

1. MANFREDI v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1279**Motion for Preliminary Injunction (See Related Item Nos. 3 & 4)**

On May 16, 2025, plaintiffs Alberto Manfredi and Melissa Manfredi filed a motion for preliminary injunction enjoining defendants from conducting HOA disciplinary actions against plaintiffs and Jancy Bull, Paul O'Donnell, Althea Cordoza, Abhi Indap, and Meghana Joglekar – customers of plaintiffs' firm, Manfredi Development Group.

On July 2, 2025, plaintiffs filed a motion to consolidate the instant case with El Dorado Superior Court Case Numbers 25CV1406 and 25CV1407. A hearing on that motion is currently set for August 29, 2025.

A judge may grant a preliminary injunction at any time before judgment on a verified complaint, verified cross-complaint, or declarations showing satisfactorily that sufficient grounds exist for the injunction. (Code Civ. Proc., § 527, subd. (a); *Gillies v. JP Morgan Chase Bank, N.A.* (2017) 7 Cal.App.5th 907, 913.) The allegations of the complaint or declarations must be factual and supported by admissible evidence. (*Finnie v. Town of Tiburon* (1988) 199 Cal.App.3d 1, 14–15.)

In this case, plaintiffs' complaint is unverified. In support of the instant motion, plaintiffs submitted a joint declaration that does not contain any evidentiary facts. There are several exhibits attached to the declaration; however, plaintiffs do not properly authenticate or lay any foundation for these exhibits.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.

2. MAISEL v. BUSSELL, ET AL., 23CV1464**(A) Motion to Compel Further Response to Form Interrogatories****(B) Motion to Compel Further Response to Special Interrogatories**

On June 6, 2025, defendant/cross-complainant Ryan Bussell filed separate motions to compel plaintiff/cross-defendant Ashley Maisel's further responses to Form Interrogatories (Set One) and Special Interrogatories (Set One). Defendant seeks a total monetary sanction of \$3,690 (\$1,845 for each motion). Defense counsel declares he sent a meet and confer letter to plaintiff dated May 13, 2025. (Evans Decl., ¶ 23 & Ex. C.)

On August 4, 2025, plaintiff served "full and complete responses, without objections," to the discovery requests. (Downing Decl., ¶ 9 & Exs. 3–4.) On August 5, 2025, plaintiff filed a single opposition to both motions, in which she requests \$1,200 in sanctions against defendant (not defense counsel) based on defendant's "flawed meet and confer process and the untimely filing [of the motion to compel a further response to form interrogatories]."

On August 8, 2025, defendant filed a single reply for both motions.

1. Background

On February 12, 2025, defendant electronically served form interrogatories and special interrogatories upon plaintiff. (Evans Decl., ¶ 6 & Ex. A.) Defendant extended the response deadline to March 28, 2025. (Evans Decl., ¶¶ 9, 11–12.) On April 9, 2025, plaintiff electronically served her verified responses, albeit untimely. (Evans Decl., ¶ 16 & Ex. B.) Accordingly, the deadline to file a motion to compel further responses was May 29, 2025¹ (45 calendar days plus two court days for electronic service). (Code Civ. Proc., §§ 1010.6, subd. (a)(3)(B), 2030.300, subd. (c).)

¹ The parties incorrectly state that the original deadline to file a motion to compel further responses was May 27, 2025 (45 calendar days after April 9, 2025). However, when verifications are provided electronically, the deadline for filing the motion is 45 calendar days plus two court days after service of verifications. (Code Civ. Proc.,

On May 27, 2025, defense counsel emailed plaintiff stating defendant “would calendar the motion deadline for forty-five (45) days from the date of receipt of the amended responses, or from June 2, 2025[,] whichever occurred first.” (Evans Decl., ¶ 26.) Plaintiff acknowledges the parties agreed to extend the motion deadline to June 2, 2025. (Opp. at 2:8–10.) On June 3, 2025, defense counsel sent a follow-up email to plaintiff’s counsel requesting a status of the supplemental responses; however, plaintiff did not respond to the email. (Evans Decl., ¶ 26.)

Defendant ultimately filed the motions to compel further responses on June 6, 2025.

2. Discussion

The 45-day clock to bring a motion to compel further responses begins upon service of verified responses where the responses contain any substantive responses (more than just objections). (*Golf & Tennis Pro Shop, Inc. v. Superior Court (Frye)* (2022) 84 Cal.App.5th 127, 135–136.) “Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the propounding party and the responding party have agreed in writing, the propounding party waives any right to compel a further response to the interrogatories.” (Code Civ. Proc., § 2030.300, subd. (c).)

In this case, plaintiff electronically served her verified responses on April 9, 2025 (albeit untimely – the parties agreed that verified responses were due on or before March 28, 2025). Therefore, the regular deadline for defendant to file motions to compel further responses was May 29, 2025 (45 calendar days plus two court days for electronic service). (Code Civ. Proc., §§ 1010.6, subd. (a)(3)(B), 2030.300, subd. (c).) The parties agreed to extend the motion deadline to June 2, 2025. But, defendant did not file the motions until June 6, 2025.

§ 1010.6, subd. (a)(3)(B); *Gold & Tennis Pro Shop, Inc. v. Superior Court (Frye)* (2022) 84 Cal.App.5th 127, 136–137.)

The court finds that defendant's motions are untimely and therefore, the court lacks jurisdiction to compel a further response. (Code Civ. Proc., § 2030.300, subd. (c); see *Vidal Sassoon, Inc. v. Superior Court (Halpern)* (1983) 147 Cal.App.3d 681, 685 [court lacks jurisdiction to order further answers after 45 days].)

TENTATIVE RULING # 2: THE MOTIONS TO COMPEL FURTHER RESPONSES ARE DENIED AS UNTIMELY. 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 ELECTONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 5:00 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. O'DONNELL v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1406**Motion for Preliminary Injunction (See Related Item Nos. 1 & 4)**

On June 3, 2025, plaintiff Daniel Paul O'Donnell filed a motion for preliminary injunction enjoining defendants from conducting HOA disciplinary actions against plaintiff, members of plaintiff's family, and any persons residing in plaintiff's condominium.

On July 2, 2025, plaintiff filed a motion to consolidate the instant case with El Dorado Superior Court Case Numbers 25CV1279 and 25CV1407. A hearing on that motion is currently set for August 29, 2025.

A judge may grant a preliminary injunction at any time before judgment on a verified complaint, verified cross-complaint, or declarations showing satisfactorily that sufficient grounds exist for the injunction. (Code Civ. Proc., § 527, subd. (a); *Gillies v. JP Morgan Chase Bank, N.A.* (2017) 7 Cal.App.5th 907, 913.) The allegations of the complaint or declarations must be factual and supported by admissible evidence. (*Finnie v. Town of Tiburon* (1988) 199 Cal.App.3d 1, 14–15.)

In this case, plaintiff's complaint is unverified. In support of the instant motion, plaintiff submitted a declaration that does not contain any evidentiary facts. There are several exhibits attached to the declaration; however, plaintiff does not properly authenticate or lay any foundation for these exhibits.

TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.

4. INDAP v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1407**Motion for Preliminary Injunction (See Related Item Nos. 1 & 3)**

On June 3, 2025, plaintiff Abhijit Indap submitted the exact same motion filed by Daniel Paul O'Donnell in El Dorado Superior Court Case Number 25CV1406 for a preliminary injunction.

On July 2, 2025, plaintiff filed a motion to consolidate the instant case with El Dorado Superior Court Case Numbers 25CV1279 and 25CV1406. A hearing on that motion is currently set for August 29, 2025.

In this case, plaintiff's complaint is unverified. In support of the instant motion, plaintiff submitted a declaration that does not contain any evidentiary facts. There are several exhibits attached to the declaration; however, plaintiff does not properly authenticate or lay any foundation for these exhibits.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.

5. JPMORGAN CHASE BANK N.A. v. BETANCOURT, 25CV1085**Motion to Quash**

Pursuant to Code of Civil Procedure section 418.10, defendant Jake Betancourt, who is representing himself in *propria persona*, moves to quash service of the summons and complaint on the grounds that defendant was not properly served, either personally or via substitute service. To date, there is no proof of service for the motion to quash in the court's file. (Code Civ. Proc., § 418.10, subd. (b).)

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.

6. LYNN McKENDRY v. DOUG McKENDRY, 25CV1609**Motion for Partition of Joint Tenancy Property**

On June 23, 2025, pro per plaintiff Lynn McKendry filed a complaint against her former spouse, defendant Doug McKendry, for partition of the real property located at 2209 Catalina Drive in South Lake Tahoe, California. To date, there is no proof of service for the summons and complaint in the court's file.

On July 2, 2025, plaintiff filed the instant motion for partition of joint tenancy property. Proof of service filed July 8, 2025, indicates the motion was served upon defendant by mail on July 3, 2025.

Because defendant has not been served with the summons and complaint, and defendant has not made a general appearance in the action, the court presently does not have personal jurisdiction over defendant. (Code Civ. Proc., § 872.310, subd. (a); see *Ziller Electronics Lab GmbH v. Superior Court* (1988) 206 Cal.App.3d 1222, 1229.) Therefore, the court is unable to render any binding ruling against the defendant concerning the merits of the action.

TENTATIVE RULING # 6: PLAINTIFF LYNN McKENDRY'S MOTION IS DENIED WITHOUT PREJUDICE DUE TO THE LACK OF SERVICE OF PROCESS ON DEFENDANT DOUG McKENDRY.

7. NAME CHANGE OF SHYKILO, 25CV1545**OSC Re: Name Change**

Petitioner seeks to change the name of her minor child (the court notes that the minor's date of birth is omitted under Paragraph 7(b)(3) of the petition). The petition is signed by petitioner only. Code of Civil Procedure 1276, subdivision (c) provides, "In a proceeding for a change of name commenced by the filing of a petition, if the person whose name is proposed to be changed is under 18 years of age and the petition is signed by only one parent, the petition shall specify the address, if known, of the other parent if living." (Code Civ. Proc., § 1276, subd. (c).) In this case, the petition does not set forth the name of the minor's natural father or specify whether the petitioner knows the address of the other parent, if living.

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.

8. NAME CHANGE OF GONZALEZ, 25CV0639

OSC Re: Name Change

This matter was continued from June 27, 2025, to allow time for the petitioner to publish a copy of the order to show cause in the newspaper and submit proof of publication to the court. (Code Civ. Proc., § 1277, subd. (a)(2)(A).) To date, there is still no proof of publication in the court's file.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.

9. NAT'L CREDIT ACCEPTANCE v. OWEN, ET AL., SCL20070084

Order of Examination

**TENTATIVE RULING # 9: THE JUDGMENT DEBTOR'S PERSONAL APPEARANCE IS
REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.**

10. URBAN SUNRISE, LLC, ET AL. v. VOGT, ET AL., 22CV0024**Motion to Compel**

On May 22, 2025, cross-complainant David Vogt filed the instant motion to compel cross-defendants Urban Sunrise, LLC's and Susan Kerr's (collectively, "cross-defendants") further response to judgment-debtor interrogatories. The court notes that, on February 20, 2025, Urban Sunrise filed a notice of appeal of judgment issued January 17, 2025, which appeal is currently pending.

On July 7, 2025, cross-defendants submitted an opposition stating the motion "has been largely mooted by Urban Sunrise's decision to post a bond pending the resolution of the current Appeal. Cross-Complainant has agreed to vacate the current motion once the Appellate Bond has been issued. [Citation.]" (Opp. at 2:1–3.)

On July 11, 2025, Vogt filed a reply stating the motion should be granted while at the same time requesting a continuance for Urban Sunrise to post bond and for Vogt to verify the integrity of the bond. On July 18, 2025, the court granted the requested continuance. The court has received no further status update from the parties.

TENTATIVE RULING # 10: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 15, 2025, IN DEPARTMENT FOUR.