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SECURITAS SECURITY SERVICES USA,

7 INC.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 THE ESTATE OF ROBERT HAROLD LEE,
by and through its personal representative,
12 TIMOTHY OLIVER LEE; DAGNY LEE, an
individual; and SCOUT LEE, a minor, by and
13 though her Guardian Ad Litem, KRISTA LEE;

14 Plaintiffs,

15 vs.

16 NIMA MOMENI, an individual; KHAZAR
MOMENI, an individual; DINO ELYASSNIA,
17 M.D., an individual; MAHNAZ TAYARANI,
an individual; SECURITAS SECURITY
18 SERVICES USA, INC., a Delaware
corporation; PORTSIDE HOMEOWNERS'
19 ASSOCIATION, a California Nonprofit
Corporation; PORTSIDE MASTER
20 OWNERS' ASSOCIATION, a California
Nonprofit Corporation; SF OAKLAND BAY
21 LLC, a Limited Liability Company, and DOES
1 through 100, inclusive,

22 Defendants.
23

Case No. CGC-25-623810

**[PROPOSED] ORDER GRANTING
DEFENDANT SECURITAS SECURITY
SERVICES USA, INC.'S DEMURRER TO
PLAINTIFFS' COMPLAINT**

Date: December 26, 2025

Time: 9:30 a.m.

Dept.: 302

Action Filed:

March 28, 2025

Trial Date:

None Set

25 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

26 Defendant SECURITAS SECURITY SERVICES USA, INC.'s Demurrer to Plaintiff's
27 Complaint came on for a hearing on December 26, 2025, at 9:00 a.m., in Department 302, of the
28 above-entitled court. The court adopts the below tentative ruling as the ruling of the court:

FILED

Superior Court of California
County of San Francisco

DEC 26 2025

CLERK OF THE COURT

BY:

Deputy Clerk

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2 Defendant's (Securitas Security Services USA, Inc.) demurrer to the sixth cause of action
3 for invasion of privacy (public disclosure of private facts) is sustained with 20 days leave to
4 amend. (CCP 430.10(e).)

5 Defendant's demurrer is based on Code of Civil Procedure sections 430.10(e) and (f). The
6 issue under section 430.10(e) is, taking the facts properly pleaded and properly noticed as true,
7 does the challenged cause of action necessarily fail to state a cause for relief. (See CCP section
8 430.10(e); Blank v. Kirwan (1985) 39 Cal.3d 311, 318.) In assessing whether the complaint states
9 a cause of action, the court accepts all properly pleaded material facts, but not contentions,
10 deductions, or conclusions of fact or law. (Minton v. Dignity Health (2019) 39 Cal.App.5th 1155,
11 1161.) "[I]f, on consideration of all facts stated, it appears that plaintiff is entitled to any relief
12 against defendant, the complaint will be held good, though facts may not be clearly stated, or may
13 be intermingled with a statement of other facts irrelevant to cause of action shown, or though
14 plaintiff may demand relief to which he is not entitled under facts alleged." (Augustine v. Trucco
15 (1954) 124 Cal.App.2d 229, 236, quoting Matteson v. Wagoner (1905) 147 Cal. 739, 742.) A
16 demurrer for uncertainty under CCP 430.10(f) is disfavored and only sustained where a defendant
17 cannot reasonably respond. (Lickiss v. Financial Industry Regulatory Authority (2012) 208
18 Cal.App.4th 1125, 1135.)

19 The court grants defendant's request for judicial notice. Under Evidence Code section
20 451(a), the court shall take judicial notice of the decisional law of this state. Whether the cited
21 authorities govern disposition of this demurrer or are inapposite is a separate issue.

22 California courts recognize four categories of tort relating to invasion of privacy: (1)
23 intrusion upon seclusion; (2) public disclosure of private facts (3) false light in the public eye; and
24 (4) appropriation of name or likeness. (Shulman v. Group W Prods., Inc. (1998) 18 Cal.4th 200,
25 214 n.4.)

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1 Here, plaintiffs attempt to allege a claim for public disclosure of private facts. (Complaint,
2 par. 103 [defendants “released private information concerning the stabbing”].) Defendants’
3 demurrer based on uncertainty regarding this theory of recovery is overruled. The demurrer based
4 on failure to state a cause of action is sustained with 20 days leave to amend.

5 To successfully plead a claim of public disclosure of private fact, a plaintiff must allege (1)
6 public disclosure (2) of a private fact (3) which would be highly offensive and objectionable to a
7 reasonable person, and (4) which is not of legitimate public concern. (Shulman, 18 Cal.4th at
8 214.) In assessing the viability of a claim, this court looks at the whether the footage involves a
9 matter of public or general interest, whether it is taken in a public area, and whether it discloses
10 anything objectionable. (Gill v. Hearst Publishing Co. (1953) 40 Cal.2d 224, 228-231.)

11 Plaintiffs allege that decedent was “a mogul in the tech industry” whose “overall
12 contributions to the tech world were significant.” (Complaint, par. 25.) The cited surveillance
13 footage depicted conduct which occurred in public. (Complaint, pars. 35, 37-42.) The video
14 shows that decedent was stabbed, staggered and collapsed on a public street. (Id.) Plaintiffs fail to
15 allege a private fact or a highly offensive disclosure that lacked a legitimate public concern.
16 (Brown v. Metro by T-Mobile (2024) 768 F.Supp.3d 1068, 1085 [public disclosure of private facts
17 claim failed where passive security-camera footage captured a violent crime on a public street
18 (shooting)].)

19 Plaintiffs’ reliance on Catsouras v. Department of California Highway Patrol (2010) 181
20 Cal.App.4th 856 is misplaced. There, the defendants disseminated graphic photographs of a
21 decedent who had been decapitated in an automobile accident. The images were disclosed for
22 “pure morbidity and sensationalism without legitimate public interests or law enforcement
23 purpose.” (Id. at 874; see also Gill v. Hearst Pub. Co., 40 Cal.2d at 231 [“Such situation is readily
24 distinguishable from cases where the right of privacy has been enforced with regard to the
25 publication of a picture which was shocking, revolting or indecent in its portrayal of the human
26 body.”].) In this case, while the stabbing was certainly tragic, the complaint does not describe
27 similarly graphic images lacking a public purpose.

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1 Plaintiff has leave to amend to allege ultimate facts how the footage—or a particular aspect
2 of the footage—presented images for “pure morbidity and sensationalism without legitimate
3 public interest or law enforcement purpose.” (Catsouras, 181 Cal.App.4th at 874.)

4 **IT IS SO ORDERED.**

5
6 DATED: 12/26/25

C. Mayfield

JUDGE OF THE SUPERIOR COURT

Hon. Cindee Mayfield