SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 32

24STCV11392 November 10, 2025
DUSTIN RIACH, et al. vs HERITAGE AUCTIONEERS & GALLERIES, INC, A TEXAS CORPORATION, et al. 10:19 AM

Judge: Honorable Daniel S. Murphy
Judicial Assistant: S. Lopez
Courtroom Assistant: None

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Ruling on Submitted Matter

The Court, having taken the matter under submission on 11/07/2025 for Hearing on Motion for Summary Judgment CRS# 5304--(Intervenor) Eugene Wesley Roddenberry Jr., now rules as follows:

The Motion for Summary Judgment (CRS# 5304) filed by Eugene Wesley Roddenberry, Jr. on 08/14/2025 is Granted.

BACKGROUND

On May 7, 2024, Plaintiffs Dustin Riach and Jason Rivas filed this action against Defendants Heritage Auctioneers & Galleries, Inc. (Heritage) and Brian Chanes (Chanes). Plaintiffs filed the operative First Amended Complaint on December 4, 2024. The complaint asserts causes of action for declaratory relief, negligence, fraud, and deceptive trade practices.

Plaintiffs discovered an original Star Trek starship model (the Model) and retained Heritage to sell it. Plaintiffs allege that Heritage breached its duties to them by selling the Model to Eugene "Rod" Roddenberry (Rod), the son of late Star Trek creator Gene Roddenberry (Gene), at a discount to garner favor and future business for itself. Plaintiffs allege that Roddenberry Entertainment, Inc. (REI) asserted a false title claim to the starship.

On January 29, 2025, Rod filed a complaint-in-intervention. Rod filed the operative First Amended Complaint-in-Intervention (FACI) on February 24, 2025, asserting a single cause of action for quiet title. The FACI alleges that Rod owns the Model through various bequeathments and that Plaintiffs never lawfully purchased the Model. Gene allegedly loaned the Model to Paramount and did not consent to any transfer of ownership. The Model was lost and eventually ended up in a storage unit. According to the FACI, Plaintiffs only rented the storage unit and falsified sale documents.

On August 14, 2025, Rod filed the instant motion for summary judgment in his favor on the FACI. Plaintiffs filed an opposition on October 16, 2025. Rod filed a reply on October 27, 2025.

LEGAL STANDARD

The function of a motion for summary judgment or adjudication is to allow a determination as to whether an opposing party cannot show evidentiary support for a pleading or claim and to enable an order of summary dismissal without the need for trial. (Aguilar v. Atlantic Richfield Co. (2001) 25 Cal.4th 826, 843.) Code of Civil Procedure section 437c(c) "requires the trial judge to grant summary judgment if all the evidence submitted, and 'all inferences reasonably deducible from the evidence' and uncontradicted by other inferences or evidence, show that there is no triable issue as to any material fact and that the moving party is entitled to judgment as a matter of law." (Adler v. Manor Healthcare Corp. (1992) 7 Cal.App.4th 1110, 1119.)

"[T]he party moving for summary judgment bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he carries his burden of production, he causes a shift, and the opposing party is then subjected to a burden of production of his own to make a prima facie showing of the existence of a triable issue of material fact." (Leyva v. Garcia (2018) 20 Cal.App.5th 1095, 1101.) To establish a triable issue of material fact, the party opposing the motion must produce "substantial responsive evidence." (Sangster v. Paetkau (1998) 68 Cal.App.4th 151, 166.) Courts "liberally construe the evidence in support of the party opposing summary judgment and resolve doubts concerning the evidence in favor of that party." (Dore v. Arnold Worldwide, Inc. (2006) 39 Cal.4th 384, 389.)

OBJECTIONS AND REQUEST FOR JUDICIAL NOTICE

Plaintiff's objections are overruled.

Plaintiff's request for judicial notice is granted.

Gene's objections 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are sustained, and the remaining objections are overruled.

Gene's request for judicial notice is granted.

DISCUSSION

I. Gene's (and by Extension, Rod's) Ownership of the Model

According to Rod's evidence, Paramount gifted the Model to Gene, meaning Gene owned the Model. (Rod's Stmt. of Undisputed Facts (UF) 1.) Subsequently, Gene agreed to loan the Model to Paramount for use in a movie, but there was no transfer of ownership, and the expectation was for Paramount to return the Model to Gene. (UF 6.) In particular, on November 5, 1979, Gene drafted a letter to Jeff Katzenberg of Paramount (the 1979 Memo), stating that he "loaned Paramount a three-foot model of the U.S.S. Enterprise which [he] had owned since the Desilu days of the television show." (Sackett Decl., Ex. 2.) In the memo, Gene expressed a desire to "get[] my model back." (Ibid.) The memo is admissible as an ancient document and has been authenticated by Gene's former secretary who dictated the memo. (See Evid. Code, § 1331; Sackett Decl. ¶ 4.) Gene's ownership of the Model is also supported by other evidence, including the fact that Gene kept the Model at his home, and that Paramount never asked for the Model to be returned. (Sackett Decl. ¶ 3.) Gene's ownership is further supported by Paramount acknowledging that it had given the model to Gene. (Ades Decl. ¶ 3.)

This evidence satisfies Rod's prima facie burden on the motion. In opposition, Plaintiffs present no evidence rebutting Gene's ownership of the Model. Plaintiffs purport to dispute Gene's ownership based on the fact that Paramount did not issue a writing to verify the gift or Gene's ownership. However, Plaintiffs cite no authority requiring either a gift or ownership of personal property to be memorialized in writing. Plaintiffs' counsel's unverified personal research lacks foundation and is also not responsive to the specific issue of Gene's ownership of the Model. (See Washington Decl. ¶¶ 50-55.)
Plaintiffs also argue that their possession raises a presumption of title, rebuttable only with clear and convincing proof. Plaintiffs cite to Evidence Code section 662, which provides that "[t]he owner of the legal title to property is presumed to be the owner of the full beneficial title. This presumption may be rebutted only by clear and convincing proof." The statute does not provide a presumption of title based on possession. Rather, it provides a presumption of beneficial title based on legal title. This case does not involve issues of legal title versus beneficial title, nor does it involve real property. Thus, section 662 is inapposite.

In sum, Rod has established as a matter of law that Gene owned the Model. It is otherwise undisputed that Gene bequeathed all of his property to his wife, Majel, and that Majel bequeathed all of her property to Rod. (UF 7.) Therefore, Rod has established his ownership of the Model as a matter of law.

II. Statute of Limitations

"An action for taking, detaining, or injuring goods or chattels, including an action for the specific recovery of personal property," is subject to a three-year statute of limitations. (Code Civ. Proc., § 338(c)(1).) In the case of the theft of "an article of historical, interpretive, scientific, or artistic significance," the statute of limitations does not begin to run "until the discovery of the whereabouts of the article by the aggrieved party, the aggrieved party's agent, or the law enforcement agency that originally investigated the theft." (Id., § 338(c)(2).) Moreover, the discovery rule generally "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action." (Fox v. Ethicon Endo-Surgery, Inc. (2005) 35 Cal.4th 797, 807.)

Plaintiffs argue that Rod's quiet title claim is barred by the statute of limitations, which began running in 1979 when Gene wrote the Memo and expired in 1982. Plaintiffs argue that the theft exception enumerated in section 338(c)(2) is inapplicable because taking property without returning it is not "theft" as defined under Penal Code section 484. Plaintiffs cite no authority for this proposition, and this is contrary to law. Penal Code section 484 specifically states that theft occurs when a person "feloniously steals, takes, carries, leads, or drives away the personal property of another," or "fraudulently appropriates property which has been entrusted to him or her," or "knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property." Penal Code section 484 also provides that the intent to commit theft by fraud may be presumed under certain circumstances, such as failing to return leased or rented property within a specified period after a written demand for its return.

Even if "the original taking is lawful, the statute of limitations . . . does not begin to run 'until the return of the property has been demanded and refused or until a repudiation of the owner's title is unequivocally brought to [her or] his attention.'" (Coy v. County of Los Angeles (1991) 235 Cal.App.3d 1077, 1088.) Plaintiffs cite no evidence suggesting that Paramount or anyone else unequivocally repudiated Gene's ownership.

Furthermore, this action could not have brought action until the Model and the parties in possession of it were discovered. (See Naftzger v. American Numismatic Society (1996) 42 Cal.App.4th 421, 433.)

Stafford v. Oil Tool Corporation (1955) 133 Cal.App.2d 763, which Plaintiffs referenced in their oral argument, is not applicable to the present case. In Stafford, the parties entered into a written

contract in which the plaintiff sold goods to the defendant at a reduced price, and the defendant orally agreed to compensate the plaintiff by providing goods on credit at a reduced price "at any future time." (Id. at p. 765.) Implicit in this promise was the requirement that the plaintiff would actually seek to obtain such goods from the defendant. Because the defendant's ability to perform was dependent upon the plaintiff's demand for performance, this demand was an "integral part of [the plaintiff's] cause of action." (Id. at p. 765.) Unlike the present case, this case does not involve a party attempting to recover its property that was being wrongfully held by a third party.

Siry Investment, L.P. v. Farkhondehpour (2022) 13 Cal.5th 333, which Plaintiffs referenced in their oral argument, is not applicable to the present case. Siry Investments concerns the recovery of treble damages and attorney fees under Penal Code Section 496. In the present case, Gene does not request treble damages or attorney fees. Gene is merely requesting a finding that he is the rightful owner of the model.

In sum, the statute of limitations does not raise a triable issue. There is no evidence or authority establishing that the statute of limitations began running in 1979.

III. Bona Fide Purchaser

"A purchaser in good faith of goods sold to enforce a lien or a judgment entered on the lien in favor of the owner on goods stored at a self-service storage facility takes the goods free of any rights of persons against whom the lien was claimed, despite noncompliance by the owner of the storage facility with the requirements of this chapter." (Bus. & Prof. Code, § 21711.)

Relying on this provision, Plaintiffs argue that they are immune as bona fide purchasers at a storage facility lien sale. However, the statute is qualified: it provides that bona fide purchasers take the goods free of the rights of "persons against whom the lien was claimed." (Bus. & Prof. Code, § 21711.) Rod is not such a person. Plaintiffs present no evidence of any lien or judgment against Rod which was being enforced by the sale. Thus, section 21711 does not apply to Rod.

Plaintiffs urge the Court to ignore the qualifying phrase in section 21711 because "[t]he § 21700 lien is not directed at anyone - it is a 'possessory lien' which means 'if it's in the locker, its encumbered.'" (Opp. 11:17-21.) Plaintiffs cite to Nist v. Hall (2018) 24 Cal.App.5th 40 for support. However, the court in Nist reached no such conclusion. To the contrary, the court emphasized that statutory language must be given "a plain and commonsense meaning" and concluded that "[t]he statute means what it says." (Id. at pp. 45, 48.) The statute is plainly qualified by the phrase "persons against whom the lien was claimed." Plaintiffs cite no authority

suggesting that "persons against whom the lien was claimed" includes someone in Rod's position. Thus, even assuming Plaintiffs are bona fide purchasers, they did not take the goods free and clear as against Rod.

In sum, Rod's quiet title claim is not barred by the bona fide purchaser statute.

IV. Owner Negligence Rule

Lastly, Plaintiffs reference the "owner negligence rule" under the UCC, arguing that Gene failed to file a UCC-1 statement claiming ownership of the Model. For support, Plaintiffs cite South Beverly Wilshire Jewelry & Loan v. Superior Court (2004) 121 Cal.App.4th 74, 80, which held that "a person who voluntarily relinquishes possession of his property to another in a consignment, and who has the ability to protect his title by means of a Commercial Code filing but does not do so, will not be entitled to the benefit of the common law rule that a thief cannot pass title to stolen property where an innocent third party has taken possession of the property from the consignee for value and without notice."

However, this case does not involve a consignment. A consignment is "a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale," and certain conditions are satisfied. (Com. Code, § 9102(a)(20).) Plaintiffs present no evidence that the Model was delivered to a merchant for the purpose of sale, nor do Plaintiffs present evidence that any of the requisite conditions for consignment were satisfied. Thus, Plaintiffs have not raised a triable issue with the owner negligence rule.

Because Rod has satisfied his prima facie burden, and Plaintiffs have failed to raise a triable issue, Rod is entitled to summary judgment on his claim for quiet title.

CONCLUSION

Intervenor Eugene Roddenberry's motion for summary judgment is GRANTED.

The Court, having taken the matter under submission on 11/07/2025 for Hearing on Motion for Summary Judgment CRS# 2872--(Plaintiffs) Riach and Rivas, now rules as follows:

The Motion for Summary Judgment (CRS# 2872) filed by Dustin Riach, Jason Rivas on 07/21/2025 is Denied.

BACKGROUND

On May 7, 2024, Plaintiffs Dustin Riach and Jason Rivas filed this action against Defendants Heritage Auctioneers & Galleries, Inc. (Heritage) and Brian Chanes (Chanes). Plaintiffs filed the operative First Amended Complaint on December 4, 2024. The complaint asserts causes of action for declaratory relief, negligence, fraud, and deceptive trade practices.

Plaintiffs discovered an original Star Trek starship model (the Model) and retained Heritage to sell it. Plaintiffs allege that Heritage breached its duties to them by selling the Model to Eugene "Rod" Roddenberry (Rod), the son of late Star Trek creator Gene Roddenberry (Gene), at a discount to garner favor and future business for itself. Plaintiffs allege that Roddenberry Entertainment, Inc. (REI) asserted a false title claim to the starship.

On January 29, 2025, Rod filed a complaint-in-intervention. Rod filed the operative First Amended Complaint-in-Intervention (FACI) on February 24, 2025, asserting a single cause of action for quiet title. The FACI alleges that Rod owns the Model through various bequeathments and that Plaintiffs never lawfully purchased the Model. Gene allegedly loaned the Model to Paramount and did not consent to any transfer of ownership. The Model was lost and eventually ended up in a storage unit. According to the FACI, Plaintiffs only rented the storage unit and falsified sale documents.

On July 21, 2025, Plaintiffs filed the instant motion for summary judgment against the FACI. Rod filed an opposition on October 17, 2025. Plaintiffs filed a reply on October 22, 2025.

LEGAL STANDARD

The function of a motion for summary judgment or adjudication is to allow a determination as to whether an opposing party cannot show evidentiary support for a pleading or claim and to enable an order of summary dismissal without the need for trial. (Aguilar v. Atlantic Richfield Co. (2001) 25 Cal.4th 826, 843.) Code of Civil Procedure section 437c(c) "requires the trial judge to grant summary judgment if all the evidence submitted, and 'all inferences reasonably deducible from the evidence' and uncontradicted by other inferences or evidence, show that there is no triable issue as to any material fact and that the moving party is entitled to judgment as a matter of law." (Adler v. Manor Healthcare Corp. (1992) 7 Cal.App.4th 1110, 1119.)

"[T]he party moving for summary judgment bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he carries his

burden of production, he causes a shift, and the opposing party is then subjected to a burden of production of his own to make a prima facie showing of the existence of a triable issue of material fact." (Leyva v. Garcia (2018) 20 Cal.App.5th 1095, 1101.) To establish a triable issue of material fact, the party opposing the motion must produce "substantial responsive evidence." (Sangster v. Paetkau (1998) 68 Cal.App.4th 151, 166.) Courts "liberally construe the evidence in support of the party opposing summary judgment and resolve doubts concerning the evidence in favor of that party." (Dore v. Arnold Worldwide, Inc. (2006) 39 Cal.4th 384, 389.)

DISCUSSION

I. Statute of Limitations

"An action for taking, detaining, or injuring goods or chattels, including an action for the specific recovery of personal property," is subject to a three-year statute of limitations. (Code Civ. Proc., § 338(c)(1).) In the case of the theft of "an article of historical, interpretive, scientific, or artistic significance," the statute of limitations does not begin to run "until the discovery of the whereabouts of the article by the aggrieved party, the aggrieved party's agent, or the law enforcement agency that originally investigated the theft." (Id., § 338(c)(2).) Moreover, the discovery rule generally "postpones accrual of a cause of action until the plaintiff discovers, or has reason to discover, the cause of action." (Fox v. Ethicon Endo-Surgery, Inc. (2005) 35 Cal.4th 797, 807.)

On November 5, 1979, Gene drafted a letter to Jeff Katzenberg of Paramount (the 1979 Memo), stating that he "loaned Paramount a three-foot model of the U.S.S. Enterprise which [he] had owned since the Desilu days of the television show." (Plntf.'s Stmt. of Undisputed Facts (UF) 1.) In the memo, Gene expressed a desire to "get[] my model back." (Ibid.)

Plaintiffs argue that Rod's quiet title claim is barred by the statute of limitations, which began running in 1979 when Gene wrote the Memo and expired in 1982. Plaintiffs argue that the theft exception enumerated in section 338(c)(2) is inapplicable because taking property without returning it is not "theft" as defined under Penal Code section 484. Plaintiffs cite no authority for this proposition. Moreover, even if "the original taking is lawful, the statute of limitations . . . does not begin to run 'until the return of the property has been demanded and refused or until a repudiation of the owner's title is unequivocally brought to [her or] his attention.'" (Coy v. County of Los Angeles (1991) 235 Cal.App.3d 1077, 1088.) Plaintiffs cite no evidence suggesting that the 1979 Memo was a demand for return, or that Paramount unequivocally repudiated Gene's ownership. Thus, there is no evidence or authority establishing that the statute

of limitations began running in 1979.

Additionally, Rod's claim against Plaintiffs is based on Plaintiffs' purported purchase of the storage unit containing the Model in October 2023. (FACI ¶ 6.) Rod filed the original complaint-in-intervention in January 2025, within the three-year statute of limitations. Rod could not have brought this action until the Model and the parties in possession of it were discovered. (See Naftzger v. American Numismatic Society (1996) 42 Cal.App.4th 421, 433.)

In sum, Plaintiffs have failed to satisfy their prima facie burden of showing that the claim is barred by the statute of limitations.

II. Bona Fide Purchaser

"A purchaser in good faith of goods sold to enforce a lien or a judgment entered on the lien in favor of the owner on goods stored at a self-service storage facility takes the goods free of any rights of persons against whom the lien was claimed, despite noncompliance by the owner of the storage facility with the requirements of this chapter." (Bus. & Prof. Code, § 21711.)

Relying on this provision, Plaintiffs argue that they are immune as bona fide purchasers at a storage facility lien sale. However, the statute is qualified: it provides that bona fide purchasers take the goods free of the rights of "persons against whom the lien was claimed." (Bus. & Prof. Code, § 21711.) Rod is not such a person. Plaintiffs present no evidence of any lien or judgment against Rod which was being enforced by the sale. Thus, section 21711 does not apply to Rod. Plaintiffs' cited case only reinforces this interpretation. (See Nist v. Hall (2018) 24 Cal.App.5th 40, 45 ["the good faith purchaser 'takes the goods free of any rights of persons against whom the lien was claimed'"], emphasis in original.)

Plaintiffs cite no authority suggesting that "persons against whom the lien was claimed" includes someone in Rod's position. Thus, even assuming Plaintiffs are bona fide purchasers, they did not take the goods free and clear as against Rod. As a result, Plaintiffs have failed to satisfy their prima facie burden that the claim is barred by the bona fide purchaser statute.

Furthermore, even assuming Rod is a "person[] against whom the lien was claimed," there is a triable issue over whether Plaintiffs were bona fide purchasers. Plaintiffs contend that Public Storage notified Rivas that he had won the bid for unit 062 and issued Rivas a bill of sale. (UF 22-24.) However, Rivas was subsequently notified that the auction was cancelled. (Liskin Decl., Ex. 4, 6.) Files produced by Public Storage during discovery do not contain the purported receipt

and invoice to prove Plaintiffs' purchase of the unit. (Id., ¶ 9.) This at least raises a factual dispute over whether Plaintiffs were bona fide purchasers.

III. Owner Negligence Rule

Lastly, Plaintiffs reference the "owner negligence rule" under the UCC, arguing that Gene failed to file a UCC-1 statement claiming ownership of the Model. For support, Plaintiffs cite South Beverly Wilshire Jewelry & Loan v. Superior Court (2004) 121 Cal.App.4th 74, 80, which held that "a person who voluntarily relinquishes possession of his property to another in a consignment, and who has the ability to protect his title by means of a Commercial Code filing but does not do so, will not be entitled to the benefit of the common law rule that a thief cannot pass title to stolen property where an innocent third party has taken possession of the property from the consignee for value and without notice."

However, this case does not involve a consignment. A consignment is "a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale," and certain conditions are satisfied. (Com. Code, § 9102(a)(20).) Plaintiffs present no evidence that the Model was delivered to a merchant for the purpose of sale, nor do Plaintiffs present evidence that any of the requisite conditions for consignment were satisfied. Thus, Plaintiffs have not satisfied their prima facie burden of showing that the claim is barred by the owner negligence rule.

IV. Gene's Ownership

For the first time in reply, Plaintiffs argue that there is no evidence Gene ever owned the Model to begin with. (Reply 2:5-3:7.) The Court does not consider points raised for the first time in reply. (Tellez v. Rich Voss Trucking, Inc. (2015) 240 Cal.App.4th 1052, 1066.) Plaintiffs' notice of motion clearly identified two grounds for summary judgment: (1) the statute of limitations; and (2) the bona fide purchaser statute. (Mtn. 2:4-13.) Plaintiffs' opening brief additionally mentions the owner negligence rule. (Mtn. 15:4-16:7.) Nowhere in the opening papers do Plaintiffs argue that Gene never owned the Model.

Moreover, as the movants on summary judgment, Plaintiffs bear the initial burden of negating a triable issue over Gene's ownership. "[T]he moving party must generally negative the matters which the resisting party would have to prove at the trial." (Segura v. Brundage (1979) 91 Cal.App.3d 19, 28-29.) "[S]ummary judgment law in California requires the defendant to present evidence, and not simply point out through argument, that the plaintiff does not possess and cannot reasonably obtain the needed evidence." (Lona v. Citibank, N.A. (2011) 202 Cal.App.4th

89, 110.) Plaintiffs merely argue that Rod's evidence is insufficient to establish Gene's ownership, but Rod has no burden to produce evidence until Plaintiffs satisfy their burden first. Plaintiffs present no evidence negating Gene's ownership as a matter of law. Thus, Plaintiffs cannot obtain summary judgment based on Gene's purported lack of ownership.

CONCLUSION

Plaintiffs' motion for summary judgment is DENIED.

The orders are signed and filed on this date.

Clerk to give notice. Certificate of Service is attached.