

1. O'DONNELL v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1406

(A) Demurrer (See Related Item Nos. 2 & 3)

(B) Motion to Strike (See Related Item Nos. 2 & 3)

The court, on its own motion, continues the matter to October 16, 2026. The court apologizes to the parties for any inconvenience.

TENTATIVE RULING # 1: THE COURT, ON ITS OWN MOTION, CONTINUES THE MATTER TO 1:30 P.M., FRIDAY, OCTOBER 16, 2026, IN DEPARTMENT FOUR.

2. INDAP v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1407

Motion to Strike (See Related Item Nos. 1 & 3)

The court, on its own motion, continues the matter to October 16, 2026. The court apologizes to the parties for any inconvenience.

TENTATIVE RULING # 2: THE COURT, ON ITS OWN MOTION, CONTINUES THE MATTER TO 1:30 P.M., FRIDAY, OCTOBER 16, 2026, IN DEPARTMENT FOUR.

3. MANFREDI v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1279

(A) Demurrer (See Related Item Nos. 1 & 2)

(B) Motion to Strike (See Related Item Nos. 1 & 2)

The court, on its own motion, continues the matter to October 16, 2026. The court apologizes to the parties for any inconvenience.

TENTATIVE RULING # 3: THE COURT, ON ITS OWN MOTION, CONTINUES THE MATTER TO 1:30 P.M., FRIDAY, OCTOBER 16, 2026, IN DEPARTMENT FOUR.

4. CARTER-CAMPOS v. DAYS INN BY WINDHAM SOUTH LAKE TAHOE, 23CV2201**OSC Re: Dismissal after Notice of Settlement**

On February 2, 2026, plaintiff filed a notice of settlement of the entire case. On August 18, 2026, cross-complainant Provizanto, Inc., doing business as Days Inn by Wyndham South Lake Tahoe filed a request for dismissal but did not indicate whether it was with or without prejudice. To date, no other requests for dismissal have been filed.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 28, 2026, IN DEPARTMENT FOUR.

5. AGUILAR v. PALMER, 25CV2775**Plaintiff's Motion to Compel Further Responses to Request for Admissions**

On July 14, 2026, pursuant to Code of Civil Procedure section 2033.290, plaintiff Maria Aguilar ("plaintiff") filed a motion to compel defendant Matt Palmer's ("defendant") further responses to Request for Admissions (Set One) ("RFA"), Numbers 2, 3, 4, 5, 7, 8, and 9, on the grounds that (1) defendant's objections to RFA Numbers 2 through 5 are improper boilerplate objections; and (2) defendant's claim of "insufficient information to admit or deny" in response to each of the disputed RFAs is evasive. Plaintiff seeks a monetary sanction against defendant and his attorney of record, jointly and severally, in the amount of \$2,310.00.

Plaintiff's counsel declares he attempted to meet and confer with defendant pursuant to Code of Civil Procedure section 2016.040, but defense counsel failed to respond to plaintiff's meet and confer letters or provide any availability for a meet and confer conference. (O'Connor Decl., filed Jul. 14, 2026, ¶¶ 4–7.) Defense counsel declares he did respond to plaintiff's meet and confer efforts. (Rolfe Decl., ¶¶ 4, 5 & Ex. C.) Either way, the court finds that plaintiff has satisfied the meet and confer requirement.

On August 17, 2026, defendant filed a timely opposition. On August 19, 2026, plaintiff filed a timely reply.

1. Background

This is a personal injury action arising from a motor vehicle accident. At the time of the incident, plaintiff was allegedly driving eastbound on Highway 50. (Compl., ¶ 6.) Defendant was driving northbound on Transit Drive, failed to notice plaintiff's vehicle, and then crashed into plaintiff. (Compl., ¶ 6.)

Defendant has already served verified written discovery responses and provided deposition testimony in this case. As pertinent here, defendant served an amended response to Form Interrogatory (Set One) Number 15.1 that indicates certain affirmative

defenses asserted in the cases herein are based upon the fact that the traffic collision report notes plaintiff violated Vehicle Code section 21460.5, subdivision (c). (O'Connor Decl., filed Jul. 14, 2026, ¶ 8 & Ex. 6.) During deposition, defendant testified the collision happened so quickly that he had no time to avoid it. (O'Connor Decl., filed Aug. 19, 2026, Ex. 7 at 26:16–27:3.)

2. Legal Principles

“ ‘Requests for admissions ... are primarily aimed at setting at rest a triable issue so that it will not have to be tried.... For this reason, the fact that the request is for the admission of a controversial matter, or one involving complex facts, or calls for an opinion, is of no moment. If the litigant is able to make the admission, the time for making it is during discovery procedures, and not at the trial.’ [Citation.]” (*Bloxham v. Saldinger* (2014) 228 Cal.App.4th 729, 752; see Code Civ. Proc., § 2033.010.) While a defendant cannot be forced to admit any fact before trial despite its obvious truth, “the failure to do so comes with consequences, exposure to a costs of proof award.” (*Grace v. Mansourian* (2015) 240 Cal.App.4th 523, 534.)

When the propounding party believes that the responses to requests for admission are deficient or that any objections to the requests are not well taken, that party may make a motion to compel further responses under Code of Civil Procedure section 2033.290. (*St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776.) The grounds for a motion to compel a further response include: (1) that the answer to a particular request for admission is evasive or incomplete; or (2) that an objection to a request for admission is without merit or too general. (Code Civ. Proc., § 2033.290, subd. (a).)

3. Discussion

3.1. RFA No. 2

RFA No. 2 states: “DEFENDANT had a duty to yield the right-of-way to vehicles traveling in the mutual turn lane before entering said lane.”

Defendant objected that the request calls for a legal conclusion and is otherwise vague, ambiguous, compound, and assumes facts. Without waiving these objections, defendant stated he “has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter.”

A responding party may not refuse to answer a request on the basis that it asks the party for a legal conclusion (e.g., were you negligent and was this negligence a legal cause of the plaintiff’s damages). (*Grace v. Mansourian* (2015) 240 Cal.App.4th 523, 529.) Therefore, the court overrules the objection based on legal conclusion.

“Assumes facts not in evidence” is also not a valid objection to a request for admission. (See, *West Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 421 (*West Pico*)). *West Pico* addressed the objection as it pertains to an interrogatory, but the same analysis applies to a request for admission: “objections such as here raised to the form of the question are for the protection of a witness on oral examination. When, as here, the answer is to be made in writing, after due time for deliberation and consultation with counsel, an answer may be framed which avoids the pitfalls, if any, inherent in the form of the question.” (*Ibid.*) Therefore, the court overrules the objection, “assumes facts not in evidence.”

Code of Civil Procedure section 2033.060, subdivision (f) prohibits a compound request for admission, unless it has been approved under Chapter 17 (commencing with Code of Civil Procedure section 2033.710). Chapter 17 does not apply here. However, the court finds that the request is not compound. Therefore, the court overrules the objection.

Defendant’s briefing does not articulate why he contends the request is vague and ambiguous. Ambiguous is generally a valid objection, but only if ambiguity precludes an intelligent reply. (See, *Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 430.) Here, the court overrules the objection.

Having overruled defendant's objections, the court turns to the issue of whether defendant's answer that he has insufficient information to admit or deny the request is evasive or incomplete. An answer in response to a request for admission must "[s]pecify so much of the matter involved in the request as to the truth of which the responding party lacks sufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).)

Here, defendant claims insufficient information or knowledge but does not specify which part(s) of the request he lacks sufficient information or knowledge. Therefore, the court finds that the answer to the request is incomplete under Code of Civil Procedure section 2033.220, subdivision (b)(3).

Plaintiff further argues that defendant's claim of insufficient information is not genuine because the request plainly asks whether defendant had a legal duty to yield the right-of-way in a specific factual situation. Plaintiff's argument is well taken.

Therefore, the court grants plaintiff's motion to compel a further response.

3.2. RFA No. 3

RFA No. 3 states: "For the SUBJECT INCIDENT, when DEFENDANT began to cross the eastbound lanes of Hwy 50, PLAINTIFF's vehicle was close enough to constitute an immediate hazard."

Defendant objected that the term, "immediate hazard" is vague and ambiguous, and the request calls for speculation. Without waiving these objections, defendant stated he "has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter."

The court overrules the objection that the request calls for speculation.

Plaintiff argues that the term, "immediate hazard," is an established statutory standard explicitly embedded in the California Vehicle Code, such as in Section 21801,

subdivision (a).¹ The court notes, however, that plaintiff did not specially define the term in her request for admissions. While the term, “immediate hazard,” does appear in multiple provisions of the Vehicle Code, there is no standalone statutory definition of the term. Instead, California courts have supplied a working definition through case law, and jury instructions have further clarified its meaning. CACI No. 703 provides: “The statute just read to you uses the words ‘immediate hazard.’ An immediate hazard exists if the approaching vehicle is so near or is approaching so fast that a reasonably careful person would realize that there is a danger of collision [or accident].”

Instead of sustaining the objection *in toto*, the court deems RFA No. 3 to be rephrased as specially-defining the term, “immediate hazard,” using the definition in CACI No. 703. (See, *Cembrook, supra*, 56 Cal.2d at p. 430.)

The court also finds that the portion of defendant’s answer claiming insufficient information is incomplete because it does not specify which part(s) of the request defendant lacks insufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).)

The court grants the motion to compel and orders defendant to provide a further response to RFA No. 3 as rephrased herein.

3.3. RFA No. 4

RFA No. 4 states: “For the SUBJECT INCIDENT, when DEFENDANT began to enter the two-way left-turn lane, PLAINTIFF’s vehicle was close enough to constitute an immediate hazard.”

¹ Vehicle Code section 21801, subdivision (a) provides: “The driver of a vehicle intending to turn to the left or to complete a U-turn upon a highway, or to turn left into public or private property, or an alley, shall yield the right-of-way to all vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement, and shall continue to yield the right-of-way to the approaching vehicles until the left turn or U-turn can be made with reasonable safety.”

Defendant objected that the term, “immediate hazard” is vague and ambiguous, and the request calls for speculation. Without waiving these objections, defendant stated he “has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter.”

The court overrules the objection that the request calls for speculation. For the same reasons as discussed under RFA No. 3, the court deems RFA No. 4 to be rephrased as specially-defining the term, “immediate hazard,” using the definition in CACI No. 703. (See, *Cembrook, supra*, 56 Cal.2d at p. 430.)

The court also finds that the portion of defendant’s answer claiming insufficient information is incomplete because it does not specify which part(s) of the request defendant lacks insufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).)

The court grants the motion to compel and orders defendant to provide a further response to RFA No. 4 as rephrased herein.

3.4. RFA No. 5

RFA No. 5 states: “DEFENDANT failed to yield the right-of-way to PLAINTIFF.”

Defendant objected that the request calls for a legal conclusion and is otherwise vague, ambiguous, compound, and assumes facts. Without waiving these objections, defendant stated he “has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter.”

The court overrules the objections based on legal conclusion, compound, and assumes facts not in evidence.

Defendant’s briefing does not articulate why he contends the request is vague and ambiguous. The court overrules the objection.

Having overruled defendant's objections, the court finds that the answer to the request is incomplete because it does not specify which part(s) of the request defendant lacks insufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).)

Therefore, the court grants plaintiff's motion to compel a further response.

3.5. RFA No. 7

RFA No. 7 states: "The SUBJECT INCIDENT was caused solely by DEFENDANT's failure to yield the right[-]of-way."

Defendant raised no objection to RFA No. 7 but stated he "has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter."

The answer to the request is incomplete because it does not specify which part(s) of the request defendant lacks insufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).)

Therefore, the court grants plaintiff's motion to compel a further response.

3.6. RFA No. 8

RFA No. 8 states: "PLAINTIFF did not violate any California Vehicle Code section at the time of the SUBJECT INCIDENT."

Defendant raised no objection to RFA No. 8 but stated he "has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter."

The answer to the request is incomplete because it does not specify which part(s) of the request defendant lacks insufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).) It also appears that claiming insufficient information would be evasive where, as plaintiff points out, defendant already provided a verified amended response to Form Interrogatory (Set One) Number 15.1 asserting (subject to and

without waiving his objections) that the traffic collision report notes plaintiff violated Vehicle Code section 21460.5, subdivision (c), and that is a fact upon which defendant bases certain affirmative defenses upon.

The court grants plaintiff's motion to compel a further response.

3.7. RFA No. 9

RFA No. 9 states: "DEFENDANT's entry into the mutual turn lane was a substantial factor in causing the SUBJECT INCIDENT."

Defendant raised no objection to RFA No. 7 but stated he "has made a reasonable inquiry concerning this request and, based on the information known or readily obtainable, information is insufficient to enable defendant to admit or deny the matter."

The answer to the request is incomplete because it does not specify which part(s) of the request defendant lacks insufficient information or knowledge. (Code Civ. Proc., § 2033.220, subd. (b)(3).)

Therefore, the court grants the motion to compel.

3.8. Monetary Sanction

"The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel further response, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." (Code Civ. Proc., § 2033.290, subd. (d).)

Plaintiff seeks a monetary sanction against both defendant and his attorney in the total amount of \$2,310.00, representing three hours of legal work at Mr. O'Connor's hourly rate of \$750.00, plus the \$60.00 filing fee.

The court finds that a monetary sanction is appropriate in this case but as to defendant's attorney only, as plaintiff's challenges to the responses were directed to the legal objections and claim of insufficient information.

“The reasonable hourly rate is that prevailing for private attorneys in the community conducting non-contingent litigation of the same type. [Citations.] The prevailing hourly rates apply ‘ ‘ ‘ regardless of whether the attorneys claiming fees charge[d] nothing for their services, charge[d] at below-market or discounted rates, represent[ed] the client on a straight contingent fee basis, or are in-house counsel. [Citations.]’ [Citation.]” ‘ [Citations.]’ (*Glaviano v. Sacramento City Unified Sch. Dist.* (2018) 22 Cal.App.5th 744, 751.)

The court finds that \$750.00 exceeds the reasonable hourly rate in this case. \$400.00 per hour is within market range for private attorneys doing similar work in the Lake Tahoe area. Therefore, the court will impose a monetary sanction of \$1,260.00, representing three hours of legal work plus the \$60.00 filing fee.

TENTATIVE RULING # 5: THE MOTION TO COMPEL IS GRANTED. WITHIN 30 DAYS OF THE NOTICE OF ENTRY OF ORDER, DEFENDANT SHALL SERVE A VERIFIED FURTHER RESPONSE TO THE REQUESTS FOR ADMISSION ADDRESSED HEREIN, WITH RFA NOS. 3 AND 4 REPHRASED TO SPECIALLY-DEFINE THE TERM, “IMMEDIATE HAZARD,” USING CACI NO. 703. ALSO WITHIN 30 DAYS OF THE NOTICE OF ENTRY OF ORDER, DEFENDANT’S ATTORNEY, TIZA SERRANO THOMPSON & ASSOCIATES, SHALL PAY PLAINTIFF A TOTAL MONETARY SANCTION OF \$1,260.00.

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.

6. PEOPLE v. \$12,029.00 UNITED STATES CURRENCY, 26CV1564**Petition for Civil Forfeiture**

On July 8, 2026, the People filed a Health and Safety Code section 11488.4, subdivision (a) petition for civil forfeiture against \$12,029.00 in United States Currency. There are two claimants who oppose forfeiture: (1) Ernesto Cabrera-Estrada, who claims a partial interest of \$8,500.00; and (2) Yasmin Quintero, who claims a partial interest of \$3,529.00.²

Under California state law, where, as here, forfeiture is contested, a judgment of forfeiture requires as a precondition that a defendant be convicted in an underlying or related criminal action of one of the offenses specified in Health and Safety Code section 11470, subdivisions (e) or (g), which offense occurred within five years before the seizure or the notification of intention to seek forfeiture.

It is the court's understanding that there are multiple related criminal prosecutions pending against claimant Ernesto Cabrera-Estrada, including El Dorado County Case Numbers 25CR2338, 25CR2404, and 26CR0792C. The court is unaware of any related criminal case against claimant Yasmin Quintero.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, AUGUST 28, 2026, IN DEPARTMENT FOUR, AT WHICH TIME, THE COURT WILL ASK THE PARTIES TO CONFIRM THE STATUS OF THE RELATED CRIMINAL CASE(S).

² The People originally initiated civil forfeiture through a notice of administrative proceedings. On June 3, 2026, Ernesto Cabrera-Estrada filed a claim opposing forfeiture under the instant case number. That same day, Ms. Quintero filed a separate claim opposing forfeiture under El Dorado County Case No. 26CV1565. On July 8, 2026, the court, on its own motion, consolidated the cases for all purposes and designated the instant case as the lead case.

7. MATTER OF TRELLA AND ENGET, 26CV1570

OSC Re: Name Change

The parents of a minor child petition to change the minor's name. The matter was continued from July 24, 2026, because there was no proof of publication in the court's file. On August 7, 2026, petitioners submitted the required proof of publication.

TENTATIVE RULING # 7: PETITION GRANTED AS REQUESTED.