SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 03/10/2026 TIME: 09:00:00 AM DEPT: C32

JUDICIAL OFFICER PRESIDING: Lee Gabriel
CLERK: D. Hentschke
REPORTER/ERM: Lori Anastasiou CSR# 4345
BAILIFF/COURT ATTENDANT: R. Lau

CASE NO: **30-2023-01357407-CU-PL-CJC** CASE INIT.DATE: 10/16/2023
CASE TITLE: **Strumpfer vs. Kawasaki Motors Corp., U.S.A.**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Product Liability

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EVENT ID/DOCUMENT ID: 74735775

EVENT TYPE: Motion for Summary Judgment and/or Adjudication
MOVING PARTY: Kawasaki Motors Corp., U.S.A.
CAUSAL DOCUMENT/DATE FILED: Motion for Summary Judgment/Adjudication, 12/19/2025

EVENT ID/DOCUMENT ID: 74792402

EVENT TYPE: Ex Parte
MOVING PARTY: David Strumpfer
CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 03/03/2026

EVENT ID/DOCUMENT ID: 74790592

EVENT TYPE: Ex Parte
MOVING PARTY: Kawasaki Motors Corp., U.S.A.
CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 03/02/2026
Additional events listed on last page.

APPEARANCES
Andrew Morrow, from Downtown LA Law Group, present for Plaintiff(s) remotely.
Daniel S. Rodman & Rick Mueller, from Snell & Wilmer LLP, present for Defendant(s) in person.

Hearing held, participants appearing remotely and in person.

Tentative Ruling posted on the Internet.

Both parties submit on the Court's tentative ruling re: the Motion to Determine Applicable Law

The Court **CONFIRMS** the tentative ruling as follows regarding the Motion to Determine Applicable Law:

1. MOTION FOR DETERMINING MARITIME LAW IS APPLICABLE

Defendant's Motion to Determine Applicable Law is GRANTED.

In reply, Defendant argues Plaintiff's opposition was served one day late. However, Defendant does not contend it was deprived of the ability to reply, so the Court will consider Plaintiff's opposition unless

Defendant requests a continuance. In future, Plaintiff shall ensure all documents filed with the Court are timely served or the Court may disregard Plaintiff's filings.

Defendant seeks a determination that maritime law governs this action.

In the Complaint, Plaintiff alleges strict product liability and negligence arising from injuries sustained when his Kawasaki jet ski exploded while he was operating it at Havasu Riviera Marina, Arizona. (¶¶ 9, 13.)

Defendant contends, "The U.S. Constitution and United States Supreme Court case law make clear the importance of a uniform body of law – maritime law – that governs liability for actions (including torts) occurring on navigable waters. [Citation]" (Motion, p. 3.) "Admiralty jurisdiction (which requires federal and state courts to apply maritime law) exists where both the 'location' and 'connection tests' are met. To meet the 'location' test, the tort must have occurred on navigable water." (p. 4.) "Establishing 'connection' requires a determination of: (1) 'whether the [type of] incident has a potentially disruptive impact on maritime commerce" and (2) whether the incident 'shows a substantial relationship to traditional maritime activity.' [Citation]" (Id.)

Defendant cites *Sisson v. Ruby* (1990) 497 U.S. 358, in which the Supreme Court applied maritime law to a case arising from a fire on a recreational boat docked at a marina. The Court held, "This case involves a fire that began on a noncommercial vessel at a marina located on a navigable waterway. Certainly, such a fire has a potentially disruptive impact on maritime commerce, as it can spread to nearby commercial vessels or make the marina inaccessible to such vessels. Indeed, fire is one of the most significant hazards facing commercial vessels." (*Id*. at 362.) [A]a court must assess the general features of the type of incident involved to determine whether such an incident is likely to disrupt commercial activity. Here, the general features—a fire on a vessel docked at a marina on navigable waters—plainly satisfy the requirement of potential disruption to commercial maritime activity." (*Id*. at 363.)

Defendant also cites *In re Mission Bay Jet Sports, LLC* (9th Cir. 2009) 570 F.3d 1124 (*Mission Bay*), in which the Ninth Circuit applied maritime law when passengers were thrown off a jet ski due to operator negligence. There, the Ninth Circuit summarized applicable law as follows:

"Since *Foremost*, *Sisson*, and *Grubart*, we have taken an inclusive view of what general features of an incident have a potentially disruptive effect on maritime commerce. For example, in *Gruver* we held that an employer's assault on a crewman on a fishing vessel had a potentially detrimental effect on maritime commerce by depriving the vessel of a deckhand due to his injuries. 489 F.3d at 982–83. In *Taghadomi v. United States*, 401 F.3d 1080, 1086 (9th Cir.2005), we held that injury to boaters, whose vessel capsized at sea, caused by a potential rescuer's negligence in carrying out its rescue operation could potentially affect maritime commerce because the 'efficacy of search-and-rescue operations has a direct effect on the health and lives of seamen,' and 'insofar as the rescuer can preserve the vessel, it prevents economic loss to the vessel's owner.' In *Wallis v. Princess Cruises, Inc*., 306 F.3d 827, 840–41 (9th Cir.2002), we held that a claim for intentional infliction of emotional distress by a passenger on a cruise ship stemming from a master's speculation that the passenger's husband, who had fallen overboard, had probably been 'chopped up' by the ship's propellers, came within admiralty jurisdiction as the incident involved a 'cruise ship's treatment of passengers generally,' which 'clearly has potential to disrupt commercial activity." (*Id*. at 1128-1129.)

In *Mission Bay*, the Ninth Circuit held, "we believe the incident is best described as harm by a vessel in navigable waters to a passenger. Although Colombo and Slagel point out that this particular incident did not actually disrupt commercial activity, the disruption prong does not turn on what happened in this particular case but on whether the general features of the incident have a potentially disruptive effect. We think it follows from *Foremost*, *Sisson*, and *Grubart*, as well as their progeny in this circuit, that an incident of this class could have a potentially disruptive impact. Among other things, a vessel from which a passenger goes overboard in navigable waters would likely stop to search and rescue, call for

assistance from others—which, in this area, could include the Coast Guard and in fact did involve another vessel—and ensnarl maritime traffic in the lanes affected." (*Id*. at 1129 [footnote omitted].)

Plaintiff responds, "Even assuming the location prong is met because Lake Havasu is a navigable waterway, Kawasaki cannot satisfy the connection requirement." (Opp. at p. 2, emphasis omitted.) "Binding Ninth Circuit authority directly addressing equipment-related injuries at Lake Havasu—*H2O Houseboat Vacations Inc. v. Hernandez* (9th Cir. 1996) 103 F.3d 914—held that a contained hazard aboard a recreational vessel on Lake Havasu lacked the potential to disrupt maritime commerce and therefore did not support admiralty jurisdiction. That decision controls here." (Opp. at p. 2.) Defendant argues this case concerns Defendant's "land-based product decision, not navigation or traditional maritime activity." (*Id*.) Plaintiff also compares this case to *Myhran v. Johns-Manville Corp.* (9th Cir. 1984) 741 F.2d 1119, which involved liability for exposure to asbestos products aboard marine vessels.

In *H2O Houseboat Vacations Inc. v. Hernandez* (9th Cir. 1996) 103 F.3d 914, 916 (*Houseboat Vacations*), the Ninth Circuit held, "the incident that caused the injury was the emission of carbon monoxide fumes inside a contained space within a houseboat tied to the shore. This incident had no potential to disrupt maritime commerce. The carbon monoxide was dangerous only because it was contained in the sleeping area of the houseboat. The fumes would not be dangerous if they escaped. This is far different from the fire on the boat in *Sisson*. There, the fire had the potential of spreading to other boats and to the marina. Indeed, it did."

Because Plaintiff concedes Lake Havasu is a navigable waterway, the location prong is not in dispute. (Opp. at 4:12-14.) Therefore, this motion depends on the "connection" prong, which "raises two issues." *(Mission Bay*, *supra*, 570 F.3d at 1126.) "A court, first, must assess the general features of the type of incident involved to determine whether the incident has a potentially disruptive impact on maritime commerce. Second, a court must determine whether the general character of the activity giving rise to the incident shows a substantial relationship to traditional maritime activity." (*Id*. at 1126 [cleaned up].)

Defendant cites legal authority, discussed above, holding the following incidents sufficiently meet the connection prong: (1) a fire on a recreational boat docked at a marina, (2) passengers thrown off a jet ski due to operator negligence, (3) rescuer's negligence at sea, (4), assault on a fishing vessel's deckhand, and (5) cruise ship captain's negligent statement to a passenger.

On the other hand, Plaintiff contends the connection test is not met because the complaint alleges "an equipment failure or explosion on a recreational personal watercraft causing injury to its operator" caused by land-based product design/manufacturing decisions. (Opp. at pp. 5-6.) The primary case relied upon by Plaintiff involved a "contained space within a houseboat tied to the shore." (*Houseboat Vacations*, *supra*, 104 F.3d at 916.) Plaintiff also cites a case involving claims arising from asbestos on marine vessels. (*Myhran v. Johns-Manville Corp.* (9th Cir. 1984) 741 F.2d 1119.)

Defendant has shown that under the U.S. Supreme Court's broad connection test, maritime law applies here. Similar to *Sisson* and *Mission Bay*, the incident here – a jet ski explosion near a marina – had the potential to disrupt maritime commerce because it could have harmed or disrupted commercial vessels and/or required a maritime rescue operation. Unlike the cases cited by Plaintiff involving carbon monoxide and asbestos, the harm from a gasoline explosion is not necessarily limited to those on board the recreational vessel. The fact that the vessel was recreational rather than commercial is not dispositive. (See *Barber v. Marina Sailing, Inc.* (1995) 36 Cal.App.4th 558, 563 [admiralty jurisdiction applied regardless of whether vessels involved were commercial or pleasure craft].)

Finally, Plaintiff argues that even if admiralty jurisdiction applies, it does not automatically displace state law, and state law may supplement maritime law where appropriate under *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.* (1995) 513 U.S. 527, 531. Defendant does not directly respond to this argument in reply. Plaintiff's argument falls outside the scope of the present motion, but Plaintiff may raise such arguments in future filings.

Therefore, the motion is granted.

Motion for Summary Judgment and/or Adjudication is **CONTINUED** to 06/02/2026 at 09:00 AM in this department.

The Court will allow full opposition.

Jury Trial is **CONTINUED** to 02/19/2027 at 09:00 AM in this department.

Date chosen by the parties, therefore the Court expects counsel to be ready for trial.

No further continuance absent statutory good cause.

The Court orders fact and expert discovery shall align with the new dates.

Ex-Parte Application for An Order Shortening Time to Hear Plaintiff's Motion to Submit Tardy Designation CCP 2034.710 is requested by Plaintiff on 03/03/2026 under ROA #142.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Plaintiff's Ex-Parte Application is **DENIED.**

Ex-Parte Application for An Order to Strike Plaintiff's Untimely Expert Designation is requested by Defendant on 03/02/2026 under ROA #124.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Defendant's Ex-Parte Application is **MOOT.**

Plaintiff withdraws Motion - Other.

Plaintiff's Motion - Other set for 08/04/2026 at 09:00 AM in Department C32 is **VACATED**.

Parties waive notice.

ADDITIONAL EVENTS:

EVENT ID/DOCUMENT ID: 74662020
EVENT TYPE: Motion - Other
MOVING PARTY: Kawasaki Motors Corp., U.S.A.
CAUSAL DOCUMENT/DATE FILED: Motion - Other For Order Determining That Maritime Law is Applicable, 09/19/2025