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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF RIVERSIDE

11 BRENDA DENNSTEDT, an individual
12
13 Plaintiff,
14 vs.
15 COUNTY OF RIVERSIDE, a Public Entity;
JEFFREY HEWITT, an individual;
16 MATTHEW SHANNON, an individual, and
DOES 1 through 25, inclusive,
17
18 Defendants.

) Case No.: CVRI2200885
) [Assigned to Hon. Daniel Ottolia, Dept. 4]
)
) **DEFENDANT MATTHEW SHANNON'S**
) **NOTICE OF MOTION AND MOTION FOR**
) **SUMMARY JUDGMENT, OR IN THE**
) **ALTERNATIVE, SUMMARY**
) **ADJUDICATION; AND MEMORANDUM**
) **OF POINTS AND AUTHORITIES**
)
) [RESERVATION ID: 362098609790]
)
) DATE: 3/6/24
) TIME: 8:30 a.m.
) DEPT.: 4

[Filed Concurrently with Separate Statement of
Undisputed Material Fact; Notice of Filing
Exhibits; Declarations of Karen L. Capasso,
Esq. and Matthew Shannon]

Complaint filed 3/3/23

25 PLEASE TAKE NOTICE and notice is hereby given, that on March 6, 2024 at 8:30 a.m., or
26 as soon thereafter as counsel may be heard in Department "4" of the above-entitled Court, located at
27 4050 Main Street in Riverside, California, Defendant MATTHEW SHANNON ("Shannon") will,
28 and does hereby move this Court, pursuant to California *Code of Civil Procedure* ("C.C.P.") § 437c,

1 for an order granting summary judgment on the entirety of the Complaint of Plaintiff BRENDA
2 DENNSTEDT (“Dennstedt”) in Shannon’s favor and against Plaintiff, or alternatively, summary
3 adjudication as to each cause of action:

4 This Motion is based on the grounds that no triable issues of material fact exist as to Plaintiff
5 Dennstedt’s Complaint as to Shannon in its entirety or as to the causes of action alleged therein, and
6 that Shannon is therefore entitled to summary judgment as a matter of law. Specifically, Shannon
7 moves for summary judgment on the entirety of Plaintiff’s Complaint against him, or alternatively,
8 on each and every cause of action against Shannon in Plaintiff’s Complaint on the following grounds:

9 Plaintiff’s sixth cause of action for intentional infliction of emotional distress fails as Matthew
10 Shannon did not engage in any extreme and outrageous conduct toward Dennstedt, did not intend to
11 inflict emotional distress on Dennstedt; and Dennstedt also did not suffer any severe emotional
12 distress. No issue of material fact exists as to whether Shannon intentionally inflicted emotional
13 distress upon Dennstedt.

14 Plaintiff’s seventh cause of action for negligent infliction of emotional distress fails as
15 Matthew Shannon did not owe or breach any duty owed to Dennstedt; and Dennstedt did not suffer
16 serious emotional distress.

17 This Motion will be based upon this Notice of Motion and Motion for Summary Judgment or,
18 in the Alternative, for Summary Adjudication, the accompanying Memorandum of Points and
19 Authorities in support thereof, the concurrently filed Separate Statement of Undisputed Material
20 Facts, Notice of Filing of Exhibits, the accompanying Declarations of Matthew Shannon and Karen
21 Capasso and the exhibits filed herewith, all pleadings, papers, and records on file in this matter,
22 Defendant Shannon’s reply brief, and upon any oral and/or documentary evidence that may be
23 presented at the hearing of this Motion.

24 DATED: December 22, 2023

SMITH LAW OFFICES, LLP

25
26 By: 

27 Douglas C. Smith
28 Karen L. Capasso
Attorneys for Defendant
MATTHEW SHANNON

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Plaintiff Brenda Dennstedt (“Dennstedt”) was hired by Defendant Matthew Shannon
5 (“Shannon”) in January of 2020 to work as a Legislative Assistant in the office of Riverside County
6 Supervisor Jeff Hewitt. Mr. Shannon made every effort to help Dennstedt succeed in her position and
7 maintained a friendly relationship with her. Dennstedt, however, continually refused to follow
8 directives and attempted to use her position in the Supervisor’s office to gain benefits and special
9 treatment for herself and her loved ones. As a result, she was released from her employment. After
10 her release, Dennstedt filed this action against the County, Hewitt and Shannon claiming she was
11 harassed and mistreated during her employment, despite never making any complaints prior to her
12 release. Dennstedt’s Complaint asserts only two common law causes of action against individual
13 defendant Matthew Shannon: intentional infliction of emotional distress and negligent infliction of
14 emotional distress. In fact, there was never any intent by Shannon to inflict emotional distress or
15 negligent causation of emotional distress, nor did Dennstedt suffer extreme emotional distress.
16 Dennstedt was simply a disgruntled employee who became unhappy with the way her supervisors
17 were running the office because it differed from how she thought it should be run and she was not
18 allowed to get away with her improper conduct. Shannon in no way intended to or negligently caused
19 her emotional distress and is therefore entitled to summary judgment on all causes of action.

20 **II.**

21 **FACTUAL BACKGROUND SUPPORTING SUMMARY**

22 **JUDGMENT OR SUMMARY ADJUDICATION**

23 Plaintiff Brenda Dennstedt was hired by the County of Riverside in March of 2019 as a
24 Legislative Assistant in Riverside County Supervisor Jeffrey Hewitt’s Office (SS 6). Dennstedt’s
25 duties included acting as a liaison to the County’s public safety departments, including the Sheriff’s
26 Department, Fire Department and Code Enforcement Department, as well as addressing constituent
27 issues with those departments. The public safety liaison assignment was given to Dennstedt due to
28 her experience in law enforcement (SS 7-8). Denset had no involvement with or responsibility for

1 Mr. Hewitt’s campaign, including the completion or review of campaign forms (SS 12-13).

2 Matthew “Boomer” Shannon was Supervisor Hewitt’s Chief of Staff from January 2019
3 through January 2023. His duties included managing the staff’s day-to-day activities, along with my
4 portfolio of projects—mainly special issues such as redistricting, coordinating events, and escalated
5 constituent concerns. (SS 4-5). He hired Dennstedt and was her supervisor throughout the time she
6 was employed by the County. (SS 6, 9).

7 Dennstedt had many problems with her performance which eventually led to her termination.
8 First, she tried to obtain inappropriate benefits for her romantic partner, a County Code Enforcement
9 Officer, on multiple occasions. She then attempted to obtain Class A uniforms for Code Enforcement
10 Officers and her partner’s promotion from a low-level management position to director of the
11 department. Again, this was unrelated to her job duties and inappropriate. Shannon had to speak to
12 the Director of the County Transportation and Land Management Authority (which supervises Code
13 Enforcement) regarding the potential impact on both her department and Supervisor Hewitt’s Office.
14 He also had to remove the Code Enforcement Department from Dennstedt’s portfolio to avoid a
15 conflict of interest. (SS 24-29).

16 Dennstedt actively attempted to arrange these items without reporting them back to Shannon
17 or Supervisor Hewitt. Shannon would find out about her behavior from department heads or other
18 employees. This gave him cause to repeatedly counsel Brenda Dennstedt on her role, the necessity for
19 transparency with her superiors, and that it was inappropriate for her to attempt to use the
20 Supervisor’s office to promote her partner’s career. Even after this counseling, she tried to weigh in
21 on tenant improvements at the new Code Enforcement Office being built in Cabazon, seeking better
22 office space for her partner. (SS 30-33).

23 In or around Spring or Summer of 2019, Dennstedt brought Shannon a dossier on a County
24 Flood Control employee whom she claimed was inappropriately using County cars and other
25 property. Dennstedt’s job was not related to Flood Control in any way and all her experience and job
26 duties were related to law enforcement. After researching the employee, Shannon found she was also
27 an elected official on the Western Municipal Water District (“WMWD”) Board of Directors with
28 Dennstedt, and there was a political issue between Dennstedt and the woman. When Dennstedt

1 delivered the paperwork to Shannon, she stated "She should be fired for this behavior," meaning the
2 employee should be terminated from her position with Flood Control. It was clear to Mr. Shannon
3 that Dennstedt's intent was to have the woman removed from the WMWD Board of Directors. After
4 reviewing the file, he spoke to the Director of Flood Control about Dennstedt's concerns and closed
5 the matter as it lacked merit. Dennstedt's political career was not within the scope of her work for
6 Supervisor Hewitt. (SS 34-40).

7 Dennstedt also had problems interacting with coworkers. She was abusive toward the junior
8 staff and made inappropriate comments, including calling a Black female coworker "nappy."
9 Numerous staff complained to Shannon regarding Dennstedt's conduct, and he repeatedly counseled
10 her regarding appropriate conduct in the workplace. (SS 41-44).

11 In or around mid-October of 2020, Supervisor Hewitt's Office was conducting a Community
12 Cleanup event in Cabazon. This involved coordinating involvement from various County
13 departments regarding the organization and operation of the event. Dennstedt's job was to coordinate
14 with the Sheriff's Department to provide traffic control, something they had done many times
15 previously for similar events. Dennstedt planned to have Code Enforcement Officers go door to door
16 in the surrounding community to ask people to bring out their trash. She then stated in a staff meeting
17 she wanted to have Sheriff's officers do door-to-door visits. Shannon told Dennstedt they were not
18 allowed to send Sheriff's officers to people's doors and the Sheriff's Department involvement was to
19 be limited to traffic control. He subsequently had a call with the Sheriff's Captain who informed him
20 Dennstedt had asked him to provide door-to-door staffing. Shannon told him that would not be
21 needed and that their role was to serve as traffic control. He then counseled Dennstedt about ignoring
22 his instructions and again advised her the Sheriff's Department could absolutely not conduct door-to-
23 door visits and their involvement was limited to traffic control. (SS 45-53).

24 After the issue with the Sheriff's Department, Mr. Hewitt and Mr. Shannon decided the
25 County could not continue to employ Dennstedt. Shannon contacted Human Resources for guidance
26 and advised them of the reasons they wanted to release Dennstedt from employment. Human
27 Resources approved and arranged for Dennstedt's release. Human Resources prepared a release letter
28 for Dennstedt, which Shannon approved and signed. The Human Resources employee and Shannon

1 then met with Dennstedt at the County Administrative Center in downtown Riverside and advised her
2 of her termination on October 26, 2020. Human Resources arranged a time with Dennstedt to retrieve
3 her belongings from her office in Perris. Dennstedt received the maximum allowable severance
4 package at the time of her release. (SS 54-62).

5 Following her release from employment, Dennstedt filed this lawsuit alleging Mr. Shannon
6 harassed her and caused her emotional distress (though she does not bring a cause of action for
7 harassment against Mr. Shannon) (SS 1-3). She had not made any complaints of harassment to
8 Shannon during her employment (SS 66-83). Her only allegations are vague claims of inappropriate
9 comments or conversations and one incident where she claims Mr. Shannon dressed inappropriately
10 in a bathrobe. She then used the lawsuit as a political tool, sending text messages to thousands of
11 citizens claiming she had been unlawfully fired by Hewitt's office (SS 97-98). Dennstedt's claims
12 lack merit for the reasons set forth below.

13 III.

14 LEGAL AUTHORITY

15 Summary judgment is warranted where there is no triable issue as to any material fact and the
16 moving party is entitled to judgment as a matter of law. *Code Civ. Proc.*, § 437c(c). The purpose of
17 summary judgment is to provide courts with a mechanism to cut through the parties' pleadings in
18 order to determine, despite the allegations, whether trial is in fact necessary to resolve the dispute.
19 *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843. To succeed on summary judgment, a
20 defendant need not affirmatively disprove the plaintiff's case. Rather, the defendant meets its burden
21 if it demonstrates that the plaintiff cannot establish one or more elements of the cause of action. *Id.* A
22 plaintiff "may not rely upon mere allegations or denials of its pleadings to show that a triable issue of
23 material fact exists, but instead, shall set forth the specific facts showing that a triable issue of
24 material fact exists as to the cause of action." *Code Civ. Proc.*, § 437c(p)(2).

25 Summary adjudication is appropriate if it disposes of an entire cause of action, affirmative
26 defense, claim for damages, or legal duty. *Code Civ. Proc.* § 437c(f)(1). Summary judgment motions
27 are defined by the material allegations in the pleadings. *Baptist v. Robinson* (2006) 143 Cal.App.4th
28 151, 159.

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IV.

ARGUMENT

A. Shannon Is Entitled to Summary Judgment or Adjudication as to Plaintiff's Sixth Cause of Action for Intentional Infliction of Emotional Distress.

Dennstedt's sixth cause of action against Shannon is for intentional infliction of emotional distress. The essential elements of a cause of action for intentional infliction of emotional distress are: "(1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering severe or extreme emotional distress; and (3) actual and proximate causation of the emotional distress by the defendant's outrageous conduct." *Davidson v. City of Westminster* (1982) 32 Cal.3d 197, 209; CACI 1600. Dennstedt cannot prove any of these elements.

1. Shannon Did Not Engage in Any Extreme and Outrageous Conduct (Intentional or Unintentional).

"Extreme and outrageous conduct is that which goes beyond all possible bounds of decency so as to be regarded as atrocious and utterly intolerable in a civilized community." *Davidson v. City of Westminster, supra*, 32 Cal.3d at 209-210; CACI 1602. "It is generally held that there can be no recovery for mere profanity, obscenity, or abuse, without circumstances of aggravation, or for insults, indignities or threats . . . On the spectrum of offensive conduct, outrageous conduct is that which is most extremely offensive . . . offensive conduct which falls along the remainder of the spectrum may be irritating, insulting or even distressing but it is not actionable ..." *Yurick v. Superior Court* (1989) 209 Cal.App.3d 1116, 1128-1129. "Insults, indignities, annoyances, petty oppressions or other trivialities will not suffice. The conduct must be such that it would cause an average member of the community to immediately react in outrage." *Gomon v. TRW, Inc.* (1994) 28 Cal.App.4th 1161, 1172.

Employment situations in which the employee finds conduct by her employer offensive do not constitute outrageous conduct sufficient to support a cause of action for intentional infliction of emotional distress. *Helgeson v. Am. Int'l Grp., Inc.*, 44 F.Supp.2d 1091, 1095-97 (S.D. Cal. 1999) [insulting statements and termination do not constitute outrageous conduct]; *Schneider v. TRW, Inc.* (9th Cir. 1991) 938 F.2d 986, 992-993 [no outrageous conduct where an employee's supervisor

1 screamed, yelled and made threatening gestures while criticizing her job performance]; *Ankeny v.*
2 *Lockheed Missiles & Space Co.* (1979) 88 Cal.App.3d 531, 536-537 [no outrageous conduct where a
3 plaintiff alleged his employer prevented him from becoming a union steward, transferred him from
4 job to job, wrongly denied him promotions, assigned him inappropriate job tasks, and personally
5 insulted him]; *Yurick v. Superior Court*, 209 Cal.App.3d 1116 (1989) [comments that plaintiff
6 employee was over forty and senile did not give rise to claim for intentional infliction of emotional
7 distress].

8 Dennstedt alleges Shannon committed “wrongful acts” towards her including “harsh
9 treatment, beratement, and sexual harassment of Plaintiff; being put in various uncomfortable
10 situations on almost a daily basis, including being subject to uncomfortable and inappropriate
11 conversations which both Hewitt and Shannon participated in ... yelled at her frequently, threatened
12 her employment, and ultimately helped facilitate her isolation and ultimately her retaliatory
13 dismissal” with the intention of causing severe emotional distress to Dennstedt. No specific conduct
14 is cited as evidence of the above allegations other than her release from employment. (Complaint,
15 Exhibit 1, ¶¶ 81-82). Shannon denies engaging in any such conduct. As set forth above, however, the
16 law is clear that insults and employment actions up to and including termination do not support a
17 cause of action for intentional infliction of emotional distress. Here, Dennstedt was released from
18 employment because of performance issues and inappropriate conduct (SS 24-62). There is no
19 evidence of improper conduct by Shannon other than Dennstedt’s own unsubstantiated allegations.
20 Shannon never intended to cause Dennstedt any emotional distress (SS 88, 92). There is simply no
21 evidence of extreme or outrageous conduct.

22 Dennstedt was released for good cause due to her performance issues. Her termination had
23 nothing to do with any complaints she may have made during her County employment. Mr. Shannon
24 had no knowledge of any such complaints (SS 63-66, 78, 96.) Mr. Shannon did not engage in any
25 inappropriate conduct toward her, including making comments regarding her physical appearance or
26 her dating life or speaking to her in a sexually suggestive way. (SS 75-76, 89-91.) Dennstedt herself
27 was outspoken and spoke repeatedly about her dating life in the office. (SS 77.) Even assuming
28 arguendo that he had engaged in the conduct alleged in the Complaint, that conduct does not rise to

1 the level of extreme or outrageous conduct. Dennstedt never complained she was being mistreated
2 during her employment, only after her release when she could use those complaints for personal and
3 political advantage (SS 78-83, 97-98.) Dennstedt was not treated any differently than any other
4 employee in the Office, other than being given certain accommodations due to her life circumstances.
5 (SS 67-73, 84-87.) There is certainly no conduct here that rises to the level of the extreme or
6 outrageous standard required for this cause of action.

7 Regarding the robe incident alleged in Dennstedt’s Complaint, Mr. Shannon did attend a
8 Zoom staff meeting in March of 2020 wearing a bathrobe while quarantined at home and very ill with
9 COVID. He had a high fever and was asleep at home when he was asked to attend a Zoom meeting to
10 discuss staff’s concerns about the COVID virus. He immediately joined the meeting and discussed
11 with his staff their concerns and the steps the County was taking to address COVID. (SS 18-20.) The
12 bathrobe he was wearing was no more revealing than standard clothing commonly worn to the office
13 and his behavior was not sexual in any way. Mr. Shannon’s dress on that occasion was clearly due to
14 his severe illness and not meant to offend Dennstedt or any other staff. (SS 21-23.) Such conduct
15 does not rise to the level of extreme or outrageous conduct which goes “beyond all possible bounds
16 of decency.” *Davidson*, supra, at 209-210.

17 **2. Plaintiff Did Not Suffer Severe Emotional Distress.**

18 Severe emotional distress means emotional distress of such substantial or enduring quality
19 that no reasonable person in civilized society should be expected to endure it. *Potter v. Firestone Tire*
20 *& Rubber Co.* (1993) 6 Cal.4th 965, 1004; *Girard v. Ball* (1981) 125 Cal.App.3d 772, 787-788.
21 Factors that substantiate severe emotional distress include: the inability to work; the inability to pay
22 bills; and permanent loss of function from the inability to obtain needed medical care. *Hailey v.*
23 *California Physicians' Service* (2007) 158 Cal.App.4th 452, 477. Testimony of plaintiffs that they
24 were upset, disturbed and furious does not meet the requisite test. *Fuentes v. Perez* (1977) 66
25 Cal.App.3d 170, 172. Furthermore, recovery for worry, distress and unhappiness as the result of
26 damage to property, loss of a job or loss of money is not permitted when the defendant’s conduct is
27 negligent because emotional distress is part of the human condition. *Branch v. Homefed Bank* (1992)
28 6 Cal.App.4th 793, 801.

1 In the present litigation, Dennstedt claims she “suffered severe emotional distress.”
2 (Complaint, Exhibit 1, ¶83.) Despite Dennstedt’s alleged emotional distress, she was able to work in
3 her position with the County until her release, years after the allegedly offensive conduct began. She
4 was also able to work continually in her position with the Water District (SS 103). She did not seek
5 any medical treatment for her alleged severe emotional distress, nor did she require any medication.
6 (SS 100-102). Any emotional distress Dennstedt suffered was not the type of emotional distress that
7 significantly altered her normal activities. She was clearly able to fully function normally despite any
8 anger or upset she allegedly suffered due to the alleged actions of Mr. Shannon. She therefore did not
9 suffer severe emotional distress within the meaning of this particular cause of action.

10 **B. Shannon Is Entitled to Summary Judgment or Adjudication as to Plaintiff’s Seventh**
11 **Cause of Action for Negligent Infliction of Emotional Distress**

12 There is no independent tort of negligent infliction of emotional distress; rather, such a claim
13 is inherently a negligence claim. *Potter v. Firestone Tire & Rubber Co.* (1993) 6 Cal.4th 965, 984;
14 *Burgess v. Superior Court* (1992) 2 Cal.4th 1064, 1072. Recovery for negligent infliction of
15 emotional distress is generally permissible only where physical injury occurs. The California
16 Supreme Court has allowed negligent infliction of emotional distress actions of "direct victims"
17 without physical injury in only three specific types of specialized factual situations: (1) the negligent
18 mishandling of corpses (*Christensen v. Superior Court* (1991) 54 Cal.3d 868, 879); (2) the negligent
19 misdiagnosis of a syphilis, resulting in severe emotional distress to spouse (*Molien v. Kaiser*
20 *Foundation Hospitals* (1980) 27 Cal.3d 916, 923); and (3) the negligent breach of a duty arising out
21 of a preexisting relationship (*Burgess v. Superior Court* (1992) 2 Cal.4th 1064, 1076).

22 In order to prevail on a claim for negligent infliction of emotional distress, therefore,
23 Dennstedt must prove (1) Shannon was negligent; (2) Dennstedt suffered serious emotional distress;
24 and (3) Shannon’s negligence was a substantial factor in causing the serious emotional distress.
25 *CACI* 1620. “The traditional elements of duty, breach of duty, causation, and damages apply.
26 Whether a defendant owes a duty of care is a question of law. Its existence depends upon the
27 foreseeability of the risk and upon a weighing of policy considerations for and against the imposition
28 of liability.” *Marlene F. v. Affiliated Psychiatric Medical Clinic, Inc.* (1989) 48 Cal.3d 583, 588.

1 Plaintiff brings this cause of action under a “direct victim” theory, by which “damages for serious
2 emotional distress are sought as a result of a breach of duty owed the plaintiff that is ‘assumed by the
3 defendant or imposed on the defendant as a matter of law, or that arises out of a relationship between
4 the two.’” *Burgess*, supra, at 1073. Dennstedt must therefore prove a negligent breach of a duty
5 arising out of preexisting relationship, as she has not alleged any statutory basis or assumption of a
6 duty by Shannon.

7 Against that background, Dennstedt’s claim for negligent infliction of emotional distress fails
8 for several reasons. Dennstedt is unable to prove a cause of action for negligence as she cannot prove
9 duty, breach or causation. Mr. Shannon owed no duty to Dennstedt to refrain from engaging in good
10 faith employment actions regarding her. Mr. Shannon did not engage in any acts which constitute any
11 breach of any duty potentially owed to Dennstedt. There is simply no evidence of any breach of duty
12 in this case.

13 Second, as set forth above, Dennstedt herself is claiming Shannon’s conduct was intended to
14 cause her emotional distress, and intentional conduct is inconsistent with a claim for negligent
15 causation of emotional distress. A supervisor’s conduct in taking employment actions with regard to
16 an employee is inherently intentional. *Semore v. Pool* (1990) 217 Cal.App.3d 1087, 1105. Where
17 conduct is intentional, “it cannot be used as the basis for a negligent infliction of emotional distress
18 claim.” *Edwards v. United States Fidelity & Guarantee Co.* (N.D. C.A. 1994) 848 F.Supp. 1460,
19 1466. As Dennstedt is alleging that Shannon intentionally took action to harass and then terminate
20 her, she cannot prove negligent conduct by Shannon. Thirdly, workers’ compensation is the exclusive
21 remedy for injuries caused by employer negligence. *Fermino v. Fedco, Inc.* (1994) 7 Cal.4th 701,
22 713-714.

23 Finally, as set forth above, Dennstedt is unable to prove that any conduct by Shannon caused
24 her emotional distress, or that she suffered serious emotional distress. “Serious emotional distress” is
25 functionally the same as “severe emotional distress” and the standard is therefore the same as that
26 required to prove a cause of action for intentional infliction of emotional distress. *Wong v. Jing*
27 (2010) 189 Cal.App.4th 1354, 1378. As set forth above regarding Dennstedt’s claim for intentional
28 infliction of emotional distress, she is unable to prove she suffered severe emotional distress, and

1 therefore cannot prove she suffered serious emotional distress sufficient to prevail on this cause of
2 action. For all of these reasons, Dennstedt's cause of action for negligent infliction of emotional
3 distress fails.

4 V.

5 **CONCLUSION**

6 Based on the foregoing, Defendant Matthew Shannon requests that the Court grant summary
7 judgment as to Dennstedt's Complaint in its entirety as to Shannon only, or in the alternative
8 summary adjudication as to Dennstedt's sixth and seventh causes of action against Shannon.

9
10 DATED: December 22, 2023

SMITH LAW OFFICES, LLP

11 By: 

12 Douglas C. Smith
13 Karen L. Capasso
14 Attorney for Defendant
15 MATTHEW SHANNON
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

3 I am employed in the County of Riverside, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 4001 Eleventh Street, Riverside, CA
92501.

5 On **December 22, 2023**, I served the foregoing document described as:

6 **DEFENDANT MATTHEW SHANNON'S NOTICE OF MOTION AND MOTION**
7 **FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY**
8 **ADJUDICATION; AND MEMORANDUM OF POINTS AND AUTHORITIES**

9 on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed
envelope addressed as follows:

10 See Attached Proof of Service List.

11 (BY MAIL)

12 I deposited such envelope in the United States Mail at Riverside, California. The
13 envelope was mailed with postage thereon fully prepaid.

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

18 (BY ELECTRONIC MAIL) I caused the foregoing document to be served electronically
19 by electronically mailing a true and correct copy through Smith Law Offices' electronic
20 mail system to the e-mail address(es) of each interested party, as stated below, and the
21 transmission was reported as complete and no error was reported.

22 (VIA FEDERAL EXPRESS) By depositing the envelope in the box regularly maintained
23 by Federal Express in an envelope designated by Federal Express with delivery fees paid,
as addressed below.

24 (BY PERSONAL SERVICE) I caused to be delivered each such document by hand to
25 each addressee as set forth below.

26 (STATE) I declare under penalty of perjury under the laws of the State of California that
27 the above is true and correct.

28 Executed on **December 22, 2023**, at Riverside, California.



JILL SZALONEK

PROOF OF SERVICE - MAILING LIST

Case: Dennstedt v. County of Riverside, et al.
Court Case No.: CVRI2200885
Our File: RVC-597

| | |
|--|---|
| <p>Joseph L. Richardson, Esq. Bryanna Popka, Esq. McCune Wright Arevalo, LLP 3281 E. Guasti Road, Suite 100 Ontario, CA 91761 Telephone: 557-1250 Facsimile: (909) 557-1275 jlr@mccunewright.com bdp@mccunewright.com rmh@mccunewright.com</p> | <p>Attorney for Plaintiff BRENDA DENNSTEDT</p> |
| <p>Sarah Lustig, Esq. Angelo Mishriki, Esq. Atkinson, Andelson, Loya, Ruud & Romo 12800 Center Court Drive South, Suite 300 Cerritos, CA 90703-3200 Telephone: (562) 653-3200 Facsimile: (562) 653-3333 Sarah.Lustig@aalrr.com Angelo.Mishriki@aalrr.com</p> | <p>Attorney for Defendants COUNTY OF RIVERSIDE and JEFFREY HEWITT</p> |

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