

**FILED**  
July 17, 1970  
Court of California  
County of Los Angeles

OCT 25 2020

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

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

11 REDACTED - JANE DOE 1 No. 24APCP00144  
12 Petitioner, Compton Trial Court  
13 v.  
14 THE SUPERIOR COURT OF THE STATE OF  
15 CALIFORNIA FOR THE COUNTY OF  
16 LOS ANGELES;  
17 Respondent, ORDER  
18 REDACTED - JANE DOE 2  
19 Real Party in Interest.

20 The October 23, 2024 writ petition/stay request has been considered and is denied.  
7T Petitioner has not provided an adequate record establishing the trial court abused its discretion  
22 in denying her motion to quash. (See *Stancil v. Superior Court* (2021) 11 Cal.5th 381, 391  
23 [motion to quash service of summons may not be used as a means of disputing the merits of an  
24 unlawful detainer complaint or to argue the plaintiff failed to comply with pleading  
25 requirements]; *Blank v. Kirwan* (1985) 39 Cal.3d 311, 331 [burden is on the party alleging error  
26 to demonstrate abuse of discretion]; *Sherwood v. Superior Court* (1979) 24 Cal.3d 183, 186-  
27 187 [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.

  
Gullipone, J.

34  
SUPREME COURT  
FILED

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

Jorge Navarrete Clerk

S288140

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 - -----

## SECOND APPELLATE DISTRICT

## DIVISION SEVEN

FILED

Nov 20, 2024

EVA SHOULSTOCK, CLERK  
C. Meza \_\_\_\_\_ D. \_\_\_\_\_

REDACTED - JANE DOE 1

B342007

Petitioner,

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

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

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

SEGAL, Acting P. J.

STONE, J.

PULOS, J. (Assigned)

*Segal* *Stone**Pulos*

1 Katrese L. Nickelson  
2 PO Box 3521  
3 Torrance, CA 90510  
3 (310) 721-1788  
3 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

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

## 1 STATEMENT OF FACTS

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

9  
10 Defendant Honor has not lived at the Property since on or about July 8, 2024. He did not  
11 receive a copy of the 30-day notice to quit premises because he did not live at the Property on July  
12 19, 2024. Defendant Honor has not been served in any manner with a summons and complaint.  
13 Defendant Katrese Nickelson received a copy of the summons and complaint. Any alleged service on  
14 her is not deemed "automatic" service on Defendant Honor. There was no service to an authorized  
15 person on his behalf. See Decl. of Katrese Nickelson, at ¶¶3, 4

16  
17 For over six years, and presently, Plaintiff, Kamille Nickelson (half-sister, no blood relation to  
18 my father Mr. Nickelson), has resided at 714 N. Locust St, Compton, CA 90221 ("the Property"). As  
19 such, Plaintiff has first-hand personal knowledge that Defendant Honor Lee Nickelson ("Honor") has  
20 not lived at the Property since on or about July 8, 2024 - nearly two (2) months ago! On July 8, 2024,  
21 Plaintiff was informed in writing by text message at (310) 714-7145 from his mother and power of  
22 attorney, Defendant Katrese Nickelson ("KN"), that stated in part, "He isn't here...Honor will not be  
23 coming bck." (See Exhibit 1, 7/8/24 Text Message to Plaintiff). Also, on the following day, on or  
24 about July 9, 2024, Defendant KN also verbally informed the Plaintiff in-person, face-to-face at the  
25 Property, that Defendant Honor no longer lived there and would not be coming back. Since July 8,  
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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 The verification required in the unlawful detainer complaint on page 4 was executed by  
20 Plaintiff under penalty of perjury pursuant to Code of Civil Procedure section 2015.5. Plaintiff  
21 submitted a fraudulent unlawful detainer complaint and a perjured verification which constitute  
22 intrinsic fraud. In addition, Plaintiff's deliberate concealment from the court that Defendant Honor  
23 does not reside at the Property also constitutes intrinsic fraud. Her fraud caused the court clerk to  
24 issue a defective, invalid summons that lacks *any* legal effect. The summons that includes Defendant  
25 Honor's name was obtained through intentionally providing materially false statements and deliberate  
26

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

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

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

19 1. Section 418.10 of the Code of Civil Procedure provides that a motion to quash service of  
20 summons may be filed on the grounds that the court lacks jurisdiction over defendant.  
21  
22 2. Federal courts have repeatedly found that terminating sanctions are appropriate when a party  
23 commits the cardinal sin of litigation since “**fabricating evidence has been referred to as the most**  
24 **egregious misconduct which justifies a finding of fraud upon the Court.**” Kenno v. Colorado’s  
25 Governor’s Off. of Info. Tech., 2021 WL2682619, at \*19 (D. Colo. June 30, 2021). Numerous courts  
26  
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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]

10

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  
20 2. "Intrinsic fraud is an intentionally false representation that goes to the heart of what a given  
21 lawsuit is about..." [https://en.wikipedia.org/wiki/Intrinsic\\_fraud](https://en.wikipedia.org/wiki/Intrinsic_fraud). The U.S. Supreme Court in United  
22 States v. Throckmorton described intrinsic fraud as "any matter which was actually presented and  
23 considered in the judgment assailed " (United States v. Throckmorton, 98 U.S. 61 (1878))  
24  
25 3. Concealment is defined as, "The act of deliberately hiding information that should be divulged  
26 out of moral obligation, possibly leading to cancellation of a contract or a lawsuit for deception."  
27  
28 <https://dictionary.justia.com/concealment>:  
4. False evidence is preparing a "matter or thing," and "doing so with the intent to produce it

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

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

5 "118. (a) Every person who, having taken an oath that he or she will testify, declare, depose,  
6 or certify truly before any competent tribunal, officer, or person, in any of the cases in which  
7 the oath may by law of the State of California be administered, willfully and contrary to the  
8 oath, states as true any material matter which he or she knows to be false, and every person  
9 who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in  
10 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.

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

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

17 **A MOTION TO QUASH IS AUTHORIZED WHEN A DEFENDANT HAS NOT BEEN  
18 PROPERLY SERVED WITH THE SUMMONS AND COMPLAINT:**

19 **INVALID / IMPROPER SERVICE**

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

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

26 //

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

**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.  
5

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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Katrese Nickelson,  
In Pro Per (By Special Appearance)

**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.  
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 Los Angeles  
8 County, California.

9  
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

29

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**  
**Civil Division**  
**South Central District, Compton Courthouse, Department A**

24CMUD01380

REDACTED - JANE DOE 2

REDACTED - JANE DOE 1

October 18, 2024

8:30 AM

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

CSR: None  
ERM: Electronically Recorded  
Deputy Sheriff: None

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**APPEARANCES:**

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

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

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

Court 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

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Minute Order.

Page 1 of 3

Appendix B

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## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

South Central District, Compton Courthouse, Department A

24CIVUD01380

REDACTED - JANE DOE 2 vs REDACTED - JANE DOE 1 et al.October 18, 2024  
8:30 AMJudge: Honorable Michael Shultz  
Judicial Assistant: Cherie Warren  
Courtroom Assistant: Kathryn GrayCSR: 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, ¶ 5, 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's 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." (Ziller Electronics Lab GmbH v. Superior Court (1988) 206 Cal.App.3d 1222, 1233; Dill v. Bergquist 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

24571701380

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

October 18, 2024  
8:30 AM

Judge: Honorable Michael Shultz  
Judicial Assistant: Chanté 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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Katrese Nickelson PO Box 3521 Torrance, CA 90510</b>		FOR COURT USE ONLY
TELEPHONE NO.: (310) 721-1788 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per		<b>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</b>
<b>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</b>		
<b>PETITIONER/PLAINTIFF: Kamille Nickelson RESPONDENT/DEFENDANT: Katrese Nickelson, Honor Lee Nickelson</b>		CASE NUMBER: <b>24CMUD01380</b>
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>		

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

1. 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.
2. My residence or business address is:  
813 Harbor Blvd. Ste. 220  
West Sacramento, CA 95691
3. 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)).
4. I served the documents by enclosing them in an envelope and (check one):
  - depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - 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.
5. 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)

1 Katrese L. Nickelson  
2 PO Box 3521  
3 Torrance, CA 90510  
4 (310) 721-1788  
5 In Pro Per

6a  
7 Electronically FILED by  
8 Superior Court of California,  
9 County of Los Angeles  
10 9/16/2024 11:11 AM  
11 David W. Slayton,  
12 Executive Officer/Clerk of Court,  
13 By R. Cruz-Marquez, Deputy Clerk

14  
15 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
16 SOUTH CENTRAL, LIMITED CIVIL CASE

17 Kamille Nickelson, } Case No.: 24CMUD01380  
18 Plaintiff, }  
19 vs. }  
20 Katrese Nickelson, Honor Lee Nickelson, }  
21 and DOES 1-5, }  
22 Defendants. }  
23  
24

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

29 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

30 **PLEASE TAKE NOTICE** that Defendant Katrese Nickelson, hereby respectfully submits  
31 the following Notice of Errata regarding Defendant Katrese L. Nickelson's Notice of Motion and  
32 Motion to Quash Service of Summons ("Motion"), which was originally filed on September 12,  
33 2024.

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

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

---

40 NOTICE OF ERRATA RE: DEFENDANT KATRESE L. NICKELSON'S NOTICE OF MOTION AND MOTION  
41 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

5 Respectfully Submitted,

6 

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

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

# Exhibit A

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

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

## EXHIBIT A-1

1 Katrese L. Nickelson  
2 PO Box 3521  
3 Torrance, CA 90510  
4 (310) 721-1788  
In Pro Per

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

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

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

22 | 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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Katrese Nickelson PO Box 3521 Torrance, CA 90510</b>		FOR COURT USE ONLY
TELEPHONE NO.: (310) 721-1788 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per		<b>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</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> 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		CASE NUMBER: 24CMUD01380
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>		

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

1. 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.
2. My residence or business address is:  
813 Harbor Blvd. Ste. 220  
West Sacramento, CA 95691
3. 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)).
4. I served the documents by enclosing them in an envelope and (check one):
  - depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - 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.
5. 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)

1.   Rebecca Hufford-Cohen, Esq., SBN 101783  
2.   Law Offices of Rebecca Hufford-Cohen  
3.   468 North Camden Drive, Suite 200  
4.   Beverly Hills, California 90210  
5.   Telephone (310) 279-5137

6.   Attorneys for Plaintiff

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

14.   **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15.   **FOR THE COUNTY OF LOS ANGELES**

16.   **KAMILLE NICKELSON,**

17.   **Plaintiff**

18.   **vs.**

19.   **KATRESE NICKELSON, HONOR LEE  
20. NICKELSON, ET AL.**

21.   **Defendants**

22.   **Case No.: 24CMUD01380**

23.   **PLAINTIFF'S OPPOSITION TO  
24. DEFENDANT'S MOTION TO QUASH;  
25. DECLARATION OF PLAINTIFF KAMILLE  
26. NICKELSON**

27.   **DATE: December 11, 2024**

28.   **TIME: 8:30 am**

29.   **DEPT: 7**

30.   **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.

1  
IV.2  
**CONCLUSION**3  
It is hereby respectfully requested the court deny Defendant's Motion to Quash and  
4 require Defendant to file an answer within 5 days. Furthermore, Plaintiff respectfully requests  
5 that it be allowed to recover its fees and costs necessarily incurred in opposing Defendants'  
6 frivolous motion.7  
8  
9  
Dated: October 8, 202410  
Law Offices of Rebecca Hufford-Cohen11  
12  
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 8<sup>th</sup> of October 2024, Compton, CA.

  
Kamille Nickelson

# EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Kamille Nickelson 5449 Crenshaw Blvd., Unit 112 Los Angeles, CA 90043		FOR COURT USE ONLY
TELEPHONE NO: 323-290-9936      FAX NO (Optional): E-MAIL ADDRESS (Optional): gevictyou@aol.com ATTORNEY FOR (Name): In Pro Per		
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: Compton Courthouse		
PLAINTIFF / PETITIONER: Kamille Nickelson DEFENDANT / RESPONDENT: Katrese Nickelson, Honor Lee Nickelson		CASE NUMBER: 24CMUD01380
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 11834975

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

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
  - summons
  - complaint
  - Alternative Dispute Resolution (ADR) package
  - Civil Case Cover Sheet (served in complex cases only)
  - cross-complaint
  - other (specify documents): Prejudgment Claim of Right to Possession, General Order, Attachments
- a. Party served (specify name of party as shown on documents served):  
Katrese Nickelson
  - Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:  
714 North Locust Avenue Room 1, Compton, CA 90221
- I served the party (check proper box)
  - by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): Sat, Sep 07 2024      (2) at (time): 10:10 AM
  - by substituted service. On (date): \_\_\_\_\_ at (time): \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (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.
    - (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.
    - (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.
    - 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.
    - 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 Acknowledgment 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.

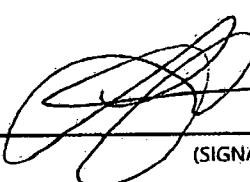
or

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.

**( X ) 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.

**(X) 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

**OCT 16 2024**

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

David W. Blayton, Executive Officer/Clerk of Court

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

7 Kamille Nickelson,

Case No.: 24CMUD01380

8 Plaintiff,

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

12 vs.

13 Katrese Nickelson, Honor Lee Nickelson, and

14 Does 1-5,

15 Action filed: August 28, 2024

16 Trial date: TBD

17 Defendant.

18 //

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

1       **I. REPLY INTRODUCTION**

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

10      To note, at the time defendant requested a hearing date for the Motion to Quash, defendant  
11      specifically requested a date within 29 days of the expected filing date of 9/12/24, but the court  
12      informed her that December 11, 2024 was the earliest hearing date it could provide. Defendant had  
13      no control over the court's calendar and the initial 12/11/24 hearing date it provided. Nonetheless, on  
14      10/10/24, within the statutory timeframe, the court on its own moved to advance the hearing date to  
15      October 18, 2024.

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

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

22       Service of a 5-day summons on a complaint that fails to state a cause of action for unlawful  
23       detainer is defective and does not give the court jurisdiction over the defendant; it is therefore  
24       subject to a motion to quash. [Greene v Municipal Court (1975) 51 CA3d 446, 451-452.],  
25       California Judges Benchguide 31 § §31.8 (2). In *Green* the court stated that "...the municipal court  
26  
27

28       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. Wagnon* (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, 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. Leevil, LLC v Westlake Health Care*  
19 *Ctr.* (2018) 6 C5th 474, 480; *Lebovich v Shahrokhshary* (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  
24

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25 DEFENDANT'S REPLY ISO OF MOTION TO QUASH SERVICE OF SUMMONS .  
26  
27  
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1 provides materially false and misleading statements: 1) she falsely named him as a defendant (in  
2 possession) on the summons, 2) she falsely claims a cause of action against him for unlawful  
3 detainer. (page 1, para. 1.) 3) she again falsely names him as a defendant (in possession) (page 2,  
4 para. 9a). 4) she lied about serving him with a 30-day notice when that was not possible because he  
5 did not live at the Property at that time, which plaintiff was well aware of. (page 3, para.10a). 5) her  
6 thirty-day notice to quit also contains materially false and misleading statements; it falsely states that  
7 Defendant Honor was in possession of the Property by including his name in the notice that states  
8 "...you are to vacate, ... (page 1, para. 1, line 2).  
9

10 Again, filing a dismissal of Defendant Honor Nickelson from this action does not  
11 remedy/cure the fraud, false documentary evidence, perjury or fatal defect in the notice and  
12 complaint which renders the summons defective and invalid, conferring no jurisdiction over  
13 defendant.  
14

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

17 "If a defendant files a motion to quash which is denied, defendant has 5 days to respond to the  
18 complaint, i.e., to file an answer or demurter, etc. See CCP §§422.10, 1170. A court cannot order  
19 a defendant to file only an answer. *Butenschoen v Flaker* (2017) 16 CA5th Supp 10, 15." California  
20 Judges Benchguide 31 §31.9(4). Therefore, plaintiff's request for such an order must be denied.  
21

22 **IV. CONCLUSION**

23 Plaintiff committed intrinsic fraud and also served a defective complaint, therefore service of  
24 the summons is defective and invalid. Service of a 5-day summons on a complaint that fails to state a  
25 cause of action for unlawful detainer is defective and does not give the court jurisdiction over the  
26 defendant. For each of the foregoing reasons, the Motion to Quash Service of Summons should be  
27 granted.  
28

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

1 DATED: October 16, 2024

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Katrese Nickelson  
In Pro Per. (By Special Appearance)

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 back.” (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 the outside and inside of the Property.

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

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

8 DATED: September 12, 2024

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11 *LEN*

12  
13 Honor Nickelson  
14 Declarant (By Special Appearance)  
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DEFENDANT'S NOTICE OF MOTION AND MOTION TO QUASH SERVICE OF SUMMONS;  
SUPPORTING MEMORANDUM; DECLARATION OF HONOR NICKELSON

Exh. 1-3

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# Exhibit A

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

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

100

## EXHIBIT A

Exhibit A

1 (310) 714-7145

Mon, Jul 8, 11:49 AM

We are here.

Redacted

Redacted

Harbor Bill not in draft yet.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:		FOR COURT USE ONLY
NAME: Katrese Nickelson FIRM NAME: STREET ADDRESS: PO Box 3521 CITY: Torrance TELEPHONE NO.: (310) 721-1788 E-MAIL ADDRESS: ATTORNEY FOR (name): Pro Per		
STREET ADDRESS: 200 W. Compton Blvd MAILING ADDRESS: same CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central District		STATE: CA ZIP CODE: 90510 FAX NO.:
Plaintiff/Petitioner: Kamille Nickelson Defendant/Respondent: Katrese Nickelson et al		CASE NUMBER: 24CMUD01380
<b>PROOF OF SERVICE—CIVIL</b> Check method of service (only one):		JUDICIAL OFFICER: Hon. Michael Shulz
<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:
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)