1. DAIR, ET AL. v. WONG, ET AL., 24CV2515

OSC Re: Dismissal

On February 23, 2026, the parties filed a Notice of Settlement of Entire Case. To date, there is no request for dismissal in the court's file.

TENTATIVE RULING # 1: APPEARANCES REQUIRED AT 1:30 P.M., FRIDAY, APRIL 17, 2026, IN DEPARTMENT FOUR.

2. MARTIN, ET AL. v. STATE OF CALIFORNIA, ET AL., 25CV2199

Demurrer

The Plaintiffs are husband and wife; the wife was seriously injured, including traumatic brain injury, when she hit a pothole while riding a scooter on public property, which the Complaint alleges was a dangerous condition. The husband has included a claim for loss of consortium based on his wife's injuries. Defendant is a public agency whose liability is governed by the California Tort Claims Act. (Gov. Code, §§ 810–996.6.) Defendant demurs to the husband's loss of consortium claim on the grounds that there is no statute within the Tort Claims Act that authorizes an action against a public agency for loss of consortium.

1. Legal Principles

A demurrer tests the sufficiency of a complaint by raising questions of law. (*Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20.) In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe* (1994) 7 Cal.4th 634, 638; *Interinsurance Exchange v. Narula* (1995) 33 Cal.App.4th 1140, 1143.) The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. (*Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679.)

2. Discussion

Government Code section 835 describes a public agency's liability for dangerous conditions on public property: "Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either: (a) A negligent or wrongful act or omission of an employee of the public entity within

the scope of his employment created the dangerous condition; or (b) The public entity had actual or constructive notice of the dangerous condition under Government Code section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

Thus, the public agency's liability requires 1) an injury 2) proximately caused by 3) a condition that was either created by a negligent act or omission of an employee or of which the agency had either constructive or actual notice, and 4) that the type of injury incurred was foreseeable. Given that the statute itself defines the parameters of a duty by the public agency toward people using public property, the requirements of the statute restate the basic principles of a negligence claim: 1) the existence of a duty, 2) a breach of that duty [by creating or failing to remedy a known dangerous condition], 3) injury to the plaintiff caused by the defendant's breach, and 4) actual damages. (*Romero v. Los Angeles Rams* (2023) 91 Cal.App.5th 562, 567; *Metcalf v. County of San Joaquin* (2008) 42 Cal.4th 1121, 1139 ["In sum, we conclude that negligence under section 835, subdivision (a), is established under ordinary tort principles concerning the reasonableness of a defendant's conduct in light of the foreseeable risk of harm."].)

There is no dispute that the wife's injuries come within the statute because she is the person who, according to the allegations of the Complaint, sustained actual injuries proximately caused by her direct encounter with the dangerous condition. Defendant argues that there is no statute that authorizes a derivative action against a public agency for the husband's loss of consortium. The question then, is whether a loss of consortium claim is an injury that is a "reasonably foreseeable risk" resulting from a dangerous condition of public property. The definition of dangerous condition found in Government Code section 830, combined with the traditional requirement codified in Government Code section 835, subdivision (a)—that the public entity's creation of the dangerous condition must have been unreasonable—reflects an ordinary negligence standard. (See *Lugtu v. Cal. Highway Patrol* (2001) 26 Cal.4th 703, 716 ["Under general

negligence principles, ... a person ordinarily is obligated to exercise due care in his or her own actions so as not to create an *unreasonable* risk of injury to others, and *this legal duty generally is owed to the class of persons who it is reasonably foreseeable may be injured as the result of the actor's conduct*" (italics added)]; *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128; *Alcaraz v. Vece* (1997) 14 Cal.4th 1149, 1156; Civ. Code, § 1714; CACI No. 1001 [defining the basic duty of care in ordinary premises-liability dangerous condition cases].)

Loss of consortium is one of a class of negligence-based torts pursuant to which a person who is closely related to an injured person can sustain a claim for their own harms resulting from the third person's injuries, such as negligent infliction of emotional distress to a person who witnesses the injury of a close family member, or as in this case, loss of consortium to a spouse who suffers from a loss of marital companionship because of an injury to the other spouse. These are derivative causes of action that depend on the necessity of an injury to another person. (*Vanhooser v. Superior Court* (2012) 206 Cal.App.4th 921, 927–28.)

As to a claim for loss of consortium, such a claim at common law has four elements: "(1) a valid and lawful marriage between the plaintiff and the person injured at the time of the injury; [¶] (2) a tortious injury to the plaintiff's spouse; [¶] (3) loss of consortium suffered by the plaintiff; and [¶] (4) the loss was proximately caused by the defendant's act." (*Hahn v. Mirda* (2007) 147 Cal.App.4th 740, 746, fn. 2, citing 4 Levy et al., Cal. Torts (2006) Loss of Consortium, § 56.02 [2], p. 56-4.) "A cause of action for loss of consortium is, by its nature, dependent on the existence of a cause of action for tortious injury to a spouse." (*Hahn v. Mirda*, *supra*, at p. 746.)

There appears to be no directly applicable authority related to the Tort Claims Act, but there is some relevant guidance in a California Supreme Court case addressing the statutory limits of employer liability under the Workers' Compensation statutes. In *LeFiell Mfg. Co. v. Superior Court* (2012) 55 Cal.4th 275, the Court considered whether a

wife could recover for loss of consortium for a husband's injuries covered by Workers' Compensation statutes. It noted that in general, Workers' Compensation claims are governed by the "exclusivity rule" that limits recovery to the worker only, and excludes recovery by any other family member. (See Lab. Code, § 3600.) However, that case involved a statutory exception for injuries caused by the lack of a "point of operation guard" on a power press, in which case the applicable statute provided that the employee could sue the employer for damages beyond the Workers' Compensation system, but that the employee's dependents could not pursue such a claim unless the employee had died. (See Lab. Code, § 4558, subd. (b).) Thus, the spouse in that case could not pursue a loss of consortium claim because the Legislature had expressly excluded any cause of action brought by the employee's dependents for any injury short of death. The Court's reasoning was based on the plain language of the statutes.

In this case, the plain language of the statute creates public agency liability where "the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred." It does not expressly address dependents or family members, it only limits claims to "reasonably foreseeable risks." In a public park, it is reasonably foreseeable that a person might be accompanied by close family members, who, upon witnessing the injury, might have a claim for negligent infliction of emotional distress. It is also reasonably foreseeable that a member of the public injured on public property might have a spouse who could prove their loss of consortium harm resulting from the person's injuries. These causes of action, while derivative, are fundamentally rooted in and are proximately caused by the public agency's purported negligence. Government Code section 835 authorizes claims based on public agency negligence, when it is factually established. The Legislature could have limited this liability to prohibit claims by dependents or family members of injured persons, but it did not.

TENTATIVE RULING # 2: DEFENDANT'S DEMURRER IS OVERRULED. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

3. MATTER OF BAKER, 26CV0116

OSC Re: Name Change

In its February 27, 2026, tentative ruling, the Court noted several deficiencies with the petition, as follows:

The court notes that the petition for name change is incomplete; it does not identify the petitioner's date of birth, place of birth, sex, or current residence address. (Code Civ. Proc., § 1276, subd. (a)(2); see Petn., 7.) To date, there is also no California Law Enforcement Telecommunications System ("CLETS") report or proof of publication in the court's file. (Code Civ. Proc., §§ 1277, subd. (a) (2)(A), 1279.5, subd. (f).)

The deficiencies have not been cured.

TENTATIVE RULING # 3: APPEARANCES REQUIRED AT 1:30 P.M., FRIDAY, APRIL 17, 2026, IN DEPARTMENT FOUR OR THE PETITION WILL BE DENIED.

4. ESPINO v. HUMASON II, INC., ET AL., 25CV1572

(A) Motion to Compel

(B) Motion to Compel

(C) Motion to Compel

On August 28, 2025, Plaintiff served Form Interrogatories, Special Interrogatories, and Request for Production of Documents. (Arakelyan Decl. ¶ 3.) The parties previously agreed to several discovery extensions and were engaged in informal settlement negotiations, which included an agreement to stay discovery. (Catalano Decl. ¶¶ 3-19.) Defendant served verified, code-compliant responses to Plaintiff's Form Interrogatories – Employment, Set One, Special Interrogatories, Set One, and Plaintiff's Request for Production of Documents, Set One on April 6, 2026. (Catalano Decl. ¶ 22.)

Plaintiff's Motions do not comply with Local Rule 7.10.05. Repeated failure to comply with the requirements of the Local Rules may result in sanctions, pursuant to Local Rule 7.12.13.

The Court finds that Plaintiff's counsel failed to satisfy the requirements of § 2016.040(a) of the Code of Civil Procedure ("CCP") which requires: "A meet and confer declaration in support of a motion shall state facts showing a reasonable and good faith attempt, either in person, by telephone, or by videoconference, to informally resolve each issue presented by the motion." Plaintiff sent two e-mails indicating that responses were due but did not make any further attempts. The Court would generally require the parties to further meet and confer before hearing the Motions, but Defendant has since served responses, so the Motions are moot.

In terms of sanctions, the Court finds that the imposition of sanctions would be unjust, as Plaintiff failed to comply with the requirements of CCP § 2016.040.

TENTATIVE RULING # 4: MOTION TO COMPEL FORM INTERROGATORIES, MOTION TO COMPEL PRODUCTION OF DOCUMENTS, AND MOTION TO COMPEL SPECIAL

INTERROGATORIES ARE DENIED AS MOOT. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

5. POTTS v. DEPT. OF MOTOR VEHICLES, 25CV2255

Petition for Alternative Writ of Mandate

Petitioner Thomas Potts ("petitioner") petitions the court for an alternative writ of mandate compelling respondent Director of the Department of Motor Vehicles ("respondent" or the "Department") to set aside its decision issued July 28, 2025.[1] (Code Civ. Proc., § 1094.5; Veh. Code, § 13559.)

1. Administrative Record

In a Code of Civil Procedure section 1094.5 proceeding, it is the responsibility of the petitioner to produce a sufficient record of the administrative proceedings, "otherwise the presumption of regularity will prevail, since the burden falls on the petitioner attacking the administrative decision to demonstrate to the trial court where the administrative proceedings were unfair, were in excess of jurisdiction, or showed ' "prejudicial abuse of discretion." ' [Citations.]" (*Foster v. Civil Service Com.* (1983) 142 Cal.App.3d 444, 453 (*Foster*); see also, *Hothem v. City & County of San Francisco* (1986) 186 Cal.App.3d 702, 704.) "[I]n the absence of an evidentiary record, sufficiency of the evidence is not an issue open to question. Rather, we must presume that the findings were supported by substantial evidence." (*Caveness v. State Personnel Bd.* (1980) 113 Cal.App.3d 617, 630, as cited in *Foster*, *supra*, 142 Cal.App.3d at p. 453.)

In this case, petitioner submitted a very limited record, which includes: (1) Form DS-367 ("Age 21 and Older Officer's Statement") executed April 10, 2024; (2) the Department's Notification of Findings and Decision issued July 5, 2024; (3) the Department's Notification of Findings and Decision issued July 28, 2025; and (4) an uncertified "Driver History Report," which purports to have been requested (by an unidentified party) on November 18, 2024.

[1] On July 5, 2024, respondent issued its original decision, suspending petitioner's license from July 18, 2024, through July 17, 2025. Petitioner does not challenge the July 5, 2024, decision. On July 28, 2025, respondent modified its decision, amending the license revocation end date to July 17, 2026.

The record before this court does not include: (1) any transcript of the July 1, 2024, hearing; and (2) any evidence that petitioner applied to renew his driver's license, as petitioner claims in his petition.

2. Judicial Notice

Pursuant to Evidence Code section 452, subdivision (d), the court, on its own motion, takes judicial notice of the court case file in *People v. Potts*, El Dorado Superior Court Case No. S17CRM0139. As shown in the criminal complaint of that case, the People originally charged petitioner with a violation of Vehicle Code section 23152, subdivision (a), and a separate violation of Vehicle Code section 23152, subdivision (b), both of which allegedly occurred on January 15, 2017. On July 7, 2017, the court entered petitioner's plea of no contest to a reduced charge of reckless driving in violation of Vehicle Code section 23103, subdivision (a).

Additionally, the court takes judicial notice of the court case file in *People v. Potts*, El Dorado Superior Court Case No. 24CR1202 (related to the underlying offense committed on April 9, 2024). As shown in the DUI Advisement of Rights, Waiver, and Plea Form filed July 19, 2024, and executed by petitioner on June 16, 2024, petitioner initialed Paragraph 29, indicating his understanding that, "the DMV may suspend or revoke my driver's license under a civil procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it."

3. Case Background

On April 9, 2024, a California Highway Patrol officer arrested petitioner on suspicion of driving under the influence of alcohol in violation of Vehicle Code section 23152 or 23153. Thereafter, the officer admonished petitioner as follows: "1. You are required by state law to submit to and complete a chemical test to determine the alcohol and/or drug content of your blood. 2. Because I believe you are under the influence of alcohol or a combination of alcohol and drugs, you have a choice of taking a breath or blood

test…. 4. If you refuse to submit to, or fail to complete a chemical test, your driving privilege will be administratively suspended for one year or administratively revoked for two or three years by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving….”

Despite the officer’s admonishments, petitioner refused to submit to a chemical test.

Pursuant to Vehicle Code section 13380, the officer filed a sworn statement (Form DS-367) with the Department stating that (1) there was reasonable cause to believe petitioner had been driving a motor vehicle in violation of Vehicle Code section 23152 or 23153, (2) petitioner was arrested, and (3) petitioner did not take or complete a chemical test.[2] The filing of Form DS-367 resulted in a suspension of petitioner’s driving privilege by the Department. On April 18, 2024, petitioner requested the Department for an administrative hearing. The request for hearing was granted and held on July 1, 2024.

On July 5, 2024, the Department issued its Notification of Findings and Decision related to the July 1, 2024, hearing, which stated that the suspension of petitioner’s driving privilege was re-imposed effective July 18, 2024, and would remain in effect through July 17, 2025.

On July 28, 2025, the Department issued a separate Notification of Findings and Decision related to the July 1, 2024, hearing, which stated that the revocation against petitioner’s driving privilege was re-imposed effective July 18, 2024, and would remain

[2] It is important to note that the instant petition does not challenge any of the officer’s findings listed in Form DS-367. There is also no sufficient evidentiary record submitted to this court to review the officer’s findings. “[I]n the absence of an evidentiary record, sufficiency of the evidence is not an issue open to question.” (*Caveness v. State Personnel Bd.* (1980) 113 Cal.App.3d 617, 630.)

in effect through July 17, 2026. The July 28, 2025, order noted, "[t]he revocation end date has been amended…. No other changes were made to the decision."

On August 29, 2025, petitioner filed a timely writ petition challenging the Department's July 28, 2025, order. The petition included a request to stay the July 28, 2025, order pending the hearing and final judgment in this matter. On September 9, 2025, the court denied petitioner's request for a stay.

On April 9, 2026, the Department specially-appeared in this matter to file a motion to quash. A hearing on the motion to quash is currently set for May 22, 2026. On April 14, 2026, the Department specially-appeared to file an ex parte application to continue the instant hearing.

4. Legal Principles

A decision by the Department to sustain an order of suspension or revocation after an administrative per se hearing meets the criteria for review by administrative mandate. (*Taylor v. State Personnel Bd.* (1980) 101 Cal.App.3d 498, 502.) Consequently, it is well established that administrative mandate is used to obtain judicial review of a license suspension order. (*Berlinghieri v. Dept. of Motor Vehicles* (1983) 33 Cal.3d 392, 395; *Music v. Dept. of Motor Vehicles* (1990) 221 Cal.App.3d 841, 843, fn. 2.) Suspension or revocation of an issued driver's license affects a vested, fundamental right and, as a result, a superior court must exercise independent judgment upon the evidence when reviewing such an order. (*Berlinghieri*, *supra*, at p. 395; *Munro v. Dept. of Motor Vehicles* (2018) 21 Cal.App.5th 41, 46; see Code Civ. Proc., § 1094.5, subd. (c).) "[T]he party challenging the administrative decision bears the burden of convincing the court that the administrative findings are contrary to the weight of the evidence." (*Fukuda v. City of Angels* (1999) 20 Cal.4th 805, 817.)

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5. Discussion

Our state's administrative per se statutes authorize the Department to revoke a person's driving privileges for one year if the person refuses an officer's request to take a chemical test when suspected of driving while intoxicated; and two years if the refusal occurs "within 10 years of either (A) a separate violation of [Vehicle Code] Section 23103 as specified in Section 23103.5 …, or (B) a suspension or revocation of the person's privilege to operate a motor vehicle pursuant to this section or Section 13353.2 for an offense that occurred on a separate occasion." (Veh. Code, § 13353, subd. (a)(1)–(2).) The Department or an arresting officer initiates the process by serving the driver with a notice of license suspension. (Veh. Code, § 13353.2, subds. (b) & (c).) The arresting officer must "immediately forward to the department a sworn report of all information relevant to the enforcement action ...." (Veh. Code, § 13380, subd. (a).) The sworn report "shall be made on forms furnished or approved" by the Department. (*Id.*, subd. (b).) Form DS-367, titled "Age 21 and Older Officer's Statement," serves this purpose. The agency automatically reviews the merits of the suspension internally. (Veh. Code, § 13557, subd. (a).) The driver may also request a hearing, which the Department must hold before the effective date of the suspension. (Veh. Code, § 13558, subds. (a) & (d).) The Department "shall consider the sworn report submitted by the peace officer pursuant to [section] 13380 and any other evidence accompanying the report" when determining whether to sustain the suspension. (Veh. Code, § 13557, subd. (a).)

Petitioner argues the Department had no jurisdiction to modify its original decision issued July 5, 2024, over a year later on July 28, 2025, where petitioner fully complied with the terms of the original decision (the original decision suspended petitioner's license through July 17, 2025). Specifically, petitioner claims the Department should be equitably estopped from enforcing the modified decision.

The doctrine of equitable estoppel is founded on " ' "[t]he vital principle … that [a person] who by his [or her] language or conduct leads another to do what he [or she] would not otherwise have done shall not subject such person to loss or injury by disappointing the expectations upon which he [or she] acted. Such a change of position is sternly forbidden. It involves fraud and falsehood, and the law abhors both." ' [Citation.]" (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 288.) "The elements of the doctrine are that (1) the party to be estopped must be apprised of the facts; (2) he [or she] must intend that his [or her] conduct shall be acted upon, or must so act that the party asserting the estoppel has a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) he [or she] must rely upon the conduct to his injury. [Citation.]" (*Strong v. County of Santa Cruz* (1975) 15 Cal.3d 720, 725.) The party asserting the estoppel bears the burden of proving its application. (*Busching v. Superior Court* (1974) 12 Cal.3d 44, 53.) "Estoppel against the government may be applied 'only in the most extraordinary case where the injustice is great and the precedent set by the estoppel is narrow.' [Citation.]" (*Clary v. City of Crescent City* (2017) 11 Cal.App.5th 274, 285.)

The court concludes that the doctrine of equitable estoppel does not apply here. The evidence shows that the Department mistakenly suspended petitioner's license for only one year instead of revoking his license for two years, as petitioner refused to submit to a chemical test and said refusal occurred within 10 years of a separate violation of driving under the influence – the January 15, 2017, offense in which petitioner ultimately pleaded no contest to reckless driving in violation of Vehicle Code section 23103. (Veh. Code, § 13353, subd. (a)(1)–(2).) Petitioner was not ignorant of the true state of facts. Petitioner knew that he had committed a separate violation of Vehicle Code section 23103 on January 15, 2017, as he pleaded no contest to this charge in El Dorado Superior Court Case No. S17CRM0139.

Petitioner also did not rely upon the Department's original decision to petitioner's injury, because (1) the arresting officer informed petitioner that his driving privilege would be revoked for two years if he refused to submit to the chemical test within 10 years of a separate qualifying offense; and (2) in his plea form in Case No. 24CR1202, petitioner acknowledged that the Department may suspend or revoke his driver's license under a civil procedure separate from the criminal action and that petitioner must obey the Department's action.

Lastly, the court notes that Vehicle Code section 14105, subdivision (b) expressly authorizes the Department to modify its decision "*at any time* after issuance to correct mistakes or clerical errors." (Veh. Code, § 14105, subd. (b), italics added.) That is exactly what happened here. Therefore, the Department acted within the powers conferred upon it by law. The petition for administrative writ of mandamus is summarily denied.

TENTATIVE RULING # 5: THE PETITION FOR ADMINISTRATIVE WRIT OF MANDATE IS SUMMARILY DENIED. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.