

CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT

Vergara v. Ouse

Vergara v. Ouse · No. H052022 · Decided December 15, 2025

SUMMARY

The California Court of Appeal affirmed summary judgment for a licensed marriage and family therapist who suspended court-ordered therapeutic supervised visitation. The court held that quasi-judicial immunity barred the plaintiff’s intentional infliction of emotional distress claim because the therapist was performing a judicial function pursuant to authority delegated by the court. The court also deemed several arguments forfeited because they were raised for the first time on appeal.

CASE DETAILS

COURT	California Court of Appeal, Sixth Appellate District
WRITING FOR THE COURT	Bromberg, J.; Greenwood, P. J.; Danner, J.
JURISDICTION	California Court of Appeal, Sixth Appellate District
DECIDED	December 15, 2025
DOCKET	H052022
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order granting defendant summary judgment in an action arising from the suspension of court-ordered therapeutic supervised visitation.
STANDARD OF REVIEW	De novo review of the summary judgment order.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Osvaldo Vergara v. Karen Ouse

TOPICS

- family law
- child custody
- visitation
- summary judgment
- appellate procedure

PRACTICE AREAS

- family law
- torts
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether quasi-judicial immunity bars an infliction-of-emotional-distress claim against a licensed therapist who, while serving as a supervised-visitation provider, suspends court-ordered visitation pursuant to authority delegated by the judicial system.
2. Whether the superior court's summary judgment order should be affirmed on the quasi-judicial-immunity ground.

HOLDINGS

1. Quasi-judicial immunity protects a licensed marriage and family therapist serving as a supervised-visitation provider when she suspends visitation pursuant to judicially delegated authority because the suspension performs a judicial function intimately related to the judicial process.
2. Those circumstances do not defeat quasi-judicial immunity, and the appellant forfeited the new arguments because they were not raised in the trial court.

KEY QUOTATIONS

“Quasi-judicial immunity bars the infliction of emotional distress claim at issue because, much like the evaluator in Bergeron, in suspending visitation Ouse was exercising a judicial function that the trial court delegated to her.” (at 7)

“Accordingly, we conclude that quasi-judicial immunity protects Ouse’s suspension of Vergara’s visitations and as a matter of law bars Vergara’s infliction of emotional distress claim based on the suspension.” (at 12)

FACTUAL BACKGROUND

After Vergara's marriage was dissolved, the superior court awarded his former wife sole legal and physical custody of their two children and granted Vergara professionally and therapeutically supervised visitation. The custody order provided that the supervisor would be a licensed therapist and would share information about visits with the mother and the court; because the parents could not agree on a supervisor, the mother selected Karen Ouse. In August 2019, Ouse suspended visitation after Vergara denied felony kidnapping and child-neglect charges and, according to Ouse, therapeutic visitation could not succeed unless he admitted the charges and acknowledged their effect on the children. Vergara sued Ouse for, among other claims, infliction of emotional distress based on the suspension.

PROCEDURAL HISTORY

Vergara sued Ouse in the Santa Cruz County Superior Court, asserting three causes of action. He conceded that Ouse was entitled to judgment on the first two causes of action but opposed summary judgment on his claim for infliction of emotional distress based on suspension of visitation. The superior court granted summary judgment on that claim based in part on quasi-judicial immunity. Vergara appealed, and the Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Hobbs v. City of Pacific Grove, 85 Cal.App.5th 311 (2022)
- Oppenheimer v. Ashburn, 173 Cal.App.2d 624 (1959)
- Pickett v. Wallace, 57 Cal. 555 (1881)
- Holt v. Brock, 85 Cal.App.5th 611 (2022)
- McClintock v. West, 219 Cal.App.4th 540 (2013)
- Howard v. Drapkin, 222 Cal.App.3d 843 (1990)
- Bergeron v. Boyd, 223 Cal.App.4th 877 (2014)
- Deluz v. The Law Offices of Frederick S. Cohen, 2011 WL 677914 (E.D. Cal. Feb. 17, 2011)
- El-Shabazz v. Henry, 2012 WL 5347824 (E.D.N.Y. Oct. 29, 2012)
- McKnight v. Middleton, 699 F.Supp.2d 507 (E.D. Cal. 2010)
- Gutierrez v. Willbrand, 1996 WL 345607 (N.D. Cal. June 11, 1996)
- Hewlett-Packard Co. v. Oracle Corp., 65 Cal.App.5th 506 (2021)
- Bogacki v. Board of Supervisors, 5 Cal.3d 771 (1971)
- Stover v. Bruntz, 12 Cal.App.5th 19 (2017)
- Barton v. New United Manufacturing, Inc., 43 Cal.App.4th 1200 (1996)