1. CAPITAL ONE, N.A. v. McGINNIS, 25CV1362

Motion for Judgment on the Pleadings

Pending before the court is plaintiff Capital One, N.A.'s ("plaintiff") unopposed motion for judgment on the pleadings under Code of Civil Procedure section 438, following the court's January 16, 2026, order granting plaintiff's motion to deem matters admitted, wherein the court deemed all matters in plaintiff's Requests for Admission (Set One) propounded upon defendant admitted. Plaintiff's counsel declares she attempted to meet and confer with defense counsel prior to filing the motion but received no response. (D'Anna Decl., ¶¶ 3–4, Ex. 3.)

1. Request for Judicial Notice

Pursuant to Evidence Code section 452, subdivision (c), the court grants plaintiff's unopposed request for judicial notice of Exhibit 1 (plaintiff's Requests for Admission (Set One) propounded upon defendant) and Exhibit 2 (court's order issued January 16, 2026, granting plaintiff's motion to deem matters admitted).

2. Background

This is a delinquent loan action. The complaint alleges defendant owes plaintiff $11,536.63 on the subject credit card. Defendant filed an answer generally denying each and every allegation in plaintiff's complaint and asserting various affirmative defenses.

On January 16, 2026, the court granted plaintiff's motion to deem matters admitted. (See RJN, Ex. 2.) As relevant here, the following matters were deemed admitted: (1) defendant applied for a credit card charge account with plaintiff; (2) defendant received the customer agreement when he received his credit card; (3) pursuant to the agreement, by using the credit card, defendant agreed to be bound by the terms of the agreement; (4) defendant agreed to pay plaintiff for charges made on the charge account; and (5) defendant currently owes $11,536.63 on the charge account.

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3. Legal Principles

A motion for judgment on the pleadings serves the same function as a general demurrer. (*Smiley v. Citibank* (1995) 11 Cal.4th 138, 145–146.) A motion may be brought where "the complaint states facts sufficient to constitute a defense to the complaint." (Code Civ. Proc., § 438, subd. (c)(1)(A); see also *Adjustment Corp. v. Hollywood Hardware & Paint Co.* (1939) 35 Cal.App.2d 566, 569–570 [judgment on the pleadings is proper where the answer "fails to deny any of the material allegations of the complaint"].) The grounds for a judgment on the pleadings must appear on the face of the challenged pleading or be based on facts the court may judicially notice. (Code Civ. Proc., § 438, subd. (d); *Tung v. Chicago Title Co.* (2021) 63 Cal.App.5th 734, 758–759.)

4. Discussion

Based on the judicially-noticed matters deemed admitted, the court finds plaintiff has met its burden on the instant motion for judgment on the pleadings. The motion is granted.

TENTATIVE RULING # 1: THE MOTION FOR JUDGMENT ON THE PLEADINGS IS GRANTED. 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. ARANA v. ALONZO, ET AL., 23CV0602

Motion for Protective Order

On February 13, 2026, pursuant to Code of Civil Procedure section 2030.090, defendant Paul Windt ("defendant") filed the instant motion for protective order related to plaintiff Christopher Arana's ("plaintiff") Special Interrogatories (Set One) propounded upon defendant. Defense counsel declares they met and conferred with plaintiff under Code of Civil Procedure section 2016.040. (Ou Decl., ¶¶ 3–6 & Exs. C–F.)

Defendant's notice of motion states that, in the event plaintiff opposes the motion without substantial justification, defendant will seek a monetary sanction.

On May 4, 2026, plaintiff filed a timely opposition, wherein plaintiff requests a monetary sanction against defendant in an unspecified amount.

On May 8, 2026, defendant filed a timely reply and requested a monetary sanction of $8,256.95. (Reply at 6:22–7:6.)

1. Preliminary Matter

Plaintiff argues the motion should be denied outright because defendant's meet and confer efforts were insufficient under Code of Civil Procedure section 2016.040. (Opp. at 3:10–23.) That section provides: "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." (Code Civ. Proc., § 2016.040, subd. (a).)

Plaintiff claims defendant is objecting to 75 interrogatories but only met and conferred on 18 of them (four interrogatories cited in defendant's original meet and confer letter dated January 21, 2026; and 14 additional interrogatories cited in defendant's follow-up letter dated January 28, 2026). The court disagrees with plaintiff. Having read and considered the meet and confer letters, the court finds that defendant made a reasonable and good faith attempt to informally resolve the issues presented by

the instant motion. Defendant raised specific issues and legal authority, and cited specific interrogatories to illustrate his claims.

2. Background

This case arises from a real estate transaction of a residential property. Defendant acted as the dual real estate agent for both plaintiff (the buyer) and defendant John Alonzo (the seller). After the close of escrow in April 2022, plaintiff allegedly discovered issues with the subject property, including prior roof leaks, mold in the attic, mold in the interior and exterior walls, a defective chimney, and defective plumbing. (Compl., ¶ 23.)

Plaintiff's complaint alleges the following five causes of action against defendant: (1) concealment; (2) intentional misrepresentation; (3) negligent misrepresentation; (4) violation of Civil Code section 1102, et seq. ("Disclosures upon Transfer of Residential Property"); and (5) negligence.

Plaintiff's complaint also includes causes of action against other defendants for breach of contract and fraud.

On January 16, 2026, plaintiff propounded Special Interrogatories (Set One) on defendant, which included 135 interrogatories in the set. (Ou Decl., filed Feb. 13, 2026, Ex. A.) Attached to the discovery request was a declaration executed by plaintiff's counsel for additional discovery pursuant to Code of Civil Procedure section 2030.040. (Ou Decl., filed Feb. 13, 2026, Ex. A.) Paragraph 10 of counsel's declaration states the number of interrogatories "is warranted … because of the complexity and quantity of the existing potential issues concerning the identity of witnesses, the identity of employees, managers, real estate brokers, real estate agents, subcontractors, renters, who worked for JOHN ALONZO or PAUL WINDT, whether defendants were aware of defects related to the subject property, WHETHER DEFENDANTS CONCEALED, WITHHELD OR DOWNPLAYED the existence of mold on the roof or water leaks from the roof, whether defendants informed plaintiff that they were aware of defects related to the subject property prior to the sale, why they took the property off the market,

whether defendants were informed by prior tenants that they were aware of defects related to the subject property, actual or constructive notice, inspection and liability issues as they relate to the subject property, issues regarding liability of other parties Whether [sic] there are videos or photos of the subject property." (Ou Decl., filed Feb. 13, 2026, Ex. A.)

3. Legal Principles

"When interrogatories have been propounded, the responding party … may promptly move for a protective order…." (Code Civ. Proc., § 2030.090, subd. (a).) "The court, for good cause shown, may make any order that justice requires to protect any party … from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." (*Id.*, subd. (b).) "In considering whether the discovery is unduly burdensome or expensive, the court takes into account 'the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation.' " (*People ex rel. Harris v. Sarpas*, 225 Cal.App.4th 1539, 1552 (citing Code Civ. Proc., § 2019.030, subd. (a)(2)).)

A protective order may include the direction that "the set of interrogatories, or particular interrogatories in the set, need not be answered," "the response be made only on specified terms and conditions," or "the method of discovery be an oral deposition instead of interrogatories to a party." (*Id.*, subds. (b)(1), (4) & (5).)

"If the responding party seeks a protective order on the ground that the number of specially prepared interrogatories is unwarranted, the propounding party shall have the burden of justifying the number of these interrogatories." (Code Civ. Proc., § 2030.040, subd. (b).)

"The court shall impose a monetary sanction … against any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order under this section, 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., § 2030.090, subd. (d).)

4. Discussion

Defendant claims the number of special interrogatories is unwarranted. Therefore, the burden is on plaintiff to justify the number of interrogatories. (Code Civ. Proc., § 2030.040, subd. (b).) The court notes that plaintiff's opposition largely argues that defendant has failed to produce any evidence that the number of interrogatories is unduly burdensome or oppressive. However, that is not the applicable standard in this motion for protective order. If defendant had *objected* to specific interrogatories on the grounds that they were unduly burdensome and oppressive, and plaintiff brought a motion to compel, then defendant would have such burden. (See *West Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417 ["The objection based upon burden must be sustained by evidence showing the quantum of work required, while to support an objection of oppression there must be some showing either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."].)[1] However, Code of Civil Procedure section 2030.040 expressly states, "[i]f the responding party seeks a *protective order* on the ground that the number of specially prepared interrogatories is unwarranted, the propounding party shall have the burden of justifying the number of these interrogatories." (Code Civ. Proc., § 2030.040, subd. (b) [emphasis added].)

Plaintiff argues that all of the 135 interrogatories "are intended to obtain information regarding the subject property regarding who knew about the mold, when

[1] Plaintiff's opposition brief incorrectly claims that in *West Pico*, the Supreme Court "reversed the trial court granting of a protective order…." (Opp. at 4:8–13.) *West Pico* did not involve any protective order. Rather, it was a proceeding in mandate seeking to compel the respondent court to set aside its order sustaining objections to certain interrogatories propounded by the petitioner to the real party in interest, Pacific Finance Loans. (*West Pico*, *supra*, 56 Cal.2d at p. 413.)

they found out about the mold, who rented the premises and might have known about the mold, who talked to ALONZO and WINDT about the mold in order to identify witnesses for deposition or to obtain information to assist in preparation of depositions." (Opp. at 4:21–25.) Plaintiff's argument, however, misses the point. The issue is whether the number of interrogatories is justified, not merely whether the interrogatories seek to obtain discoverable information.

As defendant points out, several interrogatories are duplicative. For example, Special Interrogatory Number 40 asks: "Please describe all conversations PAUL WINDT had with BO FELDMAN during her tenancy at the subject premises regarding mold on the roof of the subject property." Special Interrogatory Number 41 asks: "Please describe all conversations PAUL WINDT had with BO FELDMAN during her tenancy at the subject property regarding mold in any part of the subject property." Special Interrogatory Numbers 41 and 42 ask the same questions, respectively, but for the time period after Bo Feldman's tenancy.

Special Interrogatory Numbers 44 and 45 ask similar questions about conversations during Bo Feldman's tenancy regarding water leaks or water damage. Special Interrogatory Numbers 46 and 47 ask the same questions, but for the time period after Bo Feldman's tenancy.

Special Interrogatory Numbers 50 through 58 include the same lines of questioning, but with conversations defendant held with Blake Feldman.

The court also notes that plaintiff's special interrogatories asking the responding party to "describe" or "detail" a conversation are vague and would appear to be better suited for questioning during an oral deposition. Special Interrogatory Numbers 39, 60, 61, 68, 76, 78, 79, and 135 call for a description of communications, as well.

Overall, the court finds that plaintiff has not met his burden of justifying the 135 special interrogatories propounded upon defendant. Therefore, the court grants defendant's motion for a protective order. Defendant is required to provide a verified

response to the first 35 interrogatories only in plaintiff's Special Interrogatories (Set One).

4.1. Sanctions

Having read and considered the declaration of Adrienne Ou filed May 8, 2026, in support of defendant's reply, the court finds $4,094.45 to be a reasonable sanction under the Civil Discovery Act against plaintiff's attorney, Rafael Crespo. Ms. Ou, the associate attorney working on the case, declares her hourly rate is $225.00; and Dennis J. Kelly's (the partner working on the case) hourly rate is $300.00. (Ou Decl., filed May 8, 2026, ¶ 2.) The court's sanction award accounts for 15 total hours spent by Ms. Ou (15 x $225.00 = $3,375.00) and two total hours spent by Mr. Kelly (2 x $300.00 = $600.00), plus the $60.00 filing fee and $59.45 electronic filing fee.

TENTATIVE RULING # 2: THE MOTION FOR A PROTECTIVE ORDER IS GRANTED. DEFENDANT PAUL WINDT IS REQUIRED TO PROVIDE A VERIFIED RESPONSE TO THE FIRST 35 INTERROGATORIES ONLY IN PLAINTIFF CHRISTOPHER ARANA'S SPECIAL INTERROGATORIES (SET ONE). THE COURT IMPOSES A MONETARY SANCTION IN THE AMOUNT OF $4,094.45 AGAINST PLAINTIFF'S ATTORNEY, RAFAEL CRESPO, AND IN FAVOR OF DEFENDANT PAUL WINDT, WHICH SHALL BE PAID TO DEFENDANT WINDT WITHIN 30 DAYS OF THE NOTICE OF ENTRY OF ORDER.

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. HAMILTON v. HEAVENLY VALLEY LIMITED PARTNERSHIP, SC20210148

Motion to Stay or Dismiss

On November 18, 2025, pursuant to Code of Civil Procedure section 410.30, intervenors Randy Dean Quint, John Linn, and Mark Molina (collectively, the "Colorado Plaintiffs") filed a motion to stay or dismiss the instant action based on the doctrine of forum non conveniens.[2]

On January 12, 2026, plaintiffs Christopher Hamilton, Anna Gibson, Zachariah Saiz-Hawes, William Berrier, Matthew Allen, Adam Heggen, and Paul Roberds (collectively, the "Opposing Plaintiffs"), and defendants The Vail Corporation and Heavenly Valley (collectively, "Defendants") filed their respective oppositions.

On February 13, 2026, the Colorado Plaintiffs filed a timely reply.

1. Preliminary Matter

On September 22, 2025, the court denied the Colorado Plaintiffs' motion to dismiss filed April 18, 2025. Opposing Plaintiffs and Defendants both contend that the instant motion is procedurally barred. Defendants claim the motion is actually a motion for reconsideration and is therefore barred under Code of Civil Procedure section 1008;[3] and Opposing Plaintiffs claim, without citing any relevant legal authority, that the Colorado Plaintiffs waived their argument of forum non conveniens by failing to raise it in their previous motion to dismiss.

[2] The hearing on this motion has been continued a few times based upon stipulation of the parties.

[3] Code of Civil Procedure section 1008 provides in pertinent part: "A party who originally made an application for an order which was refused in whole or part, … may make a subsequent application for the same order upon new or different facts, circumstances, or law, in which case, it shall be shown by affidavit what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown." (Code Civ. Proc., § 1008, subd. (b).)

In *Williamson v. Mazda Motor of America*, *Inc.* (2012) 212 Cal.App.4th 449 (*Williamson*), the court held that "[Code of Civil Procedure] section 410.30, subdivision (a) grants a trial court independent authority to determine whether California is a convenient forum" based on evidence not previously presented to the court, "even if a party's forum non conveniens motion does not otherwise satisfy the requirements of section 1008 for reconsideration of a prior order or renewal of an earlier motion." (See *Williamson*, *supra*, at pp. 452–454.)

The court notes that the Colorado Plaintiffs' previous motion to dismiss did not request a stay and did not raise the issue of forum non conveniens.[4] The only portion of the instant motion that seeks the same relief is the request for dismissal. However, pursuant to *Williamson*, the Colorado Plaintiffs' instant motion under Code of Civil Procedure section 410.30, subdivision (a) is not barred under Code of Civil Procedure section 1008.

2. Request for Judicial Notice

Defendants request the court to take judicial notice of 29 documents. However, pursuant to Evidence Code section 452, the court denies the request because said materials are not "necessary, helpful, or relevant" to the instant motion. (See *Jordache Enterprises*, *Inc. v. Brobeck*, *Phleger & Harrison* (1998) 18 Cal.4th 739, 748, fn. 6.)

3. Legal Principles

Code of Civil Procedure section 410.30 provides: "When a court upon motion of a party or its own motion finds that in the interest of substantial justice an action should be heard in a forum outside this state, the court shall stay or dismiss the action in whole or in part on any conditions that may be just." (Code Civ. Proc., § 410.30, subd. (a).) "The statute codifies the common law doctrine of forum non conveniens." (*St. Paul Fire &*

[4] In their previous motion to dismiss, the Colorado Plaintiffs attempted to argue forum non conveniens for the first time in their reply brief. However, the court did not consider this argument because it was not properly raised in their moving papers.

Marine Ins. Co. v. AmerisourceBergen Corp. (2022) 80 Cal.App.5th 1, 13.) "Forum non conveniens is an equitable doctrine invoking the discretionary power of a court to decline to exercise the jurisdiction it has over a transitory cause of action when it believes that the action may be more appropriately and justly tried elsewhere." (*Stangvik v. Shiley Inc.* (1991) 54 Cal.3d 744, 751.) "The doctrine of forum non conveniens is not jurisdictional."[5] (*Credit Lyonnai Bank Nederland*, *N.V. v. Manatt*, *Phelps Rothernberg & Tunney* (1988) 202 Cal.App.3d 1424, 1430–1431, fn. 8, superseded by statute on another point by *Beckman v. Thompson* (1992) 4 Cal.App.4th 481, 487, fn. 4.)

"In determining whether to grant a motion based on forum non conveniens, a court must first determine whether the alternate forum is a 'suitable' place for trial. If it is, the next step is to consider the private interests of the litigants and the interests of the public in retaining the action for trial in California." (*Stangvik*, *supra*, 54 Cal.3d at p. 751.) "The trial court's first determination, whether there is a suitable forum, is a nondiscretionary legal question subject to de novo review. [Citations.] The second determination, the weighing of the private and public factors, is discretionary and subject to review only for an abuse of discretion…." (*Morris v. AGFA Corp.* (2006) 144 Cal.App.4th 1452, 1464.)

4. Discussion

"A forum is suitable if there is jurisdiction and no statute of limitations bar to the action. It is sufficient that the action can be brought, although not necessarily won, in the suitable alternative forum." (*Morris*, *supra*, 144 Cal.App.4th at p. 1464.)

The court notes that the Colorado Plaintiffs' request to stay or dismiss this action based on forum non conveniens would have the result of litigating this case in the federal district court in Colorado. However, this court does not have the authority to

[5] The Colorado Plaintiffs' arguments regarding this court's jurisdiction over the dispute have already been ruled upon and are immaterial to the issue of forum non conveniens.

directly consolidate the instant case with the Colorado action; that would require a separate motion. Defendants' arguments regarding the scope of the pending Colorado action (Defs.' Opp. at 10:6–16) is not relevant to the initial question in this forum non conveniens analysis of whether the federal district court in Colorado is a suitable forum.

Federal courts have two different sources of subject matter jurisdiction as relevant here. Diversity jurisdiction arises when opposing parties are citizens of different states (28 U.S.C. § 1332), and federal question jurisdiction gives the federal courts jurisdiction if the action arises under federal law (28 U.S.C. § 1331). If the federal court has subject matter jurisdiction, it may also exercise supplemental jurisdiction over related claims that would not otherwise have been within the federal court's jurisdiction. (28 U.S.C. § 1367.)

The Colorado Plaintiffs' briefing does not expressly articulate why it contends the federal district court in Colorado would have federal subject-matter jurisdiction over the instant case, which asserts California state law claims only.[6] Presumably, the Colorado Plaintiffs' position is that the federal district court has federal diversity jurisdiction under 28 U.S.C. § 1332.

However, diversity jurisdiction requires "complete" diversity between the plaintiffs and defendants. (See *Owen Equipment & Erection Co. v. Kroger* (1978) 437 U.S. 365, 373 ("diversity jurisdiction does not exist unless *each* defendant is a citizen of a different State from each plaintiff.").)

In this case, both Defendants are incorporated or have their principal place of business in Colorado. Each of the Opposing Plaintiffs is domiciled in California. But, the Colorado Plaintiffs are all domiciled in Colorado. Because there is not complete diversity, the federal district court in Colorado does not have federal diversity

[6] On this point, the Colorado Plaintiffs' opening brief merely states, "Here, the 'alternate forum' i.e. the DOC 'is a "suitable" place for trial' because Vail is headquartered in Colorado and the 'principal place of business []is presumptively a convenient forum.' [Citation.]" (Mtn. at 4:3–5.)

jurisdiction, and is therefore not a suitable forum. Accordingly, the motion to stay or dismiss this action based on forum non conveniens is denied.

In the alternative, even if the federal court in Colorado were a suitable forum, the court would still find that the balancing of private and public interest factors do not weigh in favor of trying the case in the federal court in Colorado.

"The private interest factors are those that make trial and the enforceability of the ensuing judgment expeditious and relatively inexpensive, such as the ease of access to sources of proof, the cost of obtaining attendance of witnesses, and the availability of compulsory process for attendance of unwilling witnesses. The public interest factors include avoidance of overburdening local courts with congested calendars, protecting the interests of potential jurors so that they are not called upon to decide cases in which the local community has little concern, and weighing the competing interests of California and the alternate jurisdiction in the litigation." (*Stangvik*, *supra*, 54 Cal.3d at p. 751.)

The Colorado Plaintiffs claim the applicable factors favor trying the instant case in the federal court in Colorado because: (1) Vail is headquartered in Colorado; (2) the unlawful employment policies, practices, and procedures were formulated and implemented in Colorado; (3) key witnesses and evidence are located in Colorado; and (4) Vail is subject to general jurisdiction in Colorado. (Mtn. at 1:9–13.) Additionally, the Colorado Plaintiffs claim the Colorado action pleads the broadest claims and is the most advanced. (Mtn. at 1:13–14.)

The claims in the instant case are California state law wage and hour claims. The Colorado Plaintiffs' motion makes the blanket claim that key witnesses and evidence are located in Colorado but they cite to no evidence in support of this claim. Even if employment policies and practices were formulated in Colorado, it appears that the relevant business records (e.g., timesheets, etc.) would largely be located in California.

Lastly, the Colorado Plaintiffs claim the Colorado action pleads the broadest claims and is the most advance. However, the court notes that a settlement remains pending in the instant case.

TENTATIVE RULING # 3: THE COLORADO PLAINTIFFS' MOTION TO STAY OR DISMISS UNDER CODE OF CIVIL PROCEDURE SECTION 410.30 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.

4. ROWE, ET AL. v. REYNOLDS, 25CV2683

OSC Re: Dismissal

On March 16, 2026, plaintiffs filed a notice of settlement of the entire case. On April 30, 2026, plaintiffs filed a petition for minor's compromise. A hearing on the petition is currently set for July 17, 2026. The court, on its own motion and in the interest of judicial economy, continues the Order to Show Cause hearing to October 16, 2026.

TENTATIVE RULING # 4: THE COURT, ON ITS OWN MOTION, CONTINUES THE MATTER TO 1:30 P.M., FRIDAY, OCTOBER 16, 2026, IN DEPARTMENT FOUR. IF A REQUEST FOR DISMISSAL IS FILED PRIOR TO THE OCTOBER 16 HEARING, THE MATTER WILL BE DROPPED FROM THE CALENDAR AND APPEARANCES WILL NOT BE REQUIRED.

5. CROW, ET AL. v. CHILD, 24CV1535

(A) Motion to Compel Responses to Form Interrogatories (Set Two)

(B) Motion to Deem Matters Admitted

Motion to Compel Responses to Form Interrogatories (Set Two)

On March 11, 2026, pursuant to Code of Civil Procedure section 2030.290, defendant SpecialtyCare ("defendant") filed an amended notice of motion to compel plaintiff Janet Crow's ("plaintiff") verified responses, without objection, to defendant's Form Interrogatories (Set Two). Defendant's motion includes no request for a monetary sanction.

Plaintiff filed no opposition.

If a party to whom interrogatories were directed fails to serve a timely response, the propounding party may move for an order compelling responses. (Code Civ. Proc., § 2030.290, subd. (b); see *Sinaiko Healthcare Consulting*, *Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 403–404.) Generally, the party who failed to serve a timely response to the discovery request waives "any objection" to the request, "including one based on privilege" or the protection of attorney work product. (Code Civ. Proc., § 203.290, subd. (a).)

In this case, defense counsel declares defendant electronically propounded the discovery request upon plaintiff on January 23, 2026. (McKinley Decl., ¶ 3 & Ex. A.) Accordingly, plaintiff's deadline to serve her verified response was February 25, 2026 (30 calendar days extended by two court days for electronic service). (Code Civ. Proc., §§ 1013, subd. (e), 2030.260, subd. (a).) As of March 6, 2026 (the date the original notice of motion was filed), plaintiff had served no verified response. (McKinley Decl., ¶ 5.) Therefore, the motion is granted.

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Motion to Deem Matters Admitted

On March 11, 2026, pursuant to Code of Civil Procedure section 2033.280, defendant SpecialtyCare ("defendant") filed an amended notice of motion to deem matters admitted against plaintiff Janet Crow ("plaintiff"). The amended notice of motion includes no request for monetary sanctions.[7]

Plaintiff filed no opposition.

A party served with requests for admission must serve a response within 30 days. (Code Civ. Proc., § 2033.250.) Failure to serve a response entitles the requesting party, on motion, to obtain an order that the genuineness of all documents and the truth of all matters specified in the requests for admission be deemed admitted. (Code Civ. Proc., § 2033.280, subd. (b).) When such a motion is made, the court must grant the motion and deem the requests admitted unless it finds that prior to the hearing, the party to whom the requests for admission were directed has served a proposed response that is in substantial compliance with the provisions governing responses. (Code Civ. Proc., § 2033.280, subd. (c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776, 778; see also *Demyer v. Costa Mesa Mobile Home Estates* (1995) 36 Cal.App.4th 393, 395–396 ["two strikes and you're out"].)

In this case, defense counsel declares defendant electronically propounded Requests for Admission (Set One) upon plaintiff on January 23, 2026. (McKinley Decl., ¶ 3 & Ex. A.) Accordingly, plaintiff's deadline to serve her response was February 25, 2026 (30 calendar days extended by two court days for electronic service). (Code Civ. Proc., §§ 1013, subd. (e), 2033.250, subd. (a).) As of March 6, 2026 (the date the original notice of motion was filed), plaintiff had served no response.

The court grants defendant's motion to deem matters admitted.

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[7] The court notes that defense counsel's declaration includes a request for a monetary sanction in the amount of $2,200.00. A request for discovery sanctions, however, must be included in the notice of motion. (Code Civ. Proc., § 2023.040.)

TENTATIVE RULING # 5:

MOTION TO COMPEL RESPONSES TO FORM INTERROGATORIES (SET TWO): THE MOTION TO COMPEL IS GRANTED. PLAINTIFF JANET CROW SHALL SERVE A VERIFIED RESPONSE, WITHOUT OBJECTION, TO DEFENDANT SPECIALTYCARE'S FORM INTERROGATORIES (SET TWO) WITHIN 30 DAYS OF THE NOTICE OF ENTRY OF ORDER.

MOTION TO DEEM MATTERS ADMITTED: THE MOTION TO DEEM MATTERS ADMITTED IS GRANTED. THE TRUTH OF ALL MATTERS SPECIFIED IN DEFENDANT SPECIALTYCARE'S REQUESTS FOR ADMISSION (SET ONE) PROPOUNDED UPON PLAINTIFF JANET CROW ARE DEEMED ADMITTED.

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. STEPHENS v. LAUB LAW PLCC, ET AL., 25CV1050

(A) Defendant Rusin's Motion to Set Aside Default

(B) Defendants Joe Laub's and Law Firm of Laub & Laub's Motion to Set Aside Default

Defendant Rusin's Motion to Set Aside Default

Default was entered against defendant Jill Rusin ("defendant") on December 16, 2025. On March 3, 2026, pursuant to Code of Civil Procedure section 473, defendant filed a motion to set aside default and default judgment. On March 04, 2026, defendant submitted a declaration in support of her motion.

On March 11, 2026, plaintiff submitted a timely opposition.

On April 09, 2026, defendant submitted a declaration of Ciu Ciu Tanner in support of her motion. Defendant submitted no reply brief.

1. Background

Proof of service filed November 10, 2025, shows plaintiff electronically served his third amended complaint ("TAC") on defendant on November 4, 2025, at the following email addresses: Jillyrusin@gmail.com and Jill@lawlaub.com. Although the summons and complaint must generally be personally served or served via substitute service (Code Civ. Proc., §§ 415.10, 415.20), the court notes that, on July 21, 2025, defendant electronically filed a motion to quash in this case and concurrently provided her email address (jill@lawlaub.com), thereby consenting to electronic service. (Cal. Rules of Ct., rule 2.251, subd. (b)(1)(B).) Accordingly, the deadline for defendant to file a responsive pleading to plaintiff's TAC was December 8, 2025 (30 calendar days, extended by two court days for electronic service). (Code Civ. Proc., §§ 412.20, subd. (a)(3), 1013, subd. (e).)

Defendant admits receiving a copy of the TAC via email on November 6, 2025: "On November 6, 2025, I received a copy of Plaintiff's Third Amended Complaint. This was

sent to Laub & Laub and to Joe Laub. Not to me. But I did receive an emailed copy of the copies directed to Mr. Laub and The Firm." (Rusin Decl., ¶ 20.)

Defendant declares that, on December 4, 2025, she sent an email to plaintiff explaining that Laub & Laub had received two copies of the TAC, one for defendant Joey Laub and one for defendant Laub & Laub. (Rusin Decl., ¶ 21.) "Tired of dealing with service issues, [defendant] asked Plaintiff at that time to let [defendant] know if his intention was to also serve [defendant], and that [defendant] would respond to his Complaint." (Rusin Decl., ¶ 21.) Defendant did not submit a copy of her email correspondence in support of the instant motion. However, plaintiff did submit a copy of an email from defendant (using the email address jill@lawlaub.com) to plaintiff (defendant also sent a copy of the email to herself at jillyrusin@gmail.com) dated December 4, 2025, which states: "Hello Mr. Stephens: This shall serve as an effort to meet and confer regarding demur [sic] to your amended complaint. Can you please provide a few dates/times convenient to your schedule? Sincerely, Jill Marchione Rusin." (Stephens Decl., Ex. B.)

Defendant provides no explanation of why she did not file a responsive pleading before the December 8, 2025, deadline.

On December 9, 2025, the law firm's receptionist added a document to their case file with the heading, "30 day extension to answer." (Rusin Decl., ¶ 22.) Later, defendant realized that the extension did not apply to her but was for another defendant in this action. (Rusin Decl., ¶ 22.)

Defendant was away from the office on holiday vacation and was unaware of plaintiff's December 29, 2025, email, which attached plaintiff's request for default. (Rusin Decl., ¶ 23.) Defendant planned to return to the office on January 6, 2026. (Rusin Decl., ¶ 25.) Days later, her brother was hospitalized, which significantly limited defendant's ability to work and communicate with her employer. (Rusin Decl., ¶¶ 25–26.)

When defendant discovered plaintiff's request for default in her email spam folder, she completed her answer to the complaint and contacted a trusted friend to file the document on her behalf as a favor. (Rusin Decl., ¶ 27.) Defendant requested the filing receipt from her friend but, uncharacteristically, did not hear back from the friend. (Rusin Decl., ¶ 29.) When defendant finally returned to work (defendant does not specify the date), she noticed a default prove-up hearing set for February 27, 2026. (Rusin Decl., ¶ 30.) Defendant attempted to reach her friend to obtain e-filing confirmation of the answer she filed. (Rusin Decl., ¶ 30.) After several days without a return call, defendant contacted another colleague, who informed defendant that the friend had abruptly left the county due to a death in her family. (Rusin Decl., ¶ 30.) Sometime between February 26 and February 27, 2026, defendant contacted the court and was informed that her answer had not been filed. (Rusin Decl., ¶ 31.)

2. Discussion

Code of Civil Procedure section 473, subdivision (b) provides: "The court may, upon any terms as may be just, relieve a party … from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).)

Here, the court declines to grant defendant relief under the mistake provision of Code of Civil Procedure section 473, subdivision (b), because defendant provides no explanation of why she did not file a responsive pleading before the December 8, 2025, deadline. Defendant's claim of mistakes only occurred after the December 8, 2025, deadline. Plaintiff's evidence shows defendant sent plaintiff a meet and confer email on December 4, 2025, regarding defendant's intended demurrer.

Still, Code of Civil Procedure section 473, subdivision (a)(1) provides: "The court may, in furtherance of justice, and on any terms as may be proper, …enlarge the time for answer or demurrer." (Code Civ. Proc., § 473, subd. (a)(1).) The court will grant defendant relief under this section because plaintiff's claims of negligence and breach of

fiduciary duty, as alleged against defendant Rusin in the TAC, both likely fail as a matter of law. The TAC alleges defendant is a paralegal for defendant Law Firm of Laub & Laub. Therefore, it would appear that defendant owed no legal duty of care to plaintiff and owed no fiduciary duty to plaintiff. The court finds it to be in the interest of justice that defendant's answer attached to her motion be deemed filed in this matter as of the date of notice of entry of order.

Defendants Joe Laub's and Law Firm of Laub & Laub's Motion to Set Aside Default

Default was entered against defendants Joe Laub and Law Firm of Laub & Laub (collectively, "defendants") on December 16, 2025. On March 4, 2026, pursuant to Code of Civil Procedure section 473, defendants filed a motion to set aside default, as well as a supporting declaration of defendant Joe Laub. Defendants also rely on defendant Jill Rusin's declaration, submitted March 4, 2026, in support of their motion.

On March 11, 2026, plaintiff filed a timely opposition. Defendants filed no reply.

1. Background

Proofs of service filed November 10, 2025, show that both defendants were personally served with plaintiff's third amended complaint ("TAC") on November 4, 2025. Therefore, defendants' deadline to file a responsive pleading was December 4, 2025.[8] (Code Civ. Proc., § 412.20, subd. (a)(3).)

On or about December 4, 2025, defendant Joe Laub's office informed him of a 30-day extension to respond to the TAC, causing Mr. Laub to believe the new deadline for a responsive pleading was January 6, 2026. (Laub. Decl., ¶¶ 4, 5.) He later learned from his paralegal that this extension actually applied to a different defendant. (Laub. Decl., ¶ 4.)

[8] Defendant Joe Laub's declaration in support of the instant motion states his office was served plaintiff's TAC by substitute service on November 4, 2025. (Laub Decl., ¶ 1.) Even assuming, *arguendo*, that defendants were served via substitute service, meaning the deadline to file a responsive pleading was December 15, 2025, neither defendant filed a responsive pleading before default was entered on December 16, 2025.

Mr. Laub was due to return to his office after a holiday vacation on January 6, 2026. (Laub Decl., ¶ 6.) On January 7, 2026, he was hospitalized after a serious ski accident. (Laub Decl., ¶ 7.) Mr. Laub's paralegal had a family emergency and his legal assistant was unable to return from her holiday vacation due to an emergency in her family. (Laub Decl., ¶ 9.) At some point in January 2026, Mr. Laub's paralegal informed him that the answers to plaintiffs' TAC had been filed. (Laub Decl., ¶ 10.) However, this turned out to be incorrect. (Laub Decl., ¶ 10.) Mr. Laub recently learned the answers had not been filed "due to yet another person's family emergency." (Laub Decl., ¶ 11.)

2. Discussion

Code of Civil Procedure section 473 provides, in pertinent part: "The court may, upon any terms as may be just, relieve a party … from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).) Additionally, "the court shall, whenever an application for relief is made no more than six months after entry of judgment, is in proper form, and is accompanied by an attorney's sworn affidavit attesting to the attorney's mistake, inadvertence, surprise, or neglect, vacate any (1) resulting default entered by the clerk against the attorney's client, and which will result in entry of a default judgment … unless the court finds that the default or dismissal was not in fact caused by the attorney's mistake, inadvertence, surprise, or neglect." (*Ibid.*)

Here, defendant Joe Laub, a licensed California attorney, submitted a declaration indicating he mistakenly believed plaintiff had granted both defendants a 30-day extension to January 6, 2026. Then, due to a serious ski injury and a series of family emergencies sustained by members of his law firm's staff, Mr. Laub mistakenly believed that an answer to complaint had been filed, when in fact, that was incorrect.

Based on Mr. Laub's declaration, the court grants the motion to set aside default as to both defendants and deems the answer to the complaint attached to the motion as

being filed on the date of notice of entry of order. Mr. Laub is representing himself in pro per; thus, the court grants him permissive relief under Code of Civil Procedure section 473, subdivision (b). Defendant Law Firm of Laub & Laub is represented by Mr. Laub in his professional capacity; therefore, the court grants the law firm mandatory relief under Code of Civil Procedure section 473, subdivision (b).

TENTATIVE RULING # 6:

JILL RUSIN'S MOTION TO SET ASIDE DEFAULT: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 473, SUBDIVISION (A)(1), THE MOTION TO SET ASIDE DEFAULT AGAINST DEFENDANT JILL RUSIN IS GRANTED. THE ANSWER TO COMPLAINT ATTACHED TO DEFENDANT'S MOTION IS DEEMED FILED AS OF THE DATE OF NOTICE OF ENTRY OF ORDER.

JOE LAUB'S AND LAW FIRM OF LAUB & LAUB'S MOTION TO SET ASIDE DEFAULT: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 473, SUBDIVISION (B), THE MOTION TO SET ASIDE DEFAULT IS GRANTED AS TO BOTH DEFENDANTS, JOE LAUB AND LAW FIRM OF LAUB & LAUB. THE ANSWER TO COMPLAINT ATTACHED TO DEFENDANTS' MOTION IS DEEMED FILED AS OF THE DATE OF NOTICE OF ENTRY OF ORDER.

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.

7. REYES, ET AL. v. DEPT. OF TRANSPORTATION, SC20200027

Defendant's Motion for Sanctions

On April 8, 2026,[9] defendants California Department of Transportation and Nicholas Hudspeth (collectively, "defendants"), pursuant to Code of Civil Procedure section 128.7 ("Section 128.7"), filed a motion for the following sanctions: (1) $3,451 against plaintiff Maria Reyes ("plaintiff") and her attorney, Nicholas J.P. Wagner; and (2) $5,000 against Nicholas J.P. Wagner. Defendants' motion also requests an order shortening the 21-day safe harbor period to six days, April 3, 2025, to April 9, 2025.

On May 4, 2026, plaintiff filed a timely opposition.

On May 8, 2026, defendants filed a timely reply.

1. Background

At the pre-trial issues conference held on April 1, 2025, plaintiff orally requested the court to allow her to file a motion to disqualify defense counsel on shortened time. The court granted plaintiff's request and set a hearing for April 11, 2025. Later on April 7, 2025, plaintiff filed an ex parte application to disqualify defense counsel (the alleged improper filing at issue).

Also on April 7, 2025, defendants filed their original motion for sanctions pursuant to Code of Civil Procedure section 128.7. Proof of service attached to the April 7, 2025, motion indicates it was electronically served upon plaintiff that same day.

On April 11, 2025, the court denied plaintiff's motion to disqualify defense counsel.

2. Legal Principles

Code of Civil Procedure section 128.7 requires attorneys (or parties if they are unrepresented) to certify, through their signature on documents filed with the court, that every pleading, motion or other similar paper presented to the court has merit and

[9] Defendants originally filed their Section 128.7 motion on April 7, 2025. On April 11, 2025, the court set the matter for hearing on April 18, 2025. Prior to April 18 hearing, however, the court vacated the hearing on defendants' sanctions motion due to the plaintiffs' filing of a notice of appeal.

is not being presented for an improper purpose. (*Musaelian v. Adams* (2009) 45 Cal.4th 512, 516; *Martorana v. Marlin & Saltzman* (2009) 175 Cal.App.4th 685; see Code Civ. Proc., § 128.7, subd. (b)(1)–(4).) If, after notice and a reasonable opportunity to respond, the court determines the certification was improper under the circumstances, it may impose an appropriate sanction. (Code Civ. Proc., § 128.7, subd. (c).)

Code of Civil Procedure section 128.7, subdivision (c)(1) contains a safe harbor provision.[10] It requires the party seeking sanctions to serve on the opposing party, without filing or presenting to the court, a notice of motion specifically describing the sanctionable conduct. Service of the motion initiates a 21-day "hold" or "safe harbor" period. (See *Martorana*, *supra*, 175 Cal.App.4th at p. 698; *Banks v. Hathaway*, *Perrett*, *Webster*, *Powers & Chrisman* (2002) 97 Cal.App.4th 949, 953.) During this time, the offending document may be corrected or withdrawn without penalty. If that occurs, the motion for sanctions "shall not" be filed. (*Martorana*, at p. 698; Code Civ. Proc., § 128.7, subd. (c)(1).)

By mandating a 21-day safe harbor period to allow correction or withdrawal of an offending document, Code of Civil Procedure section 128.7 is designed to be remedial, not punitive. (*Martorana*, *supra*, 175 Cal.App.4th at p. 699.) " 'The purpose of the safe harbor provisions is to permit an offending party to avoid sanctions by withdrawing the improper pleading during the safe harbor period. [Citation.] This permits a party to withdraw a questionable pleading without penalty, thus saving the court and the parties

[10] Code of Civil Procedure section 128.7 provides in part: "A motion for sanctions under this section shall be made separately from other *motions* or requests and shall describe the specific conduct alleged to violate subdivision (b). Notice of motion shall be served as provided in Section 1010, but shall not be filed with or presented to the court unless, within 21 days after service of the motion, or any other period as the court may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion…." (Code Civ. Proc., § 128.7, subd. (c)(1).)

time and money litigating the pleadings as well as the sanctions request.' " (*Ibid.*; see *Malovec v. Hamrell* (1999) 70 Cal.App.4th 434, 440.)

The court is authorized to shorten the 21-day safe harbor period. (Code Civ. Proc., § 128.7, subd. (f)(1)(B) ["21 days after service of the motion *or any other period as the court may prescribe*" (italics added)]; Code Civ. Proc., § 128.7, subd. (c)(1) [same]; *Li v. Majestic Industrial Hills LLC* (2009) 177 Cal.App.4th 585, 594 [party seeking sanctions may seek an order shortening the 21-day safe harbor period].)

"Strict compliance with the statute's notice provisions serves its remedial purpose and underscores the seriousness of a motion for sanctions." (*Galleria Plus*, *Inc. v. Hanmi Bank* (2009) 179 Cal.App.4th 535, 538.)

3. Discussion

Even if the court were to grant defendants' request for an order shortening the safe harbor period, defendants have ignored the action that must be taken to start the period – service of the notice of the sanctions motion. That action must be followed by the "prescribed" period before the motion may be filed.

Defendants originally served notice of their motion on April 7, 2025, the same day they filed their original sanctions motion.[11] The provisions of the sanctions statutes allowing the trial court to prescribe a safe harbor period other than a 21-day period do not give the court authority to prescribe a "no day" period. In enacting the mandatory safe harbor provisions, the Legislature clearly intended that the party against whom sanctions are sought *must* be given an opportunity to withdraw or correct the offending

[11] Any service of the motion made after April 11, 2025, when the court denied plaintiff's motion to disqualify defense counsel, would be immaterial because at that point the court had already denied plaintiff's motion; therefore, there was no offending document for plaintiff to withdraw. (See *Day v. Collingwood* (2006) 144 Cal.App.4th 1116, 1128 [courts in a number of cases "have concluded that a motion for sanctions under section 128.7 that is not *served* sufficiently in advance of a dispositive ruling on the challenged pleading fails to comply with the safe harbor provision set forth in section 128.7, subdivision (c)(1)"].)

document, action, or tactic *after* being given proper notice (including the actual sanctions motion) and *before* the sanctions motion is filed.

Because defendants did not strictly comply with the notice provisions, their motion is denied. (*Galleria Plus, Inc.*, *supra*, 179 Cal.App.4th at p. 538.)

In the alternative, even if defendants complied with the safe-harbor provision, the court would still deny the motion on the merits because defendants have not met their burden of showing that plaintiff's counsel's signature on the motion to disqualify defense counsel was improper. Defendant claims plaintiff's counsel's statement during the April 1, 2025, issues conference (wherein counsel allegedly stated that regardless of whether the motion to disqualify is granted or denied, the then-scheduled trial date would not go forward) shows the motion was filed for the improper purpose of delay. The court disagrees. The statement allegedly made by plaintiff's counsel does not necessarily demonstrate that counsel filed the motion for the sole purpose of delaying the trial.

TENTATIVE RULING # 7: DEFENDANTS' MOTION FOR SANCTIONS 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.

8. ANDRIDGE v. NUNES, ET AL., 24CV0887

Defendants' Motion for Sanctions and Request for OSC Re: Contempt

On February 20, 2026, defendants Michael Nunes and Mikayla Saffold (collectively, "defendants") filed a joint motion requesting: (1) a $1,000 monetary sanction under Code of Civil Procedure sections 2023.010 and 2023.030; and (2) an Order to Show Cause why plaintiff Scott Andridge ("plaintiff") should not be held in contempt for willful failure to comply with this court's December 19, 2025, discovery order.

On December 19, 2025, the court granted defendants' motion to compel plaintiff's response to defendants' Special Interrogatories (Set One). The court ordered plaintiff to serve a code-compliant response to defendants by January 9, 2026. Although the court's order did not expressly state it, pursuant to Code of Civil Procedure section 2030.290,[12] plaintiff waived his right to object to any of the interrogatories due to his failure to serve a timely response to the original discovery request. (Code Civ. Proc., § 2030.290, subd. (a)(1).)

On or about January 7, 2026, plaintiff served a verified response to defendants' Special Interrogatories (Set One). (Nunes Decl., Ex. 3.) Plaintiff objected to each interrogatory but also provided a substantive response to each and every interrogatory subject to his objections. As previously mentioned, plaintiff previously waived his right to object.

Defendants' contention is that plaintiff's January 7, 2026, response is insufficient. That claim, however, would require a separate motion to compel further responses under Code of Civil Procedure section 2030.300, subdivision (a).

[12] Code of Civil Procedure section 2030.290, subdivision (a)(1) provides in pertinent part: "If a party to whom interrogatories are directed fails to serve a timely response, … [¶] [that party] waives any … objection to the interrogatories, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section 2018.010)." (Code Civ. Proc., § 2030.290, subd. (a)(1).)

The court finds that plaintiff complied with the court's December 19, 2025, order by serving a verified response before January 9, 2026. Therefore, the instant motion is denied.

TENTATIVE RULING # 8: DEFENDANTS' MOTION FOR A MONETARY SANCTION AND ORDER TO SHOW CAUSE 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.

9. TIGRE HOLDINGS LLC, ET AL. v. EL DORADO COUNTY, 25CV3425

Status Conference

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, MAY 15, 2026, IN DEPARTMENT FOUR.