nickelson, is not “automatic” service on me.
5. For over six years, and currently, Plaintiff, Kamille Nickelson, has resided at 714 N. Locust St, Compton, CA 90221 (“the Property”).
6. On July 8, 2024, on my behalf, Katrese, my mother and power of attorney, informed the Plaintiff in writing by text message to (310) 714-7145 that I wasn’t at the Property and that I would not be coming back, stating “...He isn’t here...Honor will not be coming bck...” (Exhibit 1, 7/8 Text Message to Plaintiff).
7. Also, on the following day, on or about July 9, 2024, my mother and power of attorney also verbally informed the Plaintiff in person, face-to-face at the Property, that I no longer lived there and that I would not be back. Since July 8, 2024, my mother has been safekeeping with her at some of my personal possessions and taking care of our family dog.
8. Plaintiff has multiple home security surveillance systems that record sthe outside and inside of the Property.

1 9. Plaintiff's address and phone number stated on the summons differs from her actual physical
2 address where she lives (at the Property), and her personal phone number of (310) 714-7145. The
3 summons reflects an address in Los Angeles and phone number (320) 290-9936 which are not known
4 to me.

5
6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct, and that this declaration was executed on September 12, 2024 in the State of
8 California.

9 DATED: September 12, 2024

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11 

12
13 Honor Nickelson
14 Declarant (By Special Appearance)

Exh. 1-3

Exhibit A

Text Message on 7/8/24 from Defendant KN to Plaintiff

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EXHIBIT A

Exh 1-4

+1 (310) 714-7145

Mon, Jul 8, 11:49 AM

to: [redacted]

[redacted]

[redacted]

[redacted]

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ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Katrese Nickelson FIRM NAME: STREET ADDRESS: PO Box 3521 CITY: Torrance STATE: CA ZIP CODE: 90510 TELEPHONE NO.: (310) 721-1788 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 200 W. Compton Blvd MAILING ADDRESS: same CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central District	CASE NUMBER: 24CMUD01380
Plaintiff/Petitioner: Kamille Nickelson Defendant/Respondent: Katrese Nickelson et al	JUDICIAL OFFICER: Hon. Michael Shulz
PROOF OF SERVICE—CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	DEPARTMENT: A

**Do not use this form to show service of a summons and complaint or for electronic service.
See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:
3637 Glendon Ave, Suite 203, Los Angeles, CA 90034
3. ☐ The fax number from which I served the documents is (complete if service was by fax):
4. On (date): **October 16, 2024** I served the following documents (specify):
Defendant's Reply In Support of Motion To Quash Service of Summons

☐ The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served: **Kamille Nickelson**
 - b. ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)
 Business or residential address where person was served:
714 N. Locust Ave, Compton, CA 90221
 - c. ☐ (Complete if service was by fax.)
 Fax number where person was served:☐ The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means (specify):
 - a. ☐ **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

CASE NAME: Nickelson vs. Nickelson	CASE NUMBER: 24CMUD01380
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6. b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☒ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date: October 16, 2024

Russell Loza

(TYPE OR PRINT NAME OF DECLARANT)



Russell Loza

(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date: _____

(NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)