CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION THREE

Semaan v. Mosier

Semaan · No. G064385 · Decided February 6, 2026

SUMMARY

The California Court of Appeal affirmed an order granting an anti-SLAPP motion against claims that a court-appointed receiver breached fiduciary duties by delaying liquidation of investment accounts. The court held that the claims arose from protected petitioning activity and that the receiver was entitled to quasi-judicial immunity for discretionary acts and decisions made in that role. The court limited that immunity to discretionary conduct and declined to decide whether Government Code section 820.2 also applied.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division Three
WRITING FOR THE COURT	Sanchez, Acting P. J.; Scott, J.; Bancroft, J.
JURISDICTION	California Court of Appeal, Fourth Appellate District, Division Three
DECIDED	February 6, 2026
DOCKET	G064385
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from an order granting defendants' special motion to strike the complaint under California's anti-SLAPP statute.
STANDARD OF REVIEW	De novo review applies to an order granting or denying an anti-SLAPP motion, including both steps of determining whether the claim arises from protected activity and whether the plaintiff demonstrated a probability of success. The appellant nevertheless bears the burden of demonstrating prejudicial error.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Simon Semaan, Pierrette Semaan, Mia Semaan, Simon Semaan, Jr., Me.S., Gilberte Semaan v. Robert P. Mosier, Mosier & Company, Inc.

TOPICS

civil procedure · appellate procedure · standard of review · motions to dismiss

PRACTICE AREAS

civil procedure appellate procedure remedies

QUESTIONS PRESENTED

1. Whether plaintiffs' claims arose from activity protected under Code of Civil Procedure section 425.16(e)(4).
2. Whether plaintiffs demonstrated the minimal merit necessary to survive the second step of the anti-SLAPP analysis.
3. Whether a court-appointed receiver is entitled to quasi-judicial immunity for discretionary acts and decisions made in the receiver's official capacity.
4. Whether the receiver's decision regarding when liquidation was practicable was discretionary rather than ministerial.

HOLDINGS

1. Plaintiffs' claims arose from constitutionally protected activity under Code of Civil Procedure section 425.16(e)(4) because they were based on the receiver's decisions and conduct in furtherance of the criminal prosecution and management of assets under the court's appointment.
2. A court-appointed receiver is protected by quasi-judicial immunity for discretionary acts and decisions performed in the receiver's capacity as an arm of the court.
3. Quasi-judicial immunity for a court-appointed receiver extends to discretionary, nonministerial acts and decisions, but not to nondiscretionary ministerial acts, intentional misconduct outside the receiver's quasi-judicial capacity, self-dealing, or acts taken in the complete absence of jurisdiction.
4. The receiver's decision about when it was practicable to liquidate the investment accounts was discretionary and therefore protected by quasi-judicial immunity.

KEY QUOTATIONS

> *"We hold that a court-appointed receiver is protected by quasi-judicial immunity for the receiver's discretionary acts and decisions."* (at 2)

> *"Such quasi-judicial immunity for court-appointed receivers would not extend to nondiscretionary, ministerial acts."* (at 14)

> *"Quasi-judicial immunity protects both right and wrong decisions."* (at 16)

FACTUAL BACKGROUND

In a criminal prosecution against Simon Semaan, the trial court issued asset-preservation orders and appointed Robert P. Mosier as receiver. A later order directed the receiver to liquidate specified stock holdings into cash as soon as practicable, but the accounts were not liquidated before Mosier was replaced. Mosier asserted that settlement negotiations, possible alternative funding, and account-closing requirements imposed by

TDAmeritrade affected the timing and practicality of liquidation. Plaintiffs alleged that the delay caused approximately $1,180,854.95 in losses and sued for breach of fiduciary duty.

PROCEDURAL HISTORY

Plaintiffs sued a former court-appointed receiver and his company for breach of fiduciary duty based on the receiver's alleged failure to liquidate investment accounts. The superior court granted defendants' anti-SLAPP motion, concluding that the claims arose from protected activity and lacked minimal merit because of the litigation privilege and quasi-judicial immunity. The Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Equilon Enterprises v. Consumer Cause, Inc., 29 Cal.4th 53, 57 (2002)
- Baral v. Schnitt, 1 Cal.5th 376, 384-385 (2016)
- Park v. Board of Trustees of California State University, 2 Cal.5th 1057, 1060-1063 (2017)
- Newport Harbor Offices & Marina, LLC v. Morris Cerullo World Evangelism, 23 Cal.App.5th 28, 42 (2018)
- Jameson v. Desta, 5 Cal.5th 594, 609 (2018)
- Meridian Financial Services, Inc. v. Phan, 67 Cal.App.5th 657, 708 (2021)
- Osborne v. Pleasonton Automotive Co., LP, 106 Cal.App.5th 361, 375-376 (2024)
- Jarrow Formulas, Inc. v. LaMarche, 31 Cal.4th 728, 737 (2003)
- Neville v. Chudacoff, 160 Cal.App.4th 1255, 1263 (2008)
- Pizarro v. Reynoso, 10 Cal.App.5th 172, 179 (2017)
- Wilson v. Cable News Network, Inc., 7 Cal.5th 871, 900 (2019)
- Wittenberg v. Bornstein, 50 Cal.App.5th 303, 312-313 (2020)
- Starr v. Ashbrook, 87 Cal.App.5th 999, 1020 (2023)
- FilmOn.com Inc. v. DoubleVerify Inc., 7 Cal.5th 133, 145, 150 (2019)
- Holt v. Brock, 85 Cal.App.5th 611, 620-623 (2022)
- Howard v. Drapkin, 222 Cal.App.3d 843, 852-857 (1990)
- New Alaska Dev. Corp. v. Guetschow, 869 F.2d 1298, 1303 (9th Cir. 1989)
- Suny v. KCP Advisory Grp., LLC, 152 F.4th 25, 31 (1st Cir. 2025)
- Trinh v. Fineman, 9 F.4th 235, 237-238 (3d Cir. 2021)
- Property Management & Investment, Inc. v. Lewis, 752 F.2d 599, 603 (11th Cir. 1985)
- Brown v. Costello, 905 F.Supp. 65, 76 (N.D.N.Y. 1995)
- Davis v. Bayless, Bayless & Stokes, 70 F.3d 367, 373 (5th Cir. 1995)
- Antoine v. Byers & Anderson, 508 U.S. 429, 436 (1993)
- Forrester v. White, 484 U.S. 219, 229-230 (1988)

- Regan v. Price, 131 Cal.App.4th 1491, 1496 (2005)
- Gregoire v. Biddle, 177 F.2d 579, 581 (2d Cir. 1949)
- Hardy v. Vial, 48 Cal.2d 577, 582-583 (1957)

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