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6 LA CRESTA PROPERTY OWNERS' ASSOCIATION

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

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11 EUGENE PROKHORENKO, an individual,) Case No. CVME2404021
12)
Plaintiff,) **DEFENDANTS' NOTICE OF MOTION**
13) **AND MOTION FOR JUDGMENT ON THE**
v.) **PLEADINGS**
14)
LA CRESTA PROPERTY OWNERS') Date: May 20, 2026
15 ASSOCIATION, a California Nonprofit) Time: 8:30 A. M.
Corporation – Mutual Benefit – Common)
16 Interest Development Corporation; DOES 1) *Reservation No.* 286383330209
through 25 Inclusive)
17)
Defendant,) Judge: Hon. Raquel A. Marquez
M302
18)
19) Complaint Filed: October 16, 2024
Trial Date: August 14, 2026

20 TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:

21 Please take notice that on May 20, 2026, at 8:30 a.m., in Department M302 of the above-
22 entitled Court, located at 27401 Menifee Ctr Drive, Menifee, CA 92584, before the Hon. Raquel A.
23 Marquez, Defendant La Cresta Property Owners Association will move the Court for an order
24 granting judgment on the Third Cause of Action in Plaintiff Eugene Prokhorenko's Complaint.

25 The Motion will be based upon the grounds that the Third Cause of Action for Violation of
26 the Common Interest Development Open Meeting Act fails to state facts sufficient to constitute a
27 cause of action under *Civil Code* § 4925. The FAC does not allege an actionable denial of the
28 statutory rights to attend or speak at a meeting and instead relies on conduct that falls outside the

1 scope of the statute. Defendant further seeks an order denying leave to amend on the grounds that
2 Plaintiff has previously been provided leave to amend but has failed to cure the defect, and the defect
3 is legal in nature and cannot be cured by further amendment.

4 This Motion is based upon this Notice, the accompanying Memorandum of Points and
5 Authorities, the Declaration of Alexander L. Tang and exhibits attached thereto, the Request for
6 Judicial Notice, the records and files of this action, and upon such further oral and documentary
7 evidence as may be presented at or before the hearing on this Motion.

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Dated: April 10, 2026

FREEMAN MATHIS & GARY, LLP



By: _____
DAVID G. MOLINARI
ALEXANDER L. TANG
Attorneys for Defendant
LA CRESTA PROPERTY OWNERS'
ASSOCIATION