

S193493

IN THE  
SUPREME COURT OF CALIFORNIA

SUPREME COURT

JUN 21 2011

Frederick K. Ohlrich Clerk

Deputy

NANCY CEJA, et al.,  
Plaintiff and Appellant,

vs.

RUDOLPH & SLETTEN, INC.,  
Defendant and Respondent;

PHOENIX CEJA et al.,  
Respondent.

After a Decision by the Court of Appeal,  
Sixth Appellate District  
Sixth Appellate District Case No. H034826  
Santa Clara County Superior Court, Nos. CV112520 and CV115283

ANSWER TO PETITION FOR REVIEW

THE ARNS LAW FIRM

Robert S. Arns, (SBN 65071) [rsa@arnslaw.com](mailto:rsa@arnslaw.com)

Jonathan E. Davis (SBN 191346) [jed@arnslaw.com](mailto:jed@arnslaw.com)

Steven R. Weinmann (SBN 190956) [srw@arnslaw.com](mailto:srw@arnslaw.com)

515 Folsom Street, 3<sup>rd</sup> Floor

San Francisco, California 94105

Phone: (415) 495-7800

Fax: (415) 495-7888

ATTORNEYS FOR

Plaintiff and Appellant, Nancy Ceja

IN THE  
SUPREME COURT OF CALIFORNIA

---

NANCY CEJA, et al.,  
Plaintiff and Appellant,

vs.

RUDOLPH & SLETTEN, INC.,  
Defendant and Respondent;

PHOENIX CEJA et al.,  
Respondent.

---

After a Decision by the Court of Appeal,  
Sixth Appellate District  
Sixth Appellate District Case No. H034826  
Santa Clara County Superior Court, Nos. CV112520 and CV115283

---

ANSWER TO PETITION FOR REVIEW

---

THE ARNS LAW FIRM  
Robert S. Arns, (SBN 65071) [rsa@arnslaw.com](mailto:rsa@arnslaw.com)  
Jonathan E. Davis (SBN 191346) [jed@arnslaw.com](mailto:jed@arnslaw.com)  
Steven R. Weinmann (SBN 190956) [srw@arnslaw.com](mailto:srw@arnslaw.com)  
515 Folsom Street, 3<sup>rd</sup> Floor  
San Francisco, California 94105  
Phone: (415) 495-7800  
Fax: (415) 495-7888

ATTORNEYS FOR  
Plaintiff and Appellant, Nancy Ceja

**TABLE OF CONTENTS**

	Page
TABLE OF AUTHORITIES .....	ii
INTRODUCTION .....	1
STATEMENT OF FACTS .....	2
ARGUMENT .....	3
I. REVIEW BY THIS COURT IS UNNECESSARY BECAUSE THE COURT OF APPEAL’S DECISION CORRECTLY REALIGNED THE PUTATIVE SPOUSE DOCTRINE WITH ITS ORIGINAL PURPOSE.....	3
A. <u>Ceja’s Interpretation of Vryonis Is a Clarification of the Putative Spouse Doctrine That Realigns Case Law With the Intent of the Doctrine</u> .....	4
B. <u>There Are No Grounds for Review Because This Case Does Not Create a Split Between the Courts of Appeal or Raise an Important Question of Law</u> .....	7
C. <u>The Court of Appeal’s Decision is So Thorough as to Preclude Necessity for Review by This Court</u> .....	10
CONCLUSION.....	12

## TABLE OF AUTHORITIES

### CASES

<i>Caldwell v. Odisio</i> (1956) 142 Cal.App.2d 732.....	5
<i>Ceja v. Rudolph &amp; Sletten, Inc.</i> (2011) 194 Cal.App.4th 584 .....	<i>passim</i>
<i>Centinela Hosp. Med. Ctr. v. Sup. Ct.</i> (1989) 263 Cal.Rptr. 672 .....	8
<i>County of Los Angeles v. Frisbie</i> (1942)19 Cal.2d 634.....	5
<i>Crow Irvine #2 v. Winthrop Cal. Investors Ltd. Partnership</i> (2002) 128 Cal.Rptr.2d 644.....	9
<i>Estate of DePasse</i> (2002)118 Cal.Rptr.2d 143 .....	8
<i>Estate of Vargas</i> (1974) 36 Cal.App.3d 714.....	6
<i>Flanagan v. Capital Nat. Bank</i> (1931) 213 Cal. 664.....	9
<i>In re Domestic Partnership of Ellis</i> (2008)76 Cal.Rptr.3d 401 .....	9
<i>In re Marriage of Doherty</i> (2002) 126 Cal.Rptr.2d 919 .....	9
<i>In re Marriage of Ellis</i> (2002) 124 Cal.Rptr.2d 719.....	9
<i>In re Marriage of Flores</i> (1988) 252 Cal.Rptr. 687.....	8
<i>In re Marriage Guo &amp; Sun</i> (2010) 186 Cal.App.4th 1491 .....	5, 9
<i>In re Marriage of Monti</i> (1982) 135 Cal.App.3d 50.....	4, 5, 9
<i>In re Marriage of Ramirez</i> (2008) 81 Cal.Rptr.3d 180.....	9
<i>In re Marriage of Tejada</i> (2009) 102 Cal.Rptr.672 .....	9
<i>In re Marriage of Vryonis</i> (1988) 202 Cal.App.3d 712.....	<i>passim</i>
<i>Miller v. Johnson</i> (1963) 214 Cal.App.2d 123 .....	9
<i>Neureither v. Workmen's Comp. App. Bd.</i> (1971)15 Cal.App.3d 429 .....	6
<i>Schneider v. Schneider</i> (1920) 183 Cal. 335.....	5

<i>Vallera v. Vallera</i> (1943) 21 Cal.2d 681.....	9
<i>Wagner v. County of Imperial</i> (1983) 145 Cal.App.3d 980.....	4
<i>Welch v. State</i> (2000) 100 Cal.Rptr.2d 430 .....	8

CA STATUTES & RULES

Code Civ. Proc., § 377.60(b) .....	3
Fam. Code, § 300 <i>et seq.</i> .....	6, 7
Health & Saf. Code, §§ 103125 .....	6, 7
Cal. Rules of Court, 8.500(b)(1) .....	3, 7, 8

## INTRODUCTION

The Petition for Review in this unremarkable appeal by Defendant and Respondent Rudolph and Sletten, Inc. (hereinafter Respondent) challenges a judgment overturning a trial court ruling that erroneously applied an objective standard when evaluating Plaintiff and Appellant Nancy Ceja's (hereinafter Appellant) belief in the validity of her marriage. The Court of Appeal's opinion was well-reasoned in its affirmation of her right to bring a claim as a putative spouse for the death of her husband. There is nothing about the decision that requires review by this Court. The opinion finally provided much-needed clarity to the issue of how to evaluate a good-faith belief in one's marital status. Since other courts have not yet had time to review and rule upon similar cases, there is no conflict warranting this Court's intervention. The Petition should be denied.

Nancy Ceja and Robert Ceja were married in a formal wedding ceremony on September 23, 2003, almost four years to the day before Robert's death. (Appellant's Appendix ("AA") at 000425.) At all times, she believed that she had a valid marriage to Robert. (AA 000426.) Nancy filed a wrongful death action as the wife of Robert upon his untimely death in a construction accident on Respondent's jobsite. (AA 000001.) Respondent attacked her right to bring the claim, asserting that her marriage was voidable because Robert's divorce was not final until several weeks after he and Nancy married. (AA 000058.) Thus, Respondent argued, Nancy did not have a reasonable basis for believing in the validity of the marriage, and had no right to sue as a putative spouse. (AA 000058.) There is no testimonial evidence that Nancy, at any time prior to her marriage to Robert or even prior to his death four years later, knew or was aware that his divorce had not been finalized. Nonetheless, the trial court granted Respondent's motion for summary judgment on the ground that Nancy did not have an "objectively

reasonable” belief in the validity of her marriage. (AA 000706.) The Court of Appeal reversed, holding that the trial court erred in examining whether Nancy’s belief was objectively reasonable. (*Ceja v. Rudolph & Sletten, Inc. (Ceja)* (2011) 194 Cal.App.4th 584, 587.) Rather, the Court of Appeal determined that the proper question before the trial court was whether there were triable issues of fact concerning whether Nancy held a good faith belief that her marriage was valid. (*Id.* at p. 608.)

Respondent’s Petition for Review contends review by this Court is necessary to resolve a circuit split and to settle the important question of what standard is appropriate when considering the good faith requirement of the putative spouse doctrine. This Petition is meritless, however, and review should be denied for three reasons: (1) this case merely presents a clarification of how to determine putative spouse status (2) it is not ripe for review because it does not cause a circuit split nor does it raise an important question of law that requires immediate attention, and (3) Respondent’s Petition does not raise any points that were not thoroughly addressed by the Court of Appeal.

### **STATEMENT OF FACTS**

The facts of Nancy and Robert’s marriage and courtship were typical in every respect. They began living together in 2001, the same year Robert entered into a joint custody arrangement with his ex-wife. (AA 000119.) Nancy herself was not privy to any of the details surrounding Robert’s separation and divorce from his ex-wife. (AA 000348.) Three days before their wedding, on September 24, 2003, Robert and Nancy obtained a “License and Certificate of Marriage” from the County of Santa Clara, California. (AA 000119.) At the time, Nancy believed that their marriage would be entirely valid. (AA 000425.) Nancy and Robert

celebrated their wedding by holding a large ceremony before 250 of their family members and friends in Salinas, California, on September 27, 2003. (AA 000119.)

Nancy believed she was the lawfully wedded wife of Robert from September 27, 2003 to the date of the incident. (AA 000426.) If she doubted the validity of her marriage, the couple would have held a new ceremony. (AA 000427.) From the date of their wedding until Robert's death, Nancy and Robert held themselves out as a married couple in numerous respects. (AA 000427.) Nancy changed her last name to Ceja; the two held a joint checking account while living together as husband and wife; they filed their taxes under the designation 'married but filing separately'; they told anyone that asked that they were married; and they always wore wedding rings indicating their commitment to one another. (AA 000427.)

### ARGUMENT

I. REVIEW BY THIS COURT IS UNNECESSARY BECAUSE THE COURT OF APPEAL'S DECISION CORRECTLY REALIGNED THE PUTATIVE SPOUSE DOCTRINE WITH ITS ORIGINAL PURPOSE.

Review should be denied for the simple reason that this case is not ripe for review because the case is merely a clarification and reinterpretation of existing case law. Furthermore, there is no circuit split because the courts of appeal have not had opportunity to consider the ramifications of the case. (*See* Cal. Rules of Court, rule 8.500(b)(1).) The statutory requirements for a finding of putative spouse status are clear. In the context of a wrongful death claim, the court must find that the putative spouse *believed in good faith* that their marriage to the decedent was valid. (Code Civ. Proc., § 377.60, subd. (b), italics added.) The Court of Appeal thoroughly analyzed the putative spouse doctrine in case law and its later statutory codification. (*Ceja v. Rudolph & Sletten, Inc., supra*, 194 Cal.App.4th at pp. 590-596.) Through this analysis, the court determined that prior to and after codification, "courts treated putative

status as a factual question, concerning a party's state of mind.” (*Id.* at p. 595.) That critical factual question is whether the putative spouse honestly and genuinely believes that the marriage was valid.” (*Id.* citing *Wagner v. County of Imperial* (1983) 145 Cal.App.3d 980, 983 [following *In re Marriage of Monti* (1982) 135 Cal.App.3d 50, 56, in holding that “the essence of a putative spouse is a good faith belief in the existence of a valid marriage.”].) Accordingly, since good faith belief is a question for the finder of fact, the *Ceja* court was correct when it reversed and remanded the case back to the trial court.

The Court of Appeal also addressed the source of the trial court's opinion, *In re Marriage of Vryonis* (1988) 202 Cal.App.3d 712 (*Vryonis*). Going against precedent, *Vryonis* imposed an objective test for putative status. (*Vryonis*, 202 Cal.App.3d at p. 720) In doing so, the *Vryonis* court added a purely legal dimension to the determination of putative status without regard to the long history of putative spouse case law, which clearly required that putative spouse status be determined by the finder of fact. The Petition for Review relies upon *Vryonis* to support its contention that the Court of Appeal's decision creates a sharp split in authority on the proper standard by which to evaluate a “good faith belief.” Far from creating a split in the circuit courts, the Court of Appeal's decision is a well-considered clarification of the putative spouse doctrine based on the plain language of the statute and a plethora of authority in support of its analysis.

A. *Ceja's Interpretation of Vryonis Is a Clarification of the Putative Spouse Doctrine That Realigns Case Law With the Intent of the Doctrine.*

The Court of Appeal's 33-page decision showed the reasons it was necessary to confront and clarify *Vryonis*. (*Ceja v. Rudolph & Sletten, Inc.*, *supra*, 194 Cal.App.4th at p. 598.) The *Ceja* court outlined how *Vryonis'* addition of an objective reasonableness standard to the good-faith requirement for putative spouse status deviated from the established precedent. (*Id.* at p.

596.) The court recognized that its decision departed from *Vryonis*, and by doing so it rightfully cabined application of *Vryonis* to its facts. (*Id.*) In its analysis, the Court of Appeal first examined the putative spouse doctrine beginning with its early application. (*Id.* p. 590.)

The putative spouse doctrine is rooted in the community property system, and its intent was to “protect the expectations of innocent parties” when a marriage dissolves. (*Id.*, citing *Schneider v. Schneider* (1920) 183 Cal. 335, 336–338; *Caldwell v. Odisio* (1956) 142 Cal.App.2d 732, 736.) The innocent parties referred to by the court are those, like Nancy Ceja, who believe they are part of a valid marriage. Moreover, application of the doctrine helps courts to divide marital property accumulated during the course of a marriage in a manner that is “equitable, fair, and just.” (*Ceja v. Rudolph & Sletten, Inc.*, *supra*, 194 Cal.App.4th at p. 590.)

The putative spouse doctrine was codified in its modern form in 1969, as part of the now-former Family Law Act. (*Id.* at 591.) The *Ceja* court found that “in codifying the doctrine, the Legislature simply adopted existing case law and did not intend to change the definition of a putative spouse or restrict application of the doctrine.” (*Id.*, citing *In re Marriage of Monti*, *supra*, 135 Cal.App.3d at p. 55; *In re Marriage Guo & Sun* (2010) 186 Cal.App.4th 1491, 1500 [purpose of codification mirrored equitable purpose of the judicially-created doctrine]; *County of Los Angeles v. Frisbie* (1942) 19 Cal.2d 634, 644 [generally, intent to overthrow “long-established principles of law” not presumed from new enactments unless such a legislative intent is expressed or necessarily implied].) The *Ceja* court was guided by the equitable purpose of the doctrine when they opted to reinterpret the *Vryonis* decision, which they held was out of line with both precedent and legislative intent. (*Id.*)

The Petition for Review relies on *Vryonis* but ignores the clear pre-*Vryonis* precedent whereby a grant of putative status only followed a factual examination of a party’s state of mind

to determine if the party held a good faith belief. (See *Neureither v. Workmen's Comp. App. Bd.* (1971) 15 Cal.App.3d 429; *Estate of Vargas* (1974) 36 Cal.App.3d 714, 717 [holding that the putative spouse's "credibility was a question for determination by the trial court"].) The *Ceja* court simply returned the putative spouse doctrine to these roots, requiring that good-faith in the validity of one's marriage be determined by the fact-finder, without any requirement of objective reasonableness.

In *Vryonis*, the parties conducted a private religious ceremony without witnesses or any type of legal solemnization. (*Vryonis, supra*, 202 Cal.App.3d at p. 716.) At no point in their relationship did the couple attempt to comply with any procedural requirements for a valid California marriage. (*Id.*) The plaintiff, however, claimed that her belief in the validity of the marriage was enough to achieve rights as a putative spouse. (*Id.*) On appeal, the *Vryonis* court held that the plaintiff's belief, even if it was sincere and credible, also needed to meet the test of objective reasonableness. (*Id.* at pp. 714, 720-22.) The court found that her belief lacked objective reasonableness it could not be held in good faith. (*Id.*) Accordingly, the plaintiff was not entitled to putative status.<sup>1</sup> (*Id.*)

Unlike the parties in *Vryonis*, Robert and Nancy Ceja made every effort to comply with California's procedural requirements for marriage: they obtained a California marriage license, and participated in formal wedding ceremony. (AA 000425.) The statutory scheme requires that parties complete several steps in the marriage process: mutually consent; obtain a license from the county clerk; and solemnize the marriage. (Fam. Code, § 300 *et seq.*; Health & Saf. Code, §§ 103125, 103175.) Further, the person conducting the marriage ceremony must satisfy additional

---

<sup>1</sup> Applying the "good faith belief" standard to the exceptionally weak facts of *Vryonis*, it seems likely that the Court of Appeal in that case would have come to the same conclusion even without applying the "objective reasonableness" test.

requirements. That person must: determine that the parties have obtained a valid marriage license; authenticate the marriage by signing the certificate of registry and arranging for at least one witness to sign the certificate; and finally, return the certificate of registry to the county clerk for filing. (Fam. Code, § 300 *et seq.*; Health & Saf. Code, §§ 103125, 103175.) Nancy and Robert complied with each of these requirements, whereas the parties in *Vryonis* did not comply with *any* of them. This factual distinction alone was enough to prompt the Court of Appeal to reconsider application of *Vryonis* to every case.

Once the court undertook reexamination of *Vryonis* and the putative spouse doctrine, it was clear that requiring an objective reasonableness test did not further the true intent of the doctrine, which is to protect innocent parties. (*Ceja v. Rudolph & Sletten, Inc.*, *supra*, 194 Cal.App.4th at p. 596.) Further, by examining the cases and rationale underlying the *Vryonis* decision, the Court of Appeal thoroughly discredited the application of an objective reasonableness standard to a putative spouse inquiry and made clear why its continued application was improper. (*Id.*)

B. There Are No Grounds for Review Because This Case Does Not Create a Split Between the Courts of Appeal or Raise an Important Question of Law.

The California Rules of Court direct this Court to exercise its discretionary grant of review when a case presents a split among the circuits or addresses an important area of law. (Cal. Rules of Court, 8.500(b)(1).) This case meets neither criteria, and thus review by this Court is inappropriate. First, a circuit split of authority does not arise each time a Court of Appeal revisits or overturns a previous decision. Here, the Court of Appeal’s decision relegated *Vryonis* to its facts, which are dissimilar from the current case. The Petition for Review claims that this case will cause confusion among the Courts of Appeal that will eventually lead to “chaos in resolving putative spouse issues.” (Resp’t Pet. 23.) This claim is simply overstated.

Further treatment of the putative spouse doctrine is needed before it could be said that a true split in the circuits has formed as a result of *Ceja*.

More likely, other Courts of Appeal will recognize the *Ceja* opinion for what it is – a clarification of the putative spouse doctrine and a return to its true intent. Such clarification was necessary here because *Vryonis* was an outlier in the putative spouse case law, and thus its widespread application to every situation was improper. As discussed above, the application of an “objective reasonableness” standard to the good faith inquiry deviated from the case precedent and the history of the putative spouse doctrine. (See, *Ceja v. Rudolph & Sletten, Inc.*, *supra*, 194 Cal.App.4th at p. 605.) Review by this Court would be premature until the Courts of Appeal have the opportunity to examine both *Ceja* and *Vryonis*, apply them to the specific facts of different cases and therefrom discern if there truly is a split in authority. Accordingly, there is no need for this Court to intervene in order to secure uniformity of decision between the Courts of Appeal.

Next, the Petition for Review claims that the Court of Appeal’s decision will “unravel California’s marriage laws.” (Resp’t Pet. 23.) This is another gross overstatement, and review should not be granted on these grounds. This Court is directed to grant review in order to settle important questions of law. (Cal. Rules of Court, 8.500(b)(1).) The putative spouse doctrine is neither a crucial aspect of California’s marriage laws nor does it arise with enough frequency that it could be considered an important question of law.<sup>2</sup> Respondent goes too far in attempting to position this doctrine as one of great importance to this Court.

---

<sup>2</sup> To illustrate, *Vryonis* was cited by only 11 cases, not including *Ceja*, reported in California since 1988. (See *In re Marriage of Flores* (1988) 252 Cal.Rptr 687, 691; *Centinela Hosp. Med. Ctr. v. Sup. Ct.* (1989) 263 Cal.Rptr. 672, 674; *Welch v. State* (2000) 100 Cal.Rptr.2d 430, 432; *Crow Irvine #2 v. Winthrop Cal. Investors Ltd. Partnership* (2002) 128 Cal.Rptr.2d 644, 647; *Estate of DePasse* (2002) 118 Cal.Rptr.2d 143, 154; *In re Marriage of Doherty* (2002) 126

The Petition further asserts that eliminating the objective reasonableness requirement from the putative spouse doctrine will erode the institution of marriage in California. Contrary to Respondent's overblown fears, the Court of Appeal's decision in *Ceja* does not create a situation in which any two people may arbitrarily declare themselves married and expect to receive the benefits of putative spouse status. Instead, the decision merely returns the doctrine to its pre-*Vryonis* requirement: that a finder of fact must determine whether one holds a good faith belief in the validity of their marriage. (See *In re Marriage of Monti*, *supra*, 135 Cal.App.3d at p. 56.) This also ensures that putative spouses who innocently believed in the validity of their marriage will receive equitable treatment in the event of an untimely death such as occurred here.

Respondent's argument clings to the idea that there is only one way a person may achieve putative spouse status: if he or she is absolutely unable to discover that the marriage is invalid. Respondents assert a wrongful reading of the *Ceja* opinion, whereby a mere *belief* in the validity of a marriage, standing alone, is enough to render that marriage valid. This assertion fails because it ignores the actual holding of the *Ceja* opinion which recognizes the crucial role of the fact-finder. In a case where putative spouse status is asserted, the party asserting a putative marriage would not be relieved of its obligation to convince the fact-finder that its belief was indeed held in good faith.

Prior to *Vryonis*, there were numerous cases that denied putative spouse status to parties who alleged good faith belief. (See, *Flanagan v. Capital Nat. Bank* (1931) 213 Cal. 664; *Miller v. Johnson* (1963) 214 Cal.App.2d 123; *Vallera v. Vallera* (1943) 21 Cal.2d 681.) In those cases, the plaintiffs' assertions of good-faith beliefs crumbled under the scrutiny of the fact finder,

---

Cal.Rptr.2d 919, 921; *In re Marriage of Ellis* (2002) 124 Cal.Rptr.2d 719, 721; *In re Domestic Partnership of Ellis* (2008) 76 Cal.Rptr.3d 401, 404; *In re Marriage of Ramirez* (2008) 81 Cal.Rptr.3d 180, 184; *In re Marriage of Tejada* (2009) 102 Cal.Rptr.672, 674; *In re Marriage of Xia Guo and Ziao Hua Sun* (2010) 112 Cal.Rptr.3d 906, 911.)

whose responsibility it is to determine whether an alleged good-faith belief is genuine. Following *Ceja*, a plaintiff who asserts putative spouse status will still bear the burden of proving to the finder of fact, by a preponderance of evidence, that their good-faith belief in the validity of their marriage is genuine. Here, Nancy's good faith belief is amply supported by the numerous actions she and Robert took to establish themselves as married and to live their lives as a married couple. However, whether Nancy's belief is genuine, based on the information which she had, is a triable issue of fact which the Court of Appeal properly returned to the trial court.<sup>3</sup>

In this case and in any subsequent putative spouse action, the finder of fact will act as a gate-keeper, preventing frivolous claims for putative spouse status. The fact-finder's decision will also be subject to review by the Courts of Appeal, and if necessary by this Court. With such extensive safeguards in place, the possibility that the Court of Appeal's decision in *Ceja* will unravel California's marriage laws is unlikely in the extreme.

C. The Court of Appeal's Decision is So Thorough as to Preclude Necessity for Review by This Court.

The Court of Appeal thoroughly addressed all pertinent aspects of the putative spouse doctrine. It considered the history, legislative intent, and case law application of the doctrine in detail. The treatment of the putative spouse doctrine in most prior Courts of Appeal decisions was cursory at best, and the majority blindly used the *Vryonis* requirement of "objectively reasonable good faith" as boilerplate language. Here, as discussed above, the Court of Appeal dissected the putative spouse doctrine, from its roots in Spanish civil law to its modern

---

<sup>3</sup> The Court of Appeal noted that Nancy's statements, to the effect that she did not read the marriage license or Robert's final divorce papers closely, if true, would support a finding of good faith belief and would establish putative status. (*Ceja v. Rudolph & Sletten, Inc.*, *supra*, 194 Cal.App.4th at p. 609.) Respondent's motion for summary judgment relied on an implicit discrediting of Nancy's statements, which the Court of Appeal held could only be adequately assessed by the finder of fact. (*Id.*)

application. The analysis is sound and it would be a poor use of this Court's resources to retread this ground before the other Courts of Appeal have examined the decision and determined whether to follow it, expand upon it, or discard it.

Respondent's Petition refers to the case law of other states to support its assertion that an objective reasonableness component is a critical part of the putative spouse calculus. This examination is erroneous because it urges review outside the scope of what is needed here. It is neither necessary nor prudent for this Court to examine the history of the putative spouse doctrine in other states. How other states treat the putative spouse doctrine has no relevant impact on its contemporary application in California.

CONCLUSION

The Petition for Review submitted by Respondent is meritless because it neither asserts an important question of law nor presents a necessity to secure uniformity of decision and because granting review on an issue so thoroughly addressed by the Court of Appeal before other Courts of Appeal have weighed in, would be a waste of judicial resources. For these and all foregoing reasons, this Court should deny Respondent's Petition for Review.

THE ARNS LAW FIRM

By: \_\_\_\_\_

Robert S. Arns  
Jonathan E. Davis  
Steven R. Weinmann

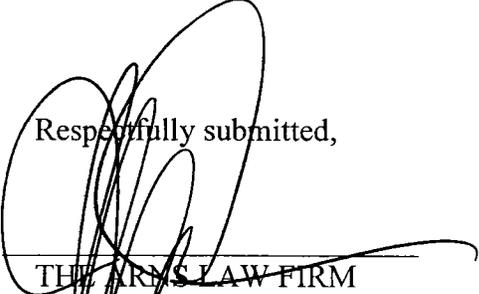
Attorneys for Plaintiff and  
Appellant, Nancy Ceja

**CERTIFICATION REGARDING LENGTH OF BRIEF**

I hereby certify that this brief contains 3857 words, including footnotes, as established by the word count of the company program utilized for the preparation of this brief.

I declare and certify under the laws of the State of California that the foregoing statement is true and correct and that this certification was executed on June 27, 2011 at San Francisco, California.

Respectfully submitted,



~~THE ARNS LAW FIRM~~

Robert S. Arns, (SBN 65071)  
Jonathan E. Davis (SBN 191346)  
Steven R. Weinmann (SBN 190956)  
515 Folsom Street, 3<sup>rd</sup> Floor  
San Francisco, California 94105  
Phone: (415) 495-7800  
Fax: (415) 495-7888

Attorneys for Plaintiff and  
Appellant, Nancy Ceja

CERTIFICATE OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to, nor interested in, the above-entitled action. I am an employee of The Arns Law Firm, A Professional Corporation, and my business address is 515 Folsom Street, 3<sup>rd</sup> Floor, San Francisco, CA 94105

On the date indicated below I served the following **ANSWER TO PETITION FOR REVIEW** on all interested parties in the above cause, by:

XX **HAND DELIVERY** by placing a true and correct copy thereof enclosed in a sealed envelope with the name and address of the party to receive the document. Such document was then given to the service or individual signing the bottom of this Proof of Service showing delivery made.

The envelopes were addressed as follows:

Mike Reynolds RANKIN, SPROAT, MIRES, BEATY & REYNOLDS 1970 Broadway, Suite 1150 Oakland, CA 94612 PHONE: 510-465-3922 FAX: 510-452-3006 Counsel for Rudolph & Sletten, Inc.	[ONE COPY]
Anne Kepner NEEDHAM, KEPNER, FISH & JONES 1960 The Alameda, Suite 210 San Jose, CA 95126 PHONE: 408-244-2166 FAX: 408-244-7815 Counsel for Plaintiffs Phoenix Ceja and Seneca Ceja by and through their Guradian ad Litem Christine Ceja	[ONE COPY]

<p>William F. Fitzgerald  O'SULLIVAN &amp; HUDSON  560 Mission Street, Suite 2100  San Francisco, CA 94105  PHONE: (415) 227-2300  FAX: (415) 227-2360  Counsel for Lien Claimant Zurich  American Insurance</p>	<p>[ONE COPY]</p>
<p>Hon. Mary Jo Levinger  Santa Clara Superior Court  191 N. First Street  San Jose, CA 95113</p>	<p>[Case Number 108CV112520]    [ONE COPY]</p>
<p>Clerk of the Court  Supreme Court of California  350 McAllister Street  San Francisco, CA 94102</p>	<p>[ORIGINAL and THIRTEEN  COPIES]</p>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 27, 2011 at San Francisco, California.




---

ALEXIS BLOOM