

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Sage v. County of Monterey

Sage · No. 5:22-cv-07083-BLF · Decided March 21, 2025

SUMMARY

The United States District Court for the Northern District of California granted Monterey County’s Rule 12(c) motion for judgment on the pleadings regarding Shasha Sage’s wrongful-eviction claim. The court held that Sage had not adequately alleged a leasehold or other property interest in the safe-parking space, and that her recreational vehicle was not real property for purposes of the asserted California common-law and statutory theories. The order was dated March 21, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 21, 2025
DOCKET	5:22-cv-07083-BLF
DISPOSITION	other
PROCEDURAL POSTURE	The County of Monterey moved under Federal Rule of Civil Procedure 12(c) for judgment on the pleadings as to Plaintiff's eleventh cause of action for wrongful eviction.
STANDARD OF REVIEW	A Rule 12(c) motion may be brought after the pleadings close, and the same standard applicable to a Rule 12(b) motion applies because the motions are functionally identical. Judgment on the pleadings is proper when, accepting the plaintiff's allegations as true, the plaintiff cannot prove facts that would entitle her to relief.
PRECEDENTIAL VALUE	Unknown
PARTIES	Shasha Sage v. County of Monterey

TOPICS

- motion for judgment on the pleadings
- eviction
- landlord tenant
- real estate
- civil procedure

PRACTICE AREAS

civil procedure

real estate

landlord tenant

remedies

QUESTIONS PRESENTED

1. Whether Sage adequately pleaded a California common-law wrongful-eviction claim based on alleged possession of her RV or the parking space.
2. Whether Sage was a 'hirer' of real property entitled to the thirty-day notice protection of California Civil Code section 1946.
3. Whether Sage adequately pleaded a claim under California Code of Civil Procedure section 1159 by alleging possession of real property and forcible entry or forcible ouster.

HOLDINGS

1. Sage could not base a common-law wrongful-eviction claim on eviction from her RV because the RV was not real property. Her allegations that she parked in the same space for two and a half years and performed upkeep services did not establish a leasehold interest because they did not allege that the services were bargained for in exchange for a property interest.
2. Sage failed to state a claim under California Civil Code section 1946 because she did not allege facts showing that she hired the parking space or paid, or bargained for the space in exchange for services.
3. Sage failed to state a claim under California Code of Civil Procedure section 1159 because she did not allege that she was a hirer or otherwise had a property interest in the parking space, and her RV was not real property for purposes of the statute.

KEY QUOTATIONS

“But in order to qualify as “consideration,” the benefit conferred (or prejudice suffered) “must actually be bargained for as the exchange for the promise.”” (at 2)

“The ordinary meaning of “hire” includes payment.” (at 3)

FACTUAL BACKGROUND

Shasha Sage alleged that she was a registered member of the One Starfish Safe Parking Program and had been permitted to park her RV overnight and permanently in a designated space in a Marina, California parking lot. She alleged that she parked there for approximately two and a half years before being evicted by the Monterey County Sheriff's Department on November 12, 2021. She claimed that her services maintaining the lot and her participation in the program gave her leasehold or tenancy rights in the parking space.

PROCEDURAL HISTORY

Sage filed the action on November 10, 2022. After earlier motions for summary judgment and dismissal, Sage filed a First Amended Complaint asserting wrongful-eviction theories under California common law, California Civil Code section 1946, and California Code of Civil Procedure section 1159. The court had previously

dismissed the same claim against former Defendant One Starfish without leave to amend. The court granted the County's Rule 12(c) motion.

DISPOSITION

other

CASES CITED

- Dworkin v. Hustler Mag., Inc., 867 F.2d 1188, 1192 (9th Cir. 1989)
- Westlands Water Dist. v. Firebaugh Canal, 10 F.3d 667, 670 (9th Cir. 1993)
- Spinks v. Equity Residential Briarwood Apartments, 171 Cal. App. 4th 1004, 1039 (2009)
- Karz v. Mecham, 120 Cal. App. 3d Supp. 1, 4 (App. Dep't Super. Ct. 1981)
- Property California SCJLW One Corp. v. Leamy, 25 Cal. App. 5th 1155, 1165 (2018)
- Trim v. Reward Zone USA LLC, 76 F.4th 1157, 1161 (9th Cir. 2023)
- Taniguchi v. Kan Pac. Saipan, Ltd., 566 U.S. 560, 574 (2012)
- FMC Corp. v. Holliday, 498 U.S. 52, 57 (1990)
- Smith v. Municipal Court, 202 Cal. App. 3d 685, 689 (1988)