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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
04/28/2021 at 10:45:00 AM
Clerk of the Superior Court
By Kristin Sorianosos, Deputy Clerk

6 Attorneys for Defendant,
OLGA MARCELA ESCOBAR-ECK
7

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO**

10 JOSHUA BILLAUER,) CASE NO. 37-2021-00006367-CU-DF-CTL
11)
Plaintiff,) [Assigned to Hon. Kenneth J. Medel,
12) Dept. C-66]
vs.)
13 OLGA MARCELA ESCOBAR-ECK; and) **DEFENDANT’S NOTICE OF**
DOES 1 through 1,000,) **DEMURRER AND DEMURRER TO**
14) **COMPLAINT**
Defendants.) [Filed Concurrently with Memorandum of
15) Points and Authorities, Declaration of Scott
16) McCaskill, and [Proposed] Order]
17) Date: October 1, 2021
18) Time: 9:30 a.m.
19) Dept.: C-66
20) Complaint Filed: February 16, 2021
21) Trial Date: None Set

22 **TO THIS HONORABLE COURT, TO ALL PARTIES, AND TO THEIR**
23 **RESPECTIVE COUNSEL OF RECORD:**

24 PLEASE TAKE NOTICE that on October 1, 2021 at 9:30 a.m., or as soon thereafter as
25 the matter may be heard before the Honorable Kenneth J. Medel in Department C-66 of the
26 above-captioned court located at 1100 Union Street, San Diego, CA 92101, defendant Olga
27 Marcela Escobar-Eck (“Defendant”) will, and hereby does, respectfully demur to the Complaint
28 of Joshua Billauer (“Plaintiff”) pursuant to California Code of Civil Procedure section 430.10,

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1 subsection (e) [the pleading does not state facts sufficient to constitute a cause of action].
2 Defendant respectfully requests the Court sustain the demurrer without leave to amend and grant
3 such other and further relief as is just and proper.

4 This demurrer is based upon this notice of demurrer and demurrer, a memorandum of
5 points and authorities, the declaration of Scott McCaskill, all pleadings and papers on file in this
6 action, and upon such further oral and written argument and evidence as may be presented at or
7 prior to the hearing of this matter.

8 Respectfully submitted,

9 Dated: April 28, 2021

GORDON REES SCULLY MANSUKHANI, LLP

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By: 

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Craig J. Maria
Scott W. McCaskill
Attorneys for Defendant
OLGA MARCELA ESCOBAR-ECK

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DEMURRER

DEMURRER OF MARCELA ESCOBAR-ECK TO THE COMPLAINT

The first cause of action for *Libel Per Se* is subject to demurrer as follows:

1. The pleading does not state facts sufficient to constitute a cause of action per Code of Civil Procedure section 430.10(e).

The second cause of action for *Intentional Infliction of Emotional Distress* is subject to demurrer as follows:

2. The pleading does not state facts sufficient to constitute a cause of action per Code of Civil Procedure section 430.10(e).

Respectfully submitted,

Dated: April 28, 2021

GORDON REES SCULLY MANSUKHANI, LLP

By: _____



Craig J. Mariam
Scott W. McCaskill
Attorneys for Defendant
OLGA MARCELA ESCOBAR-ECK