

1. ANYA INC., ET AL. v. SANDHU, ET AL., SC20200105**Motion for Charging Order**

Pursuant to Code of Civil Procedure section 708.310 and Corporations Code section 17705.03, defendants / judgment-creditors Harpreet Sandhu, Tejpal Sahota, Puneet Randhawa, Harbans Sahota, and Simrun Sandhu (collectively referred to herein as the “individual defendants”) move for a charging order against the transferable interest held by plaintiff / judgment-debtor Anya, Inc. (“Anya”) in Stateline Brewery, LLC.

1. Background

This action involves a management dispute between business partners. Anya’s third amended complaint (“TAC”) asserts causes of action for (1) breach of fiduciary duty of care, (2) breach of fiduciary duty of loyalty, (3) defamation, (4) injunctive relief, and (5) restitution (4th and 6th C/A).

The individual defendants’ first amended cross-complaint (“FACC”) asserts causes of action against plaintiffs for (1) breach of contract, (2) breach of fiduciary duty, and (3) specific performance (member dissociation).

On December 5, 2024, the court entered judgment after bench trial in favor of the individual defendants and against both plaintiffs (Anya and Sukhdeep Thind) on plaintiffs’ TAC and the individual defendants’ FACC (the “Original Judgment”). The court ordered plaintiffs to perform a mandatory buyout procedure for their interests in Stateline Brewery. Additionally, the court found that the individual defendants, as well as defendant Stateline Brewery, were the prevailing parties in the action pursuant to Code of Civil Procedure section 1032, and entitled to recover costs from plaintiffs, jointly and severally. The court retained jurisdiction to amend the Original Judgment to award costs and/or attorney fees pursuant to a timely filed memorandum of costs and/or motion for attorney fees.

On December 20, 2024, the individual defendants timely¹ filed their amended memorandum of costs (after filing their original memorandum of costs on December 19, 2024, which claimed \$1,529.98) seeking a total sum of \$28,544.45.

On January 28, 2025, plaintiffs timely filed a notice of appeal of the Original Judgment. Said appeal is currently pending in the Third Circuit Court of Appeal.

On February 26, 2025, the court signed a proposed order submitted by the individual defendants entitled, “Amended Judgment after Bench Trial” (the “Amended Judgment”). The Amended Judgment included the entire substance of the Original Judgment, and added Paragraph 5, which awarded the individual defendants routine costs pursuant to Code of Civil Procedure section 1032 and based on the individual defendants’ amended memorandum of costs submitted December 20, 2024.

On April 21, 2025, the individual defendants filed the instant motion for charging order.

2. Effect of Pending Appeal on the Instant Motion

Anya argues that under Code of Civil Procedure section 916, the entire matter is stayed pending appeal. Section 916, subdivision (a) provides: “Except as provided in Sections 917.1 to 917.9 ... the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.” (Code Civ. Proc., § 916, subd. (a).)

Code of Civil Procedure section 917.1 provides as follows: “(a) Unless an undertaking is given, the perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order is for any of the following: [¶] (1) Money or

¹ California Rule of Court 3.1700 requires a prevailing party who claims costs to serve and file a memorandum of costs within 15 days after the date of service of the notice of entry of judgment or within 180 days after entry of judgment, whichever is first. (Cal. Rules of Ct., R. 3.1700, subd. (a).)

the payment of money, whether consisting of a special fund or not, and whether payable by the appellant or another party to the action.... [¶] ... [¶] (b) The undertaking shall be on condition that if the judgment or order or any part of it is affirmed or the appeal is withdrawn or dismissed, the party ordered to pay shall pay the amount of the judgment or order, or the part of it as to which the judgment or order is affirmed, as entered after the receipt of the remittitur, together with any interest which may have accrued pending the appeal and entry of the remittitur, and costs which may be awarded against the appellant on appeal.... [¶] ... [¶] (d) Costs awarded by the trial court under Chapter 6 (commencing with Section 1021) of Title 14 shall be included in the amount of the judgment or order for the purpose of applying paragraph (1) of subdivision (a) and subdivision (b). However, no undertaking shall be required pursuant to this section solely for costs awarded under Chapter 6 (commencing with Section 1021) of Title 14.” (Code Civ. Proc., § 917.1, subds. (a), (b), (d).)

Had the Original Judgment been a money judgment, then the routine costs awarded in the Amended Judgment would have been included in the amount of the judgment for the purpose of imposing an undertaking. (Code Civ. Proc., § 917.1.) But the Original Judgment was not a money judgment. The costs awarded in the Amended Judgment are solely costs awarded under Code of Civil Procedure section 1032 (which falls under Chapter 6 of Title 14), and thus, the exception under Code of Civil Procedure section 917.1 applies and no undertaking is required to stay enforcement of the judgment. (See Code Civ. Proc., § 917.1, subd. (d).)

The individual defendants argue, “If Plaintiffs wanted to take advantage of the ‘undertaking-less’ stay applicable to cost judgments, they needed to appeal the cost judgment [the Amended Judgment]. The amended judgment did not supersede the original judgment.” (Reply at 2:8–10 [emphasis omitted].)

The individual defendants also argue that the routine costs award in the Amended Judgment is a collateral matter which is embraced in the action but is not affected by

the order from which the appeal has been taken. In support of this argument, the individual defendants cite *Korchemny v. Piterman* (2021) 68 Cal.App.5th 1032, 1052 (“*Korchemny*”) and *United Grand Corp. v. Malibu Hillbillies, LLC* (2019) 36 Cal.App.5th 142, 161 (“*United Grand*”).

Korchemny, citing *Bankes v. Lucas* (1992) 9 Cal.App.4th 365,368 (“*Bankes*”), states: “[T]he filing of a notice of appeal does not deprive the trial court of jurisdiction to award attorney fees and costs post trial... [I]t has been held that a motion for attorney fees is not premature despite the filing of a notice of appeal. [Citations.] [¶] In any event, an award of attorney fees as costs is a collateral matter which is embraced in the action but is not affected by the order from which an appeal is taken.” (*Korchemny, supra*, 68 Cal.App.5th at p. 1052 [internal quotations omitted].)

Bankes explicitly treats the clerk’s entry of a costs order as a nunc pro tunc correction of the judgment, stating, “Generally, when a judgment includes an award of costs and fees, the amount of the award is left blank for future determination.” (*Banks, supra*, 9 Cal.App.4th at p. 369.) “When the court’s subsequent order setting the final amount is filed, the clerk enters the amounts on the judgment nunc pro tunc.” (*Ibid.*)

United Grand also cites *Bankes* for the proposition that the filing of a notice of appeal does not stay any proceedings to determine the matter of costs and does not prevent the trial court from determining a proper award of attorney fees claimed as costs. (*United Grand, supra*, 36 Cal.App.5th at p. 161.)

But these cases do not help the individual defendants here. While the determination of an award of attorney fees is a collateral matter not stayed by the filing of an appeal, the instant motion for a charging order (enforcing the Original Judgment, later amended to include routine costs) is not a collateral matter. The court has already determined the proper amount of routine costs. A charging order, on the other hand, constitutes a lien on a judgment debtor’s transferable interest in the subject property (e.g., a limited liability company). The court finds that the motion for charging order seeks enforcement

of the Amended Judgment, which is barred by the automatic stay provision under Code of Civil Procedure section 916, subdivision (a).

Based on the above, the motion for a charging order is denied as premature.

TENTATIVE RULING # 1: DEFENDANTS' MOTION FOR CHARGING ORDER IS DENIED WITHOUT PREJUDICE AS PREMATURE SUBJECT TO RENEWAL PENDING THE OUTCOME OF THE APPEAL. 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. PIMOR, ET AL. v. VANHEE WOODWORKS, 23CV0578**Motion for Additional Sanctions**

Pursuant to Code of Civil Procedure sections 177.5 and 575.2, plaintiffs move for additional monetary sanctions against defendant's counsel of record, Joe Laub, Esq., and/or his law firm of Laub and Laub, based on their alleged continuing violation of the court's December 8, 2023, order. Specifically, plaintiffs request the court to impose (1) an additional monetary sanction against Mr. Laub and in favor of plaintiffs in the amount of \$500; (2) an additional monetary sanction against Mr. Laub and in favor of the court in an amount to be determined by the court; and (3) \$750 in attorney fees and expenses incurred in bringing the instant motion.

Defendant filed no opposition.

1. Background

On December 8, 2023, the court imposed a \$3,350 monetary sanction against defendant's counsel of record, Joe Laub, Esq., under Code of Civil Procedure section 473, subdivision (b) to be paid within 10 days of service of the notice of entry of order. On December 20, 2023, plaintiffs served notice of the December 8, 2023, order upon Mr. Laub by mail. To date, Mr. Laub has not paid the sanction as ordered.

2. Request for Judicial Notice

Pursuant to Evidence Code section 452, subdivisions (c) and (d), the court grants plaintiffs' unopposed request for judicial notice of Exhibit 1 (El Dorado Local Ct. R. 7.12.13), Exhibit 2 (Dec. 8, 2023, order), and Exhibit 3 (Apr. 18, 2025, order).

3. Discussion

Code of Civil Procedure section 177.5 provides in relevant part, "A judicial officer shall have the power to impose reasonable money sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding any other provision of law, payable to the court, for any violation of a lawful court order by a person, done without good cause or

substantial justification.” (Code Civ. Proc., § 177.5.) The court declines to impose sanctions under Code of Civil Procedure section 177.5.

Code of Civil Procedure section 575.2, subdivision (a) authorizes a court to impose sanctions pursuant to applicable local rules. El Dorado County Superior Court Local Rule 7.12.13 provides for sanctions, as well as attorney fees and expenses, for failure to comply with any order of the court. Plaintiffs request an additional monetary sanction of \$500, as well as \$750 for attorney fees and expenses in bringing the instant motion.

The court finds that \$500 is a reasonable additional monetary sanction. Further, having read and considered the moving papers and supporting declaration from plaintiffs’ counsel, the court grants plaintiffs’ request for \$750 in reasonable attorney fees and expenses (\$300/hr. x 2.3 hrs., plus \$60 filing fee).

TENTATIVE RULING # 2: THE MOTION IS GRANTED IN PART AND DENIED IN PART. COUNSEL FOR DEFENDANT, JOE LAUB, IS ORDERED TO PAY PLAINTIFFS \$1,250 IN MONETARY SANCTIONS (IN ADDITION TO THE \$3,350 MONETARY SANCTION IMPOSED ON DECEMBER 8, 2023) WITHIN 30 DAYS OF NOTICE OF THE 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. BUKOFSKY v. RYAN, 22CV1794**Motion to Compel Plaintiff's Appearance at Deposition and IME**

On April 21, 2025, defendant filed a motion to compel plaintiff's in-person appearance at deposition and a physical independent medical examination ("IME") in California (plaintiff currently lives in Louisiana). Additionally, defendant requests a monetary sanction of \$810 for attorney fees and expenses incurred in bringing the instant motion.

Since defendant's filing of the motion, the parties have agreed that plaintiff will appear in-person for the requested IME with Dr. Bruce McCormack in San Francisco, California, on September 3, 2025; and appear in-person for deposition in Sausalito, California, between September 3 and 5, 2025. Defendant has agreed to reimburse plaintiff's travelling costs up to \$1,500 upon receipt of related documentation supporting the claimed expenses.

Based on the above agreements, plaintiff claims the instant motion is moot. However, defense counsel requests that the court enter an order granting the motion.

The court agrees with the defense that the motion is not moot. The motion to compel plaintiff's appearance at deposition and IME is granted. Considering the parties' agreements, the court declines to impose a monetary sanction.

TENTATIVE RULING # 3: THE MOTION IS GRANTED IN PART. NO MONETARY SANCTION IS REQUIRED. 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. MOUNTAIN MEN, LLC v. STARR, ET AL., 24UD0319**Motion to Tax Costs**

Pending before the court is plaintiff's motion to tax costs claimed in defendants' Memorandum of Costs Summary (filed Apr. 2, 2025). Defendant claims \$10,751.75 in costs.

Pursuant to Evidence Code section 452, the court grants both parties' requests for judicial notice.

1. Discussion

A prevailing party is entitled to recover its costs. (Code Civ. Proc., § 1032, subd. (b).) Code of Civil Procedure section 1033.5 sets forth which items are allowable costs, and which are not. Allowable costs include, without limitation, filing, motion and jury fees, costs associated with taking, recording, and transcribing necessary depositions, service of process by a public officer, registered process server, or other means, and electronic filing or service fees. (Code Civ. Proc., § 1033.5, subd. (a).)

Plaintiff's motion largely contests the claimed filing and service fees. However, these costs are allowable under Code of Civil Procedure section 1033.5. The court denies the motion with respect to these costs.

The court grants plaintiff's motion to tax the following costs:

1. December 2, 2024 - \$238.00 for "UD complaint due to Mountain Men, LLC failure to timely serve documents." It is unclear what this expense is for and how it was incurred by defendant and why it was reasonably necessary to the litigation.
2. February 28, 2025 - \$37.25 for "Counter Request to Set Trial." The court finds this expense was not necessary.
3. March 20, 2025 - \$184.25 for defendants' ex parte application for the court to enter order granting summary judgment (after plaintiff's dismissed the complaint). This expense was not necessary as the court had already granted plaintiff's request for dismissal.

4. March 20, 2025 - \$115.00 for defendants' ex parte application for the court to enter order granting summary judgment (after plaintiff's dismissed the complaint). This expense was not necessary as the court had already granted plaintiff's request for dismissal.

In total, the court will strike \$574.50 from defendants' memorandum of costs.

TENTATIVE RULING # 4: PLAINTIFF'S MOTION IS GRANTED IN PART. THE COURT STRIKES \$574.50 FROM DEFENDANTS' MEMORANDUM OF COSTS. 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. TAHOE ASPHALT INC., ET AL. v. SOUTHWEST WEAR PARTS CO., INC., 24CV2723

Motion to Be Relieved as Counsel

TENTATIVE RULING # 5: THE MOTION IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER UPON THE CLIENT. 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.