

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)**

On April 9, 2026, defendants Lakeland Village Owners Association and The Helsing Group filed a demurrer and motion to strike against plaintiff Paul O'Donnell's complaint. On May 11, 2026, the deadline for plaintiff's opposition brief, plaintiff filed a first amended complaint. As a result of the filing of the first amended complaint, the court overrules the demurrer and denies the motion to strike as moot.

TENTATIVE RULING # 1: DEFENDANTS' DEMURRER IS OVERRULED AS MOOT. DEFENDANTS' MOTION TO STRIKE IS DENIED AS MOOT. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

2. INDAP v. LAKELAND VILLAGE OWNERS ASSN., ET AL., 25CV1407**(A) Demurrer (See Related Item Nos. 1 & 3)****(B) Motion to Strike (See Related Item Nos. 1 & 3)**

On April 9, 2026, defendants Lakeland Village Owners Association and The Helsing Group filed a demurrer and motion to strike against plaintiff Abhijit Indap's complaint. On May 11, 2026, the deadline for plaintiff's opposition brief, plaintiff filed a first amended complaint. As a result of the filing of the first amended complaint, the court overrules the demurrer and denies the motion to strike as moot.

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

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)****(C) Motion to Quash Subpoena *Duces Tecum* (See Related Item Nos. 1 & 2)****Demurrer and Motion to Strike**

On April 9, 2026, defendants Lakeland Village Owners Association and The Helsing Group filed a demurrer and motion to strike against plaintiffs Alberto Manfredi's and Melissa Manfredi's complaint. On May 11, 2026, the deadline for plaintiffs' opposition brief, plaintiffs filed a first amended complaint. As a result of the filing of the first amended complaint, the court overrules the demurrer and denies the motion to strike as moot.

Motion to Quash Subpoena *Duces Tecum*

On April 13, 2026, pursuant to Code of Civil Procedure sections 1987.1, 2019.030, 2023.010, and 2025.420, defendants Lakeland Village Owners Association, Gary Cerio, J. Michael Benson, Allen Gribnau, Carol McInnes, Ron Armijo, Bonnie Boswell, Michael Johnston, Felix Wannemacher, The Helsing Group, and Andrew Hay (collectively, "defendants") filed a motion to quash plaintiffs Alberto Manfredi's, Melissa Manfredi's, Paul O'Donnell's, and Abhijit Indap's (collectively, "plaintiffs") subpoena *duces tecum* directed to non-party Lewis Brisbois Bisgaard & Smith LLP, the employer of defendant Gary Cerio. Alternatively, defendants move for a protective order. Defendants' notice of motion also seeks a monetary sanction against plaintiffs in the total amount of \$7,270 pursuant to Code of Civil Procedure sections 2023.010 and 2023.030.

On May 4, 2026, plaintiffs filed a notice of withdrawal of their subpoena, as well as a timely opposition that addresses the issue of sanctions.

On May 15, 2026, defendants filed a timely reply indicating that withdrawal of plaintiffs' subpoena does not moot defendants' request for sanctions or protective relief.

On May 18, 2026, plaintiffs filed several additional documents, including: (1) Plaintiffs' Opposition to Defendants' Evidentiary Showing in Support of Motion to Quash and Request for Sanctions; Objections to the Strimling Declaration; (2) Plaintiffs' Objection to New Matter Raised in Defendants' Reply; or, in the Alternative, Supplemental Opposition to Motion to Quash Non-Party Lewis Brisbois Subpoena; Memorandum of Points and Authorities; and (3) a separate declaration made by each of the four plaintiffs in the consolidated cases.

Plaintiffs' Opposition to Defendants' Evidentiary Showing is an unauthorized pleading and the court does not consider it. Included in this document are objections to Ms. Strimling's declaration submitted May 15, 2026, in support of defendants' reply. The court overrules each and every objection contained therein.

The court also overrules plaintiffs' objection to new matter raised in defendants' reply brief. The court does not consider the alternative supplemental opposition because it is an unauthorized pleading.

Lastly, the court does not consider any of the plaintiffs' declarations, because they, too, are unauthorized pleadings.

1. Discussion

The court begins by identifying the statutes cited in defendants' notice of motion in support of their request for a monetary sanction: Code of Civil Procedure sections 2023.010 and 2023.030.

Code of Civil Procedure section 2023.010 describes general categories of discovery misconduct, but does not contain any language that authorizes the court to impose sanctions for the conduct listed. Section 2023.010 states in full: "Misuses of the discovery process include, but are not limited to, the following: [¶] (a) Persisting, over

objection and without substantial justification, in an attempt to obtain information or materials that are outside the scope of permissible discovery. [¶] (b) Using a discovery method in a manner that does not comply with its specified procedures. [¶] (c) Employing a discovery method in a manner or to an extent that causes unwarranted annoyance, embarrassment, or oppression, or undue burden and expense. [¶] (d) Failing to respond or to submit to an authorized method of discovery. [¶] (e) Making, without substantial justification, an unmeritorious objection to discovery. [¶] (f) Making an evasive response to discovery. [¶] (g) Disobeying a court order to provide discovery. [¶] (h) Making or opposing, unsuccessfully and without substantial justification, a motion to compel or to limit discovery. [¶] (i) Failing to confer in person, by telephone, or by letter with an opposing party or attorney in a reasonable and good faith attempt to resolve informally any dispute concerning discovery, if the section governing a particular discovery motion requires the filing of a declaration stating facts showing that an attempt at informal resolution has been made.”

Unlike provisions of the Discovery Act which expressly direct the court to impose specific types of sanctions under specific circumstances, there is no language in section 2023.010 stating that the court may impose a sanction under chapter 7 or stating the type of sanction to impose.

Code of Civil Procedure section 2023.030 describes the types of sanctions available under the Discovery Act when another provision authorizes a particular sanction. However, this section does not independently authorize the court to impose sanctions for discovery misconduct.

Code of Civil Procedure section 2023.030 provides in full: “To the extent authorized by the chapter governing any particular discovery method or any other provision of this title, the court, after notice to any affected party, person, or attorney, and after opportunity for hearing, may impose the following sanctions against anyone engaging in conduct that is a misuse of the discovery process: [¶] (a) The court may impose a

monetary sanction ordering that one engaging in the misuse of the discovery process, or any attorney advising that conduct, or both pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct. The court may also impose this sanction on one unsuccessfully asserting that another has engaged in the misuse of the discovery process, or on any attorney who advised that assertion, or on both. If a monetary sanction is authorized by any provision of this title, the court shall impose that sanction 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. [¶] (b) The court may impose an issue sanction ordering that designated facts shall be taken as established in the action in accordance with the claim of the party adversely affected by the misuse of the discovery process. The court may also impose an issue sanction by an order prohibiting any party engaging in the misuse of the discovery process from supporting or opposing designated claims or defenses. [¶] (c) The court may impose an evidence sanction by an order prohibiting any party engaging in the misuse of the discovery process from introducing designated matters in evidence. [¶] (d) The court may impose a terminating sanction by one of the following orders: [¶] (1) An order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process. [¶] (2) An order staying further proceedings by that party until an order for discovery is obeyed. [¶] (3) An order dismissing the action, or any part of the action, of that party. [¶] (4) An order rendering a judgment by default against that party. [¶] (e) The court may impose a contempt sanction by an order treating the misuse of the discovery process as a contempt of court. [¶] (f)(1) Notwithstanding subdivision (a), or any other section of this title, absent exceptional circumstances, the court shall not impose sanctions on a party or any attorney of a party for failure to provide electronically stored information that has been lost, damaged, altered, or overwritten as the result of the routine, good faith operation

of an electronic information system. [¶] (2) This subdivision shall not be construed to alter any obligation to preserve discoverable information.”

The plain language of the statute requires sanctions under Code of Civil Procedure section 2023.030 to be authorized by another provision of the Discovery Act.

The statutes cited in support of defendants’ underlying motion to quash, or alternatively, for a protective order, include: Code of Civil Procedure sections 1987.1, 2019.030, 2023.010 (previously discussed), and 2025.420.

Code of Civil Procedure section 1987.1 authorizes a motion to quash a subpoena but does not expressly authorize sanctions.

Code of Civil Procedure section 2019.030 provides for a protective order and sanctions. Subdivision (c) provides: “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 for a protective order, 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.”

In this case, plaintiffs’ opposition filed May 4, 2026, did not oppose the motion for protective order. It addressed the sanctions request only. Therefore, Code of Civil Procedure section 2019.030 does not require the court to impose a sanction.

Lastly, Code of Civil Procedure section 2025.420 relates to oral depositions and is not relevant to the instant motion.

Even if the court were to find it is authorized to award a monetary sanction against plaintiffs, the court – by a very slim margin – would decline to do so. Plaintiffs’ subpoena sought to obtain communications relevant to this case allegedly made by defendant Gary Cerrio through the use of his work email. Ultimately, plaintiffs withdrew their subpoena and did not oppose defendants’ motion to quash. Therefore, the court will deny defendants’ request for a monetary sanction.

At the same time, the court recognizes this is not the first subpoena *duces tecum* that plaintiffs have withdrawn subsequent to defendants undertaking the timely and costly efforts to enforce their rights and limit plaintiffs from obtaining discovery through unauthorized means. The court finds it appropriate to admonish plaintiffs that, although they are proceeding in this case in *propria persona*, they are held to the exact same discovery rules as attorneys. Misuse of the discovery process can result in severe penalties, including monetary sanctions, issue sanctions, or even terminating sanctions. (See, Code Civ. Proc., § 2023.030.)

TENTATIVE RULING # 3: DEFENDANTS' DEMURRER IS OVERRULED AS MOOT. DEFENDANTS' MOTION TO STRIKE IS DENIED AS MOOT. DEFENDANTS' MOTION TO QUASH IS DENIED AS MOOT; AND THE REQUEST FOR A MONETARY SANCTION 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. PIMOR, ET AL. v. VANHEE WOODWORKS, 23CV0578**Motion to Amend Judgment**

On April 10, 2026, pursuant to Code of Civil Procedure section 187, plaintiffs Clement Pimor and Emilie Cappella (collectively, “plaintiffs”) filed the instant motion to amend the default judgment entered in this case on March 12, 2026, against defendant Vanhee Woodworks (“defendant”) to add non-party Jeffrey Vanhee as a judgment debtor on the grounds that he is the sole proprietor of Vanhee Woodworks.

Proof of service attached to the motion shows it was electronically served upon defendant Vanhee Woodworks on April 10, 2026. To date, no opposition has been filed.

1. Background

This case arises from a residential remodel. On April 19, 2023, plaintiffs filed their complaint against defendant asserting causes of action for breach of contract, fraud, and disgorgement of profits.

In response to plaintiffs’ Form Interrogatories (Set One), defendant indicated it is a sole proprietorship owned by Jeffrey Vanhee. Jeffrey Vanhee verified defendant’s discovery responses stating he is the owner of Vanhee Woodworks.

On August 29, 2025, the court granted plaintiffs’ motion for terminating sanctions based on defendant’s repeated discovery violations and willful violations of this court’s orders. On March 12, 2026, the court entered default judgment against defendant in the total amount of \$465,024.84.

2. Discussion

Code of Civil Procedure section 187 provides: “When jurisdiction is, by the Constitution or by this Code, or by any other statute, conferred on a Court or judicial officer, all the means necessary to carry it into effect are also given; and in the exercise of this jurisdiction, if the course or proceeding be not specifically pointed out by this Code or the statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this Code.” (*Ibid.*)

Code of Civil Procedure section 187 is often used as authority for amending a judgment to add a new judgment debtor who is the alter ego of the original judgment debtor, as in this case. (*NEC Electronics Inc. v. Hurt* (1989) 208 Cal.App.3d 772, 778 (*NEC Electronics*)). This procedure is appropriate when the alter ego had control of the litigation and reason to conduct the litigation with a degree of diligence corresponding to the personal risk. (*Id.*, at pp. 778–779.) The theory behind this procedure is that the court is not actually adding a new defendant, but merely inserting the correct name of the real defendant. (*Id.*, at p. 778.) “The greatest liberality is to be encouraged in the allowance of such amendments in order to see that justice is done. [Citation.]” (*Carr v. Barnabey’s Hotel Corp.* (1994) 23 Cal.App.4th 14, 20.)

Nonetheless, this procedure is not applicable to cases where the case was never contested on its merits. In *Motores De Mexicali v. Superior Court* (1958) 51 Cal.2d 172, the Supreme Court refused to allow the amendment of a default judgment to add parties because the new judgment debtors “in no way participated in the defense” and it would violate due process to summarily add new judgment debtors “without allowing them to litigate any questions beyond their relation to the allegedly *alter ego* corporation.” (*Id.*, at pp. 175–176.)

The court notes that the instant case did not proceed directly to default judgment. At least some written discovery was conducted before the court granted plaintiffs’ motion for terminating sanctions and entered default against defendant.

The court finds this situation to be similar to *NEC Electronics*, where, after answering the complaint, the defendant “let the matter proceed uncontested.” (*NEC Electronics, supra*, 208 Cal.App.3d at p. 780.) In effect, the matter proceeded as if it were a default. NEC Electronics Inc. (NEC) filed suit against Ph Components (Ph) to recover monies due on a sale of goods from NEC to Ph. Ph did not appear for trial. (*Id.*, at p. 775.) NEC obtained a \$139,366.37 judgment against Ph. Ph thereafter filed bankruptcy proceedings. (*Id.*, at p. 776.) NEC then filed a motion to amend the judgment to name

Porter Hurt, the sole shareholder and chief executive officer of Ph, as an additional judgment debtor, on an alter ego theory. (*Id.*, at pp. 775-776.) The trial court granted the motion, but the appellate court reversed. (*Id.*, at pp. 776, 782.)

The appellate court held that substantial evidence supported the trial court's alter ego finding. (*NEC Electronics Inc. v. Hurt, supra*, 208 Cal.App.3d at p. 778.) Hurt had received more than \$2.8 million in undocumented loans from Ph, on which he paid no interest. Hurt also received from Ph berthing fees, insurance, and fuel and maintenance expenses with respect to his privately owned boat. In addition, Ph provided a leased vehicle to Hurt's wife and made more than 30 mortgage payments on his personal residence. At the same time, Hurt paid numerous corporate obligations with his personal funds. (*Id.*, at p. 776.) Alter ego notwithstanding, the appellate court held that it was improper to amend the judgment to add Hurt as an additional judgment debtor. (*Id.*, at p. 778.)

The *NEC* court stated: “Judgments are often amended to add additional judgment debtors on the grounds that a person or entity is the alter ego of the original judgment debtor. [Citations.] This is an equitable procedure based on the theory that the court is not amending the judgment to add a new defendant but is merely inserting the correct name of the real defendant. [Citations.] ‘Such a procedure is an appropriate and complete method by which to bind new individual defendants where it can be demonstrated that in their capacity as alter ego of the corporation they in fact had control of the previous litigation, and thus were virtually represented in the lawsuit.’ [Citation.] In other words, ‘[i]f the claim of individual liability is made at some later stage in the action, the judgment can be made individually binding on a person associated with the corporation only if the individual to be charged, personally or through a representative, had control of the litigation and occasion to conduct it with a diligence corresponding to the risk of personal liability that was involved.’ [Citation.]” (*NEC Electronics Inc. v. Hurt, supra*, 208 Cal.App.3d at pp. 778-779.)

The court remarked that surely Hurt, as chief executive officer, was aware of the lawsuit. However, awareness alone was not enough. (*NEC Electronics Inc. v. Hurt, supra*, 208 Cal.App.3d at p. 781.) Hurt had neither been named as a party to the litigation nor served in his individual capacity. (*Id.*, at p. 775, 780.) He was not at risk of personal liability and had no obligation to intervene. (*Id.*, at p. 780.) Furthermore, inasmuch as Ph neither appeared at trial nor made any attempt to defend the lawsuit, Hurt's individual interests could not have been represented in the litigation. (*Id.*, at pp. 780-781.) The court concluded: “ ‘Control of the litigation sufficient to overcome due process objections may consist of a combination of factors, usually including the financing of the litigation, the hiring of attorneys, and control over the course of the litigation.’ [Citation.] Clearly some active defense of the underlying claim is contemplated. [Citation.] In this case, Hurt delegated responsibility for the claim to [Ph's chief financial officer]. [The two men] did attempt to satisfy the creditors of Ph but were never actively involved in defending the NEC lawsuit. As a result, we do not believe that there is substantial evidence to support the trial court's conclusion that Hurt controlled the action between NEC and Ph.” (*Id.*, at p. 781.)

In this case, there is evidence that Mr. Vanhee verified defendant's written discovery responses. However, defendant was represented by counsel until May 30, 2025, when Mr. Vanhee signed a substitution of attorney on behalf of defendant indicating that defendant would proceed in pro per. This substitution attorney was the last filing defendant submitted in this case. On August 29, 2025, the court granted plaintiffs' motion for terminating sanctions based on defendant's repeated discovery violations and willful violations of this court's orders.

Similar to *NEC Electronics*, the instant case effectively proceeded as if it were a default. And, similar the sole shareholder of Ph in *NEC Electronics*, the court finds insufficient evidence in support of the instant motion to conclude that Jeffrey Vanhee controlled the litigation. The court denies the motion to amend without prejudice.

TENTATIVE RULING # 4: PLAINTIFFS' MOTION TO AMEND THE DEFAULT JUDGMENT ISSUED MARCH 12, 2026, IS DENIED WITHOUT PREJUDICE. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

5. BUKOFSKY v. RYAN, 22CV1794

OSC Re: Dismissal

On March 19, 2026, plaintiff filed a notice of settlement of the entire case. To date, there is no request for dismissal in the court's file.

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, MAY 22, 2026, IN DEPARTMENT FOUR.

6. MATTER OF STANHOPE, 26CV0833

OSC Re: Name Change

To date, there is no proof of publication in the court's file. (Code Civ. Proc., § 1277, subd. (a)(2)(A).)

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY
MAY 22, 2026, IN DEPARTMENT FOUR.**

7. MATTER OF DUCK, 26CV0929

OSC Re: Name Change

TENTATIVE RULING # 7: ABSENT OBECTION, PETITION IS GRANTED.

8. MATTER OF POLAK, 26CV0862

OSC Re: Name Change

To date, there is no proof of publication in the court's file. (Code Civ. Proc., § 1277, subd. (a)(2)(A).)

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, MAY 22, 2026, IN DEPARTMENT FOUR.