

1. WHALEN v. VAIL RESORTS, INC., ET AL., 25CV0205**Defendants' Motion for Terminating Sanctions**

On May 1, 2026, defendants Vail Resorts Management Company and Vail Resorts, Inc. (collectively, "defendants") filed a motion for terminating sanctions under the Civil Discovery Act based on plaintiff Chanel Whalen's ("plaintiff")¹ alleged refusal to comply with the court's January 23, 2026, order requiring plaintiff to (1) amend her complaint on or before February 6, 2026, as a result of the court sustaining defendants' demurrer (to the second cause of action only) with leave to amend; (2) serve verified discovery responses within 30 days of the notice of entry of order, as a result of the court granting defendants' motions to compel; and (3) pay defendants monetary sanctions within 30 days of the notice of entry of order, as a result of the court granting defendants' requests for sanctions in their discovery motions.

On July 6, 2026, plaintiff filed a timely opposition. On July 10, 2026, defendants filed a timely reply.

By way of background, on January 23, 2026, the court sustained defendants' demurrer to the second cause of action in plaintiff's original complaint and granted plaintiff leave to amend the second cause of action on or before February 6, 2026. Plaintiff did not file her amended complaint (the second amended complaint) until April 30, 2026. However, plaintiff's failure to file a timely amended complaint is not an abuse of the discovery process and therefore not relevant to the instant motion.

Also on January 23, 2026, the court granted defendants' motions to compel verified discovery responses and, with respect to defendants' motion to deem matters admitted, imposed a monetary sanction of \$500. The court ordered plaintiff to serve her verified responses and pay the monetary sanction within 30 days of the notice of entry of order. Defendants electronically served the notice of entry of order upon plaintiff on

¹ Plaintiff brings this lawsuit as an individual and as the alleged successor-in-interest to the Estate of Wesley Whalen.

January 27, 2026. (Rivera Decl., ¶ 31 & Ex. 13.) Therefore, plaintiff's deadline to comply with the court's order was March 2, 2026 (30 calendar days, extended by two court days for electronic service). As of the date of filing the instant motion for terminating sanctions (May 1, 2026), plaintiff had not served her verified discovery responses or paid the monetary sanction. Plaintiff's counsel declares that plaintiff has since complied. (Guasco Decl., ¶¶ 3, 4.) Further, plaintiff voluntarily paid an additional \$500 for defendants' costs incurred bringing the instant motion for terminating sanctions. (Guasco Decl., ¶ 4.)

Where, as here, a party fails to obey an order compelling a response, "the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction In lieu of or in addition to this sanction, this court may impose a monetary sanction under Chapter 7 (commencing with Section 2023.010)." (Code Civ. Proc., §§ 2030.290, subd. (c) [interrogatories], 2031.300, subd. (c) [document production].)

Defendant argues that terminating sanctions are appropriate in this case. The court disagrees. " 'Discovery sanctions "should be appropriate to the dereliction, and should not exceed that which is required to protect the interests of the party entitled to but denied discovery." ' [Citation.] If a lesser sanction fails to curb abuse, a greater sanction is warranted: continuing misuses of the discovery process warrant incrementally harsher sanctions until the sanction is reached that will cure the abuse. 'A decision to order terminating sanctions should not be made lightly. But where a violation is willful, preceded by a history of abuse, and the evidence shows that less severe sanctions would not produce compliance with discovery rules, the trial court is justified in imposing the ultimate sanction.' " (*Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4th 967, 992.)

Here, although plaintiff failed to comply with the court's January 23, 2026, order, which is an abuse of the discovery process, the court is unaware of any prior discovery

abuses by plaintiff in this case. Additionally, the court notes that defendants did not request, and the court did not impose, any monetary sanction when it granted defendants' motions to compel (defendants requested a monetary sanction related to their motion to deem matters admitted only). Further, plaintiff served verified discovery responses and paid the monetary sanction prior to this hearing, and also paid an additional \$500 to defendants' counsel for costs in bringing the instant motion.

Under the circumstances, the court finds that terminating sanctions are not justified and therefore defendants' motion is denied.

TENTATIVE RULING # 1: THE MOTION IS 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.

2. MATTER OF BRIAN DZUL LOPEZ, 26CV1251**Petition for Minor's Compromise (See Related Item Nos. 3 & 4)**

This is a petition to confirm a (pre-litigation) minor's compromise arising from a personal injury claim. Two other minors involved in the same incident concurrently filed petitions to confirm their proposed settlements.

As shown in the notice of related case filed April 30, 2026, there is a pending lawsuit in the related case, *Caamal, et al. v. Xicumku, et al.* (El Dorado Super. Ct., Case No. 21CV0256).

The court notes that formal notice of the petition is not required. (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1337, fn. 2 ["Neither [Code of Civil Procedure] section 372 nor the California Rules of Court ... contemplates a noticed motion and adversary hearing when court approval of a minor's compromise is sought."].)

Having reviewed and considered the petition, the court approves the minor's compromise.

TENTATIVE RULING # 2: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

3. MATTER OF KENYA DZUL LOPEZ, 26CV1267**Petition for Minor's Compromise (See Related Item Nos. 2 & 4)**

This is a petition to confirm a (pre-litigation) minor's compromise arising from a personal injury claim. Two other minors involved in the same incident concurrently filed petitions to confirm their proposed settlements.

As shown in the notice of related case filed April 30, 2026, there is a pending lawsuit in the related case, *Caamal, et al. v. Xicumku, et al.* (El Dorado Super. Ct., Case No. 21CV0256).

The court notes that formal notice of the petition is not required. (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1337, fn. 2 ["Neither [Code of Civil Procedure] section 372 nor the California Rules of Court ... contemplates a noticed motion and adversary hearing when court approval of a minor's compromise is sought."].)

Having reviewed and considered the petition, the court approves the minor's compromise.

TENTATIVE RULING # 3: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

4. MATTER OF MELVIN DZUL LOPEZ, 26CV1253**Petition for Minor's Compromise (See Related Item Nos. 2 & 3)**

This is a petition to confirm a (pre-litigation) minor's compromise arising from a personal injury claim. Two other minors involved in the same incident concurrently filed petitions to confirm their proposed settlements.

As shown in the notice of related case filed April 30, 2026, there is a pending lawsuit in the related case, *Caamal, et al. v. Xicumku, et al.* (El Dorado Super. Ct., Case No. 21CV0256).

The court notes that formal notice of the petition is not required. (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1337, fn. 2 ["Neither [Code of Civil Procedure] section 372 nor the California Rules of Court ... contemplates a noticed motion and adversary hearing when court approval of a minor's compromise is sought."].)

Having reviewed and considered the petition, the court approves the minor's compromise.

TENTATIVE RULING # 4: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

5. ROWE, ET AL. v. REYNOLDS, 25CV2683**Petition for Minor's Compromise**

The proposed settlement amount is \$50,000, which appears reasonable to the court.

In the amended petition filed May 8, 2026, counsel declares their fee agreement with the minor plaintiff includes a contingency percentage ranging from 40 to 45 percent, depending on the time frame in which the case settles or is resolved by judgment. (Saltzstein Decl., ¶ 7.) However, counsel then states that a 25 percent reduced contingency fee is reasonable in this case. (Saltzstein Decl., ¶ 8.) 25 percent of the gross settlement amount equals \$12,500. It appears that this is the amount of attorney fees counsel is claiming. However, the accounting summary lists \$12,500 under medical expenses, not under attorney fees. (Petn., ¶ 16.) Elsewhere in the petition, the medical lien amount is listed as \$1,154.00. (Petn., ¶ 12.b(5)(a)(ii).) In the accounting summary, however, it appears the amount of medical expenses is \$1,459.31. The court needs clarification regarding the breakdown of the settlement. (Petn., ¶ 16.)

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, JULY 17, 2026, IN DEPARTMENT FOUR.

6. MATTER OF SMITH, 26CV0876**OSC Re: Name Change**

This matter was continued from June 5, 2026, because there was no proof of publication or CLETS report in the court's file. (Code Civ. Proc., §§ 1277, subd. (a)(2)(A), 1279.5, subd. (f).) The court also notes petitioner did not appear at the last hearing, even though appearances were required. The court mailed petitioner a copy of the June 5, 2026, minute order at petitioner's address on file but it was returned to the court undeliverable.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, JULY 17, 2026, IN DEPARTMENT FOUR.

7. RED SANDSTONE LLC v. PISCANO, 25CV1962

Order of Examination Hearing

On May 12, 2026, the court granted plaintiff's ex parte application to authorize alternative service and authorized plaintiff to electronically serve the Order to Show Cause ("OSC") documents upon the judgment debtor, defendant Stephan Evard Piscano a/k/a Stephan Evard Pierce.

On July 14, 2026, plaintiff's counsel filed a declaration indicating the OSC documents were electronically served upon the judgment debtor on June 16, 2026.

TENTATIVE RULING # 7: THE JUDGMENT DEBTOR'S PERSONAL APPEARANCE IS REQUIRED AT 1:30 P.M., FRIDAY, JULY 17, 2026, IN DEPARTMENT FOUR.