

Calendar Line 1

Case Name: *Lu v. Paul, et al.*

Case No.: 25CV475646

On September 22, 2025, plaintiff Kevin Lu (“Plaintiff”) filed a form complaint that alleged that defendant Judge Kelley Paul (“Judge Paul”) determined that Plaintiff should be “sent to hospital” due to “severe mental problems” and was then “trapped in Kelley Paul’s courtroom.” (Complaint, ¶¶ 10-11.) The complaint also alleges that Plaintiff was given “harmful meds” and that Judge Paul is “racist, bias, partial & prejudice” and “does not let proceed with case.” (*Id.*) The complaint lists Judge Paul and Santa Clara County Hall of Justice as defendants. Defendants Judge Paul and Superior Court of California, County of Santa Clara (collectively, “Defendants”) demur to the complaint.

Here, the alleged acts by Judge Paul are functions normally performed by a judge and dealt with Judge Paul in her judicial capacity. (See *Stump v. Sparkman* (1978) 435 U.S. 349, 362 (stating that “the factors determining whether an act by a judge is a ‘judicial’ one relate to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his judicial capacity”); see also Pen. Code §§ 1368, subd. (a) (stating that a judge states in record as to doubt of mental competence of defendant), 1370, subd. (a)(2)(B)(ii)(I) (stating that a court may “issue an order authorizing the administration of antipsychotic medication as needed, including on an involuntary basis, to be administered under the direction and supervision of a licensed psychiatrist”).) These alleged judicial acts are protected by absolute judicial immunity. (See *Bradley v. Fisher* (1871) 80 U.S. 335, 347 (United States Supreme Court stating that absolute judicial immunity “exempts judges of courts of superior or general authority from liability in a civil action for acts done by them in the exercise of their judicial functions”); see also *Frost v. Geernaert* (1988) 200 Cal.App.3d 1104, 1107-1108 (stating that “[i]t is well established judges are granted immunity from civil suit in the exercise of their judicial functions... [t]his rule applies even where the judge’s acts are alleged to have been done maliciously and corruptly... [t]he rule is based on ‘a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequence to himself’... [j]udicial immunity is a principle of common law which is necessary for the welfare of the state and the peace and happiness of society”); see also *Tagliavia v. County of Los Angeles* (1980) 112 Cal.App.3d 759, 761 (stating that “[t]he decisions of this state uniformly and consistently grant immunity from civil suit to judges in the exercise of their judicial functions”).)

In opposition, Plaintiff argues that this is a limited civil case for which demurrers are unavailable. (See Pl.’s opposition to demurrer (“Opposition”), p.2:2-4.) However, as Defendants note, Code of Civil Procedure section 92, subdivision (a) expressly allows general demurrers in a limited civil case. (See Code Civ. Proc. § 92, subd. (a) (stating “[t]he pleadings allowed are complaints, answers, cross-complaints, answers to cross-

complaints and general demurrers”).) Plaintiff also argues that he does not “think there are defects in the complaint” as she “was negligent with involuntary medication order which were harmful to me” and “should have used better judgment than to force medicate & send me to state hospitals that were not beneficial.” (Opposition, p.2:6-22.) Plaintiff’s argument confirms that the alleged acts by Judge Paul were judicial acts as they were actions normally performed by a judge and dealt with Judge Paul in her judicial capacity. Plaintiff’s arguments do not change the fact that the alleged judicial acts are protected by absolute judicial immunity.

Accordingly, Defendant’s demurrer to the complaint is SUSTAINED without leave to amend.

Defendants shall prepare and submit a proposed final order consistent with this tentative ruling.