1. ABSOLUTE RESOLUTIONS INVEST. v. NICHOLSON, SCL20210099

Motion to Change Venue

This is a credit card debt-collection action commenced in 2021. On July 15, 2025, plaintiff filed a motion to change venue to the County of Riverside on the grounds that "Plaintiff now believes Defendant's new residence lies within the jurisdictional boundaries of Palm Springs Courthouse, County of Riverside, State of California." (Mem. of P&A at 3:26–28.) Defendant has not made an appearance in the matter[1] and filed no opposition to the motion.

Pursuant to Evidence Code section 452, subdivision (d), the court grants plaintiff's request for judicial notice of the contents of the court's file in the instant action.

"The court may, on motion, change the place of trial … [¶] … [w]hen the court designated in the complaint is not the proper court." (Code Civ. Proc., § 397, subd. (a).)

In this case, the special venue rules for consumer obligations under Code of Civil Procedure section 395, subdivision (b) apply. "[I]n an action arising from an offer or provision of goods, services, loans or extensions of credit intended primarily for personal, family or household use, … the superior court in the county where the buyer or lessee in fact signed the contract, where the buyer or lessee resided at the time the contract was entered into, or where the buyer or lessee resides *at the commencement of the action* is the proper court for the trial of the action." (Code Civ. Proc., § 395, subd. (b) [emphasis added].)

Plaintiff's July 6, 2021, complaint alleges, "Plaintiff believes that Defendant is an individual who currently resides within the jurisdictional boundaries of this Court [El Dorado County]." (Compl., ¶ 11.)

The instant motion alleges, "At the time this lawsuit was initially filed, in reasonable reliance on the address of residence provide by [defendant], [plaintiff] believed

[1] To date, there is no proof of service of summons and complaint in the court's file.

Defendant resided within the jurisdictional boundaries of the … County of El Dorado…. Plaintiff now believes Defendant's new residence lies within the jurisdictional boundaries of Palm Springs Courthouse, County of Riverside, State of California." (Mem. of P&A at 3:22–28.)

Plaintiff's motion does not specifically allege that defendant resided in the County of Riverside at the time the action was commenced; rather, the motion alleges plaintiff "now believes Defendant's new residence" is located in the County of Riverside. In support of the motion, plaintiff submitted correspondence from the United States Postal Service date-stamped April 8, 2025, indicating that defendant's mail is delivered to an address in Palm Desert, California. (Kidd Decl., Ex. 1.) However, this evidence does not establish where the defendant resided in 2021 when the action commenced.

The motion is denied without prejudice.

TENTATIVE RULING # 1: THE MOTION TO CHANGE VENUE 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.

2. YAKOVLEV v. MASTERS, 25CV1460

(A) Defendant's Motion for Sanctions

(B) Defendant's Motion to Dismiss

Defendant's Motion for Sanctions

On July 17, 2025, pursuant to Code of Civil Procedure sections 128.5 and 128.7, defendant Marchita Masters, Psy.D. ("defendant") filed this motion for sanctions against plaintiff Alexander Yakovlev ("plaintiff") in the total amount of $20,880.50 on the grounds that plaintiff filed their June 6, 2025, complaint in this case frivolously and/or in bad faith. Specifically, defendant alleges that plaintiff, who has been declared a vexatious litigant under Code of Civil Procedure section 391.7, subdivision (a), filed this action without first obtaining leave of the presiding judge; and plaintiff previously filed multiple lawsuits against defendant arising from the same or substantially similar facts, transaction, or occurrence as the instant case. (See Placer County Super. Ct., Case Nos. R-SC-0027727, R-SC-0028200; El Dorado Super. Ct., Case No. 24CV1241.)

On July 21, 2025, plaintiff filed an opposition, and later that same day, filed an amended opposition.

Defendant did not file a reply.

1. Request for Judicial Notice

Pursuant to Evidence Code section 452, subdivisions (c) and (d), the court grants defendant's unopposed request for judicial notice of Exhibit A (Judgment in favor of defendant, filed Sep. 21, 2024, Placer County Super. Ct., Case No. R-SC-0027727), Exhibit B (Judgment in favor of defendant, filed June 17, 2025, Placer County Super. Ct., Case No. R-SC-0028200), and Exhibit C (Vexatious Litigant List prepared and maintained by the Judicial Council of California).

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2. Legal Principles

Code of Civil Procedure section 128.5 authorizes sanctions for "actions or tactics, made in bad faith, that are frivolous or solely intended to cause unnecessary delay." (Code Civ. Proc., § 128.5, subd. (a).) " 'Actions or tactics' include, but are not limited to, the making or opposing of motions or the filing and service of a complaint, cross-complaint, answer, or other responsive pleading…." (Code Civ. Proc., § 128.5, subd. (b)(1).) Courts have interpreted "bad faith" in the context of section 128.5 to mean " ' "without subjective good faith or honest belief in the propriety of reasonableness of such actions." ' " (*In re Marriage of Sahafzadeh-Taeb & Taeb* (2019) 39 Cal.App.5th 124, 135.) " 'Frivolous' means totally and completely without merit or for the sole purpose of harassing an opposing party." (Code Civ. Proc., § 128.5, subd. (b)(2).)

Code of Civil Procedure section 128.7 applies only in limited circumstances. It "authorizes trial courts to impose sanctions to check abuses in the filing of pleadings, petitions, written notices of motions or similar papers." (*Musaelian v. Adams* (2009) 45 Cal.4th 512, 514.) Under that authority, trial courts may issue sanctions, including monetary and terminating sanctions, against a party for filing a complaint that is legally or factually frivolous. (Code Civ. Proc., § 128.7, subds. (b)–(d); *Ponce v. Wells Fargo Bank* (2018) 21 Cal.App.5th 253, 263–264.)

Before sanctions can be imposed under either Code of Civil Procedure sections 128.5 or 128.7, the party to be sanctioned must be given a 21-day "safe harbor" period to withdraw the allegedly sanctionable filing before a sanctions request or motion is filed with the court. (Code Civ. Proc., §§ 128.5 subd. (f)(1)(B), 128.7, subd. (c)(1) ["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."].) "Because compliance with the safe harbor is a prerequisite to recovering sanctions, the burden is appropriately

placed on the party seeking the sanctions to ensure the full safe harbor is provided. [Citation.]" (*Li v. Majestic Industry Hills*, *LLC* (2009) 177 Cal.App.4th 585, 594.)

3. Discussion

As an initial matter, the court finds defendant has not established compliance with the safe harbor provisions under Code of Civil Procedure sections 128.5 or 128.7.

Defense counsel declares she sent plaintiff a meet and confer letter on July 15, 2025, just two days before defendant filed the motion for sanctions. (Zaragoza Decl., ¶ 11 & Ex. 9.) Although the July 15 letter states that defendant will be asking the court to award sanctions in excess of $10,000, the letter does not cite Code of Civil Procedure sections 128.5 or 128.7 or the safe harbor provision. (See Zaragoza Decl., Ex. 9.) In fact, the July 15 letter states it "serves as a meet and confer prior to the filing of a demurrer pursuant to California Code of Civil Procedure section 430.41." (Zaragoza Decl., Ex. 9.)

There is also no evidence that defendant served the motion upon plaintiff under Code of Civil Procedure section 1010 at least 21 days before filing it with the court.

Because defendant has not established compliance with the safe harbor provisions, the court does not have authority to grant the motion for sanctions. (Code Civ. Proc., §§ 128.5, subd. (f)(1)(B), 128.7, subd. (c)(1).) The motion is denied without prejudice.

Defendant's Motion to Dismiss

Pursuant to Code of Civil Procedure section 391.7, which prohibits a vexatious litigant from filing any new litigation in *propria persona* in a California court without obtaining prior leave of the presiding judge, defendant moves to dismiss the instant action on the grounds that plaintiff, who is representing himself in *propria persona* in this case, failed to obtain the required leave before filing suit. Defendant also claims the

lawsuit is barred by the principles of *res judicata*, and is independently subject to dismissal under Code of Civil Procedure sections 430.10, subdivision (c) and (e).[2]

As previously discussed under the motion for sanctions, above, the court grants defendant's unopposed request for judicial notice of Exhibit C (Vexatious Litigant List prepared and maintained by the Judicial Council of California). (Evid. Code, § 452, subd. (c).) Exhibit C indicates a prefiling order was entered against "Alex Yakovlev" by the San Francisco Superior Court in Case Number CG09484709 on April 28, 2009.

Once a person has been declared a vexatious litigant, the court, on its own or a party's motion, may "enter a prefiling order which prohibits [the person] from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed." (Code Civ. Proc., § 391.7, subd. (a).) "The presiding judge shall permit the filing of that litigation only if it appears that the litigation has merit and has not been filed for the purposes of harassment or delay. The presiding judge may condition the filing of the litigation upon the furnishing of security for the benefit of the defendants as provided in Section 391.3." (Code Civ. Proc., § 391.7, subd. (b).) "Court clerks are directed not to file litigation from a vexatious litigant subject to a prefiling order without the presiding judge's order permitting the filing. If the clerk mistakenly does file the action, any party may seek dismissal through a notice that the plaintiff is subject to a prefiling order." (*Shalant v. Girardi* (2011) 51 Cal.4th 1164, 1171.) "The litigation shall be automatically dismissed unless the plaintiff within 10 days of the filing of that notice obtains an order from the presiding judge permitting the filing of the litigation as set forth in [Code of Civil Procedure section 391.7] subdivision (b)." (Code Civ. Proc., § 391.7, subd. (c).)

[2] Code of Civil Procedure section 430.10 provides the grounds for a demurrer by a defendant. The court notes that, to date, defendant has not filed a demurrer in this action.

In this case, the court has taken judicial notice of the fact that plaintiff is listed on the "Vexatious Litigant List" maintained by the Judicial Council of California. (See Code Civ. Proc., § 391.7, subd. (f) ["The Judicial Council shall maintain a record of vexatious litigants subject to those prefiling orders and shall annually disseminate a list of those persons to the clerks of the courts of this state."].)

In their opposition,[3] plaintiff claims the "Alex Yakovlev" identified on the Vexatious Litigant List (RJN Ex. No. 3.) is an individual other than plaintiff, alleging he did not reside in San Francisco in 2009 and did not litigate any matter there. The court is unpersuaded. As defendant points out, plaintiff has submitted numerous court filings using various alterations of their name (i.e., "Alex," "Alexander," and "Alexandr") in an apparent attempt to avoid the enforcement of the prefiling order.

Because plaintiff is a vexatious litigant prohibited from filing any new litigation in the courts of this state in *propria persona* without first obtaining leave of the presiding judge, and plaintiff did not obtain said leave before filing suit or within 10 days of defendant's filing of the instant motion, the court grants defendant's motion to dismiss the action with prejudice.

TENTATIVE RULING # 2: THE COURT DENIES DEFENDANT'S MOTION FOR SANCTIONS WITHOUT PREJUDICE. THE COURT GRANTS DEFENDANT'S MOTION TO DISMISS THE ACTION WITH 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

[3] Plaintiff did not file an opposition brief expressly directed to the motion to dismiss. However, the court considers plaintiff's arguments included in their opposition to the motion for sanctions.

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, LP, ET AL., SC20210148

Motion to Dismiss

Pursuant to California Rule of Court 3.1300, et seq., Intervenors Randy Dean Quint, John Linn, and Mark Molina (collectively, the "Colorado Plaintiffs") move to dismiss this entire action (referred to herein as "*Hamilton II*"[4]) based on the following arguments: (1) under the "first-filed" rule, the claims herein should be adjudicated in *Quint v. The Vail Corp.* (Col. Dist. Ct. Case No. 1:20-cv-03569-DDD-GPQ ("*Quint*" or the "Colorado action")); (2) this court lacks personal jurisdiction over defendants; (3) this court lacks subject matter jurisdiction; and (4) jurisdictional and choice of law considerations weigh heavily in favor of adjudication under federal law in the Colorado action.

Colorado Plaintiffs move for dismissal only; they do not make an alternative request to stay this action pending the outcome of the Colorado action.

On May 19, 2025, plaintiffs Anna Gibson, Zachariah Saiz-Hawes, William Berrier, Matthew Allen, Adam Heggen, Paul Greg Roberds, and Christopher Hamilton (collectively, the "California Plaintiffs") filed their opposition and supporting declaration in opposition to the motion. That same day, defendant Heavenly Valley, Limited Partnership ("Heavenly") filed its opposition, supporting declaration in opposition, and request for judicial notice.

On May 28, 2025, Colorado Plaintiffs filed a consolidated reply brief.

[4] Plaintiff Christopher Hamilton filed two complaints, both against defendant Heavenly Valley, Limited Partnership ("Heavenly") in California state court. He first filed a putative class action complaint in "*Hamilton I*," which has since been removed to federal court, and he later filed the complaint in this case, alleging one cause of action under the Private Attorneys General Act ("PAGA;" Lab. Code, § 2698, et seq.). The FAC in this case (filed Feb. 1, 2022) is a putative class action raising a total of 33 causes of action, including the PAGA claim, California Labor Code claims, FLSA claims, claims under the law of 15 other states, as well as breach of contract and unjust enrichment.

1. Preliminary Matter

The Colorado Plaintiffs' notice of motion cites California Rule of Court 3.1300, et seq., only, which falls under Chapter 5 of Division 11 of Title 3, entitled "Noticed Motions." One of Heavenly's arguments in its opposition is that the Colorado Plaintiffs' motion is procedurally improper because it is not made pursuant to any statutory authority. (Heavenly Opp. at 7:7–12.) In the Colorado Plaintiffs' reply brief, they argue (for the first time) that the instant motion is made pursuant to Code of Civil Procedure section 387, subdivision (b)(3) (which sets forth the rules for intervention) and Code of Civil Procedure section 410.30, subdivision (a) (which codifies the common law doctrine of forum non conveniens). The court does not consider the new arguments raised in the reply brief for the first time. However, the court exercises its discretion to consider the motion to dismiss, despite the alleged procedural defect.

2. Background

Vail Resorts, Inc., The Vail Corporation (doing business as Vail Resorts Management Company), and Heavenly Valley, Limited Partnership ("Heavenly") are all related companies that together own and operate mountain resorts. Starting in 2020, several current and former employees in Colorado (the "Colorado Plaintiffs") and in California (the "California Plaintiffs") sued one or more of these entities for alleged labor law violations.

California Plaintiffs filed five separate lawsuits in California, including this one (*Hamilton II*, filed in El Dorado County on August 9, 2021 – roughly eight months after the Colorado action was filed). The other four California lawsuits have each been removed to the United States District Court for the Eastern District of California: (1) *Heggen v. Heavenly Valley* ("*Heggen*"; filed in El Dorado County on October 21, 2020; El Dorado Super. Ct. Case No. SC20200150; E.D. Cal. Case No. 2:21-cv-00107-WBS-SCR); (2) *Gibson v. The Vail Corporation* ("*Gibson*"; filed in Placer County on April 20, 2021; Placer Super. Ct. Case No. SCV0046587; E.D. Cal. Case No. 2:21-cv-01260-WBS-SCR);

(3) *Hamilton v. Heavenly Valley* ("*Hamilton I*"; filed in El Dorado County on July 8, 2021; El Dorado Super. Ct. Case No. SC20210125; E.D. Cal. Case No. 2:21-cv-01608-WBS-SCR); and (4) *Roberds v. The Vail Corporation* ("*Roberds*"; filed in El Dorado County on September 8, 2021; El Dorado Super. Ct. Case No. SC20210164; E.D. Cal. Case No. 2:21-cv-02251-WBS-SCR).

Colorado Plaintiffs filed one lawsuit in the United States District Court for the District of Colorado (the "Colorado action") on December 3, 2020. The Colorado action is a putative collective and class action against Vail Resorts that is nationwide in scope. Colorado Plaintiffs allege that Vail Resorts violated the FLSA – a federal law establishing minimum wage, overtime pay, and other requirements (29 U.S.C. §§ 206, 207), and giving employees the right to bring a private cause of action on their own behalf and on behalf of other similarly situated employees (29 U.S.C. § 216(b)). They further allege that Vail Resorts violated the labor laws of nine states in which it operates – namely, Colorado, California, Utah, Minnesota, Wisconsin, Washington, New York, Vermont, and Michigan.

Before *Hamilton II* was filed, Heggen, Gibson, Saiz-Hawes, and defendants reached an agreement on material settlement terms following a mediation. Vail Resorts moved to stay the Colorado action, asserting that the settlement, if approved, would be nationwide in scope and resolve and release all outstanding claims raised in the Colorado action. Hamilton, Roberds, Berrier, and Allen later joined the settlement.

In October 2021, Gibson, Saiz-Hawes, and defendants told the federal court overseeing the *Gibson* action that they had finalized their agreement. They also revealed where they planned to file their proposed settlement. Although in earlier filings they indicated they would file the settlement with the court overseeing the *Gibson* action, they now said they would instead file the settlement with this court in *Hamilton II* – the one action, again, that ultimately remained in California state court.

On November 22, 2021, Colorado Plaintiffs moved to intervene in the *Hamilton II* action. This court denied the motion and Colorado Plaintiffs appealed.

After this court denied the Colorado Plaintiffs' motion to intervene, California Plaintiffs filed a motion for preliminary approval of the proposed settlement. They also prepared the proposed FAC, which would supplant Hamilton's PAGA complaint and be filed in this action in the event the court granted preliminary approval. In the FAC, California Plaintiffs alleged putative FLSA collective and class action claims against defendants that were nationwide in scope. They also alleged a cause of action under PAGA.

This court preliminarily approved the settlement. It then directed California Plaintiffs to file their amended complaint (which they did) and to provide notice of the proposed settlement to potential class and collective action members (which they also did).

California Plaintiffs filed a motion for final approval of the settlement shortly after. Over Colorado Plaintiffs' objection, this court certified the class for settlement purposes only and granted final approval of the settlement. Colorado Plaintiffs moved to set aside and vacate the judgment approving the settlement (a procedural step they needed to take to have standing to challenge the judgment on appeal). This court denied the motion and Colorado Plaintiffs appealed. The Court of Appeal later consolidated Colorado Plaintiffs' two appeals.

The Court of Appeal held that (1) Colorado Plaintiffs were entitled to mandatory intervention, finding they "clearly had an interest in this action;" and (2) reversal of the final approval of settlement was appropriate where the court improperly applied a presumption of fairness to the determination of whether the settlement was fair and the proposed class should be certified for purposes of settlement.

3. Request for Judicial Notice

Heavenly requests the court to take judicial notice of 30 documents. Pursuant to Evidence Code section 452, subdivision (d), the court grants the request to take judicial

notice of Exhibit 1 (complaint filed in the Colorado action). The court denies Heavenly's request for judicial notice of the other 29 documents (which are comprised of other court filings and orders) 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.)

4. Discussion

4.1. First-Filed Rule

Colorado Plaintiffs contend the instant action (*Hamilton II*) should be dismissed because the Colorado action is the first-filed action that alleges nationwide FLSA and state law violations against Vail. The opposition briefs argue that the first-filed rule does not apply here, let alone mandate dismissal.

Colorado Plaintiffs cite the following language from *Advanced Bionics Corp. v. Medtronic* (2002) 29 Cal.4th 697, 707: "The first-filed rule in California means that when two courts *of the same sovereignty* have concurrent jurisdiction, the first to assume jurisdiction over a particular subject matter of a particular controversy takes it exclusively, and the second court should not thereafter assert control over that subject matter." (Mtn. at 12:7–11 [emphasis added].) However, Colorado Plaintiffs omit the next sentence in *Advanced Bionics*, which states, "The first-filed rule 'was never meant to apply where the two courts involved are not courts of the same sovereignty. [Citation.]' " (*Advanced Bionics*, at p. 707.)

While this case is pending in California state court, the *Quint* case is pending in federal court in Colorado.

Colorado Plaintiffs also quote *Leadford v. Leadford* (1992) 6 Cal.App.4th 571, 574, which states: "A trial court has no discretion to allow the second action to proceed if it finds the first involves substantially the same controversy between the same parties. [Citation.]" However, the next sentence in *Leadford* reads: "[A]batement is required

only where the multiple actions are pending in courts of the same state. [Citation.]" (*Leadford*, at p. 574.)

Because the instant action and the Colorado action do not involve courts of the same sovereignty, the first-filed rule does not apply. The motion to dismiss is denied on this ground.

4.2. Personal Jurisdiction

The Fourteenth Amendment's due process clause bars a state court from rendering a valid judgment against a defendant unless it has personal jurisdiction over the defendant. (*Bristol-Myers Squibb Co. v. Superior Court* (2017) 582 U.S. 255, 261–262.) A defendant may waive this requirement of personal jurisdiction. (*Insurance Corp. v. Compagnie des Bauxites* (1982) 456 U.S. 694, 704; see also *Mallory v. Norfolk Southern Railway Co.* (2023) 600 U.S. 122, 144 ["personal jurisdiction is a *personal* defense that may be waived or forfeited" (original emphasis)].) And that is exactly what defendants did here. (See *Hamilton v. Vail Corp.* (2024) WL4456745 at *11 ["in this case, defendants agreed to waive personal jurisdiction"].)

4.3. Subject Matter Jurisdiction

The Colorado Plaintiffs previously argued to the appellate court that this court lacked subject matter jurisdiction. However, the appellate court rejected this argument. (*Hamilton v. Vail Corp.* (2024) WL4456745 at *11.) The appellate opinion states: "[Plaintiffs] assert that the trial court lacked subject matter jurisdiction in this case [*Hamilton II*] because four related actions—the Heggen action, the Gibson action, the Roberds action, and the Hamilton I action—had earlier been removed to federal court. We find differently. The trial court, we agree, lacked subject matter jurisdiction over the cases that had been removed to federal court. That is because once a notice of removal is filed, the state court ' "los[es] all jurisdiction over the case" ' and ' "shall proceed no further unless and until the case is remanded." ' [Citation.] But this case—the

Hamilton II action—has never been removed to federal court." (*Hamilton v. Vail Corp.*, *supra*, WL4456745 at *11.)

Without citing to any relevant legal authority, the Colorado Plaintiffs argue this court lacks subject matter jurisdiction because "Hamilton filed a 'separate state action for the purpose of subverting the federal removal statute' by improperly splitting his claims. [¶] Since no court has determined the effect of the notice relating Hamilton I and II prior to removal of whether Hamilton II subverted federal jurisdiction, this court should now do so…." (Mtn. at 17:16–24.)

However, the appellate court addressed this argument, as well: "Colorado Plaintiffs also suggest the trial court lacked subject matter jurisdiction for another reason. They note that when a litigant files a separate state action for the purpose of subverting the federal removal statute, some federal courts have found that they have the authority to enjoin this action. [Citation.] They then suggest that Hamilton filed such a separate state action when he filed this case to assert a PAGA claim, in part because, in doing so, he improperly split his claims. But even if that is true, no court ever attempted to stay this action. And while Colorado Plaintiffs sought an injunction in federal court, they never obtained one. They asked several courts to enjoin defendants from moving forward with the settlement, including a federal district court and the 10th Circuit; but both rejected their efforts." (*Hamilton v. Vail Corp.*, *supra*, WL4456745 at *11.)

Still, no federal court has enjoined this action. The Colorado Plaintiffs have failed to establish this court lacks subject matter jurisdiction.

4.4. Jurisdictional and Choice of Law Considerations

Colorado Plaintiffs argue "[t]his Court should dismiss this case for the separate reason that jurisdictional and choice of law considerations weigh heavily in favor of adjudication under federal law in the DOC where Vail is subject to general jurisdiction because '[n]ational uniformity is essential in the interpretation of labor law.' [Citations.]" (Mtn. at 19:2–6.) Colorado Plaintiffs go on to argue why federal substantive

law must be applied in this case, and then argue for dismissal, citing the "reverse *Erie*[5] doctrine" and *Felder v. Casey* (1988) 487 U.S. 131. (Mtn. at 19:18–20:8.)

But *Felder* is inapposite. In that case, a plaintiff challenged the application of Wisconsin's notice-of-claim statute to 42 U.S.C. § 1983 ("§ 1983") claims. The United States Supreme Court wrote, "No one disputes the general and unassailable proposition … that States may establish the rules of procedure governing litigation in their own courts. By the same token, however, where state courts entertain a federally created cause of action, the 'federal right cannot be defeated by the forms of local practice.' [Citation.] The question before us today, therefore, is essentially one of pre-emption: is the application of the State's notice-of-claim provision to § 1983 actions brought in state courts consistent with the goals of the federal civil rights laws, or does the enforcement of such a requirement instead ' "stan[d] as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress" '? [Citation.]" (*Id.* at p. 138.) The Supreme Court concluded, "[b]ecause the notice-of-claim statute at issue here conflicts in both its purpose and effects with the remedial objectives of § 1983, and because its enforcement in such actions will frequently and predictably produce different outcomes in § 1983 litigation based solely on whether the claim is asserted in state or federal court, we conclude that the state law is pre-empted when the § 1983 action is brought in a state court." (*Ibid.*)

In sum, the Colorado Plaintiffs have not demonstrated that this court should dismiss the instant action based on federalism or choice-of-law considerations.

5. Conclusion

Because the instant action and the Colorado action do not involve courts of the same sovereignty, the first-filed rule does not apply. (*Advanced Bionics*, *supra*,

[5] *Erie R. Co. v. Tompkins* (1938) 304 U.S. 64. "The *Erie* doctrine [citation] requires that a federal court sitting in diversity over a state law claim must apply state substantive law in resolving a dispute." (*Price v. Connolly-Pacific Co.* (2008) 162 Cal.App.4th 1210, 1214, fn. 1.)

29 Cal.4th at p. 707.) Additionally, the court rejects the Colorado Plaintiffs' remaining arguments regarding personal and subject matter jurisdiction, and choice of law considerations. The motion to dismiss is denied.

TENTATIVE RULING # 3: THE MOTION TO DISMISS 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. MATTER OF IDELL, 25CV2021

Petition for Minor's Compromise (See Related Item No. 5)

On July 20, 2022, Charles Idell ("decedent") sustained fatal injuries as the result of a car accident that occurred in an unincorporated area of El Dorado County. On behalf of the decedent's daughter (A.I., age 12), the mother asserts a wrongful death claim against Jennifer Allen. The claim is not the subject of a pending action or proceeding.

Presently before the court is a petition to approve the parties' agreement to settle the matter for $7,500 filed on behalf of the minor by her parent and guardian ad litem, Tammy Idell. The petition requests that the court order the disposition of the balance of the proceeds of the settlement be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. (See Petn., ¶ 18(b)(2).)

An enforceable settlement of a minor's claim can only be consummated with court approval. (Prob. Code, §§ 2504, 3500, et seq.; Code Civ. Proc., § 372; see *Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1337.) "The requirements that a guardian ad litem be appointed and that the proposed compromise of a minor's claim be approved by the trial court exist to protect the best interests of the minor. [Citation.]" (*Pearson*, *supra*, at p. 1338.) As the court observed in *Scruton v. Korean Air Lines Co.*, *Ltd.* (1995) 39 Cal.App.4th 1596, "just as a minor lacks capacity to enter into a contract, the guardian ad litem lacks contractual capacity to settle litigation without endorsement of the court. As with any other contract where one party lacks capacity, or a necessary contractual formality has been ignored, the contract is voidable until the defect is remedied." (*Id.* at p. 1605.)

Code of Civil Procedure section 372 describes the powers of the guardian ad litem. It provides in relevant part, the "guardian ad litem so appearing for any minor, … shall have power, *with the approval of the court* in which the action or proceeding is pending, *to compromise the same*, to agree to the order or judgment to be entered therein … and

to satisfy any judgment or order in favor of the ward or conservatee or release or discharge any claim of the ward or conservatee pursuant to that compromise….” (Code Civ. Proc., § 372, subd. (c) [italics added].)

The police report attached to the petition shows this was a car versus motorcycle accident at an intersection. Jennifer Allen was the driver and owner of the vehicle involved. The decedent was operating the motorcycle. The investigating officer determined the decedent was the cause of the crash, based on evidence that the decedent was speeding and failed to yield the right-of-way to Ms. Allen after she entered the intersection.

The petition alleges Ms. Allen is covered by an automobile insurance policy from GEICO General Insurance Company with applicable policy limits of $15,000 per person and $30,000 per occurrence. Attached to the petition is a declaration from a GEICO representative stating that she made a reasonable search for excess coverage or other applicable insurance and was unable to locate any other policies under which Ms. Allen was or could be covered for the subject-incident.

The court has reviewed and considered the proposed settlement agreement attached to the petition. Given the fact that the investigating officer determined the decedent to be at fault (meaning that, based on the current evidence, this is not a strong case of liability against Ms. Allen), and the applicable policy limits, the court approves the proposed minor’s compromise.

TENTATIVE RULING # 4: THE PETITION FOR MINOR’S COMPROMISE IS GRANTED. PETITIONER’S AND THE MINOR’S APPEARANCES ARE NOT 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.

5. MATTER OF IDELL, 25CV2027

Petition for Minor's Compromise (See Related Item No. 4)

On July 20, 2022, Charles Idell ("decedent") sustained fatal injuries as the result of a car accident that occurred in an unincorporated area of El Dorado County. On behalf of the decedent's son (J.I., age 14), the mother asserts a wrongful death claim against Jennifer Allen. The claim is not the subject of a pending action or proceeding.

Presently before the court is a petition to approve the parties' agreement to settle the matter for $7,500 filed on behalf of the minor by his parent and guardian ad litem, Tammy Idell. The petition requests that the court order the disposition of the balance of the proceeds of the settlement be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. (See Petn., ¶ 18(b)(2).)

An enforceable settlement of a minor's claim can only be consummated with court approval. (Prob. Code, §§ 2504, 3500, et seq.; Code Civ. Proc., § 372; see *Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1337.) "The requirements that a guardian ad litem be appointed and that the proposed compromise of a minor's claim be approved by the trial court exist to protect the best interests of the minor. [Citation.]" (*Pearson*, *supra*, at p. 1338.) As the court observed in *Scruton v. Korean Air Lines Co.*, *Ltd.* (1995) 39 Cal.App.4th 1596, "just as a minor lacks capacity to enter into a contract, the guardian ad litem lacks contractual capacity to settle litigation without endorsement of the court. As with any other contract where one party lacks capacity, or a necessary contractual formality has been ignored, the contract is voidable until the defect is remedied." (*Id.* at p. 1605.)

Code of Civil Procedure section 372 describes the powers of the guardian ad litem. It provides in relevant part, the "guardian ad litem so appearing for any minor, … shall have power, *with the approval of the court* in which the action or proceeding is pending, *to compromise the same*, to agree to the order or judgment to be entered therein … and

to satisfy any judgment or order in favor of the ward or conservatee or release or discharge any claim of the ward or conservatee pursuant to that compromise….” (Code Civ. Proc., § 372, subd. (c) [italics added].)

The police report attached to the petition shows this was a car versus motorcycle accident at a turning intersection. Jennifer Allen was the driver and owner of the vehicle involved. The decedent was operating the motorcycle. The investigating officer determined the decedent was the cause of the crash, based on evidence that the decedent was speeding and failed to yield the right-of-way to Ms. Allen after she entered the intersection.

The petition alleges Ms. Allen is covered by an automobile insurance policy from GEICO General Insurance Company with applicable policy limits of $15,000 per person and $30,000 per occurrence. Attached to the petition is a declaration from a GEICO representative stating that she made a reasonable search for excess coverage or other applicable insurance and was unable to locate any other policies under which Ms. Allen was or could be covered for the subject-incident.

The court has reviewed and considered the proposed settlement agreement attached to the petition. Given the fact that the investigating officer determined the decedent to be at fault (meaning that, based on the current evidence, this is not a strong case of liability against Ms. Allen), and the applicable policy limits, the court approves the proposed minor’s compromise.

TENTATIVE RULING # 5: THE PETITION FOR MINOR’S COMPROMISE IS GRANTED. PETITIONER’S AND THE MINOR’S APPEARANCES ARE NOT 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.

6. BARTOLI, ET AL. v. CRAWFORD, 24CV1655

Plaintiffs' Motion for Summary Judgment

This is a quiet title and trespass action. Pursuant to Code of Civil Procedure section 437c, plaintiffs Michael Bartoli and Andrea Kimball (collectively, "plaintiffs") move for summary judgment, or in the alternative, summary adjudication, on their complaint.

Defendant Deleigh Crawford ("defendant") filed a timely opposition. Plaintiffs filed a timely reply.

1. Background

Plaintiffs are the legal owners of the real property commonly known as 1137 Wildwood Avenue in South Lake Tahoe, California, having purchased the property in joint tenancy as an unmarried couple on July 14, 2023. (RJN Nos. 3, 5.) Defendant is the legal owner of the real property commonly known as 1139 Wildwood Avenue in South Lake Tahoe, California, having purchased the property on February 27, 2023. (RJN Nos. 1, 2.)

The boundary line at issue between the properties is identified in the relevant legal descriptions as "thence from said point of commencement parallel to the Northwesterly line of said Lot 3, North 60○08' East to a point on the Southeasterly line of said Lot 3." (RJN No. 6.) After plaintiffs moved into their home, they suspected the actual boundary line between the properties did not comport with the existing fence given that the fence following a crooked line, the unusual proximity of defendant's property to the fence, and the lack of identifiable property stakes/markers. (RJN No. 7.) Plaintiffs attempted to hire a surveyor to identify the property lines in November 2023, but winter weather prevented completion of the site survey until May 2024. (RJN No. 8.)

From July 2023 to May 2024, defendant installed pavers under the existing structure, and replaced the roof of the mechanical shed and hot tub. (See Def.'s Resp. to

RJN No. 9.) Defendant claims that, at the time, she had a good-faith belief that the property she made changes to was hers. (Def.'s Resp. to RJN No. 10.)

Plaintiffs' site survey revealed that portions of defendant's patio pavers encroached onto plaintiffs' property by over eight feet and that defendant's covered enclosure/shed also encroached onto plaintiffs' property. (RJN No. 13.) The surveyor also prepared an "Exhibit" to help show the encroachments in the context of the survey results. (RJN No. 14.) Defendant does not contest the accuracy of the Survey or the Exhibit. (RJN No. 15.)

On July 31, 2024, plaintiffs filed their verified complaint. On August 30, 2024, defendant filed her verified answer generally denying all allegations in the complaint and asserting no affirmative defenses.

2. Evidentiary Objections

Plaintiffs raise 33 objections to defendant's opposition evidence.[6] The court tentatively rules on the objections as follows:

2.1. The following portion of Declaration No. 2, Paragraph 3: "If Plaintiffs had reason to believe or knowledge that the boundary lines were incorrect, Plaintiffs should have discussed the matter with me. They never did." The court sustains the objection on relevance grounds.

2.2. Declaration No. 2, Paragraph 5. The court sustains the objection on relevance grounds.

[6] Defendant's opposition papers, filed August 22, 2025, are contained in a single document that is 152 pages. Within the document are two separate declarations executed by defendant on the same date. The first declaration ("Declaration No. 1") is found on Pages 8 through 16 of the document and includes 44 numbered paragraphs. The second declaration ("Declaration No. 2") is found on Pages 66 through 69 and includes eight numbered paragraphs. Plaintiff's objections are directed to various portions of both declarations, but are not numbered and do not expressly identify which declaration they are directed to. The court was able to infer which declaration plaintiff's objections relate to based on the quoted objectionable material. In this tentative ruling, the court will refer to the declarations as Declaration No. 1 and Declaration No. 2.

2.3. Declaration No. 2, Paragraph 7. The court overrules the objection.

2.4. The following portion of Declaration No. 2, Paragraph 8: "If Plaintiffs would have come to me to discuss this matter, it is my belief that WE could have shared the costs of the survey, go through the proper South Lake Tahoe process TOGETHER, and resolved the matter amicably. Plaintiffs with their attorney to make this matter as adversarial as possible." The court sustains the objection on the grounds of relevance and improper opinion.

2.5. The following portion of Declaration No. 1, Paragraph 7: "The Sellers' Transfer Disclosure Statement, provided at the time of purchase, indicated 'No Encroachments,' confirming that the sellers had no knowledge of any boundary disputes or structures extending onto neighboring property." Plaintiffs object under Evidence Code section 702 (lack of personal knowledge), arguing defendant has no basis for asserting what the Sellers knew in connection with their completion of the Sellers Transfer Disclosure Statement. The court overrules the objection. Defendant's declaration purports to state the content of a writing, not what the Sellers knew or did not know.

Next, plaintiffs object under Evidence Code sections 400, 403, and 410 (inadmissible speculation and conclusions), arguing that defendant is speculating as to what the Sellers knew at the time of the disclosures. The court overrules the objection for the same reason as previously stated.

Lastly, plaintiffs object under Evidence Code sections 1520 through 1523 (improper testimony regarding the contents of a writing). Although there appears to be a genuine dispute concerning what the writing said, the court does not find that justice requires the exclusion of defendant's declaration. (See Evid. Code, § 1521, subd. (a)(1).) Evidence Code section 1523 applies to oral testimony, and does not apply here to defendant's written declaration.

2.6. Declaration No. 1, Paragraph 10. The court overrules the objection on relevance grounds.

2.7. Declaration No. 1, Paragraph 12: "After receiving the survey, I contacted the Plaintiffs via text to discuss the findings in good faith. They never responded to my attempt to resolve the matter directly." The court sustains the relevance objection.

2.8. The following portion of Declaration No. 1, Paragraph 14: "I was shocked and unsure of my rights." The court sustains the relevance objection.

2.9. Declaration No. 1, Paragraph 18. The court overrules the objection.

2.10. The following portion of Declaration No. 1, Paragraph 19: "I was informed that I would need a demolition permit, a plumbing permit, and a building permit." The court sustains the objection on the grounds of relevance.

2.11. Declaration No. 1, Paragraph 20. The court sustains the objection on the grounds of relevance.

2.12. Declaration No. 1, Paragraph 21. The court sustains the objection on the grounds of relevance.

2.13. Declaration No. 1, Paragraph 23. The court sustains the objection on the grounds of relevance.

2.14. Declaration No. 1, Paragraph 24. The court sustains the objection on the grounds of relevance.

2.15. Declaration No. 1, Paragraph 38. The court sustains the objection on the grounds of relevance.

2.16. Declaration No. 1, Paragraph 25. The court overrules the objection.

2.17. Declaration No. 1, Paragraphs 27, 28, 29, 31, 32, 33, 39, 40, 41, 42, and 43 of defendant's declaration. The court overrules the objection with respect to Paragraphs 27, 28, 29, 31, 32, 33, 39, 41, and 42. The court sustains the objection with respect to Paragraphs 40 and 43 on the grounds of lack of personal knowledge.

2.18. Declaration No. 1, Paragraph 30. The objections are overruled.

2.19. Declaration No. 1, Paragraph 35. Plaintiffs object under the sham testimony doctrine, however, they do not cite to any alleged contradiction in defendant's deposition testimony. The objection is overruled.

2.20. Declaration No. 1, Paragraph 36. The court sustains the relevance objection.

2.21. Declaration No. 1, Paragraph 37. The court sustains the objection on the grounds of relevance.

2.22. Declaration No. 1, Paragraph 44. The objection is overruled.

2.23. Declaration No. 1, Exhibit C. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).)

2.24. Declaration No. 1, Exhibit F. The court overrules the objection on the grounds of improper authentication. Plaintiffs contend the email was "manufactured … through Adobe PDF," however, plaintiffs may introduce their own evidence admissible to support their claim.

2.25. Declaration No. 1, Exhibit I. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).)

2.26. Declaration No. 1, Exhibit J. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).) Defendant has not established that she has personal knowledge of what the property looked like in 2016.

2.27. Declaration No. 1, Exhibit K. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).) Defendant has not established that she has personal knowledge of what the property looked like in 2011.

2.28. Declaration No. 1, Exhibit L. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).) Defendant has not established that she has personal knowledge of what the property looked like in 2006.

2.29. Declaration No. 1, Exhibit M. The court overrules the objection.

2.30. Declaration No. 1, Exhibit N. The court overrules the authentication objection. Defendant essentially declares that Exhibit N is a true and correct copy of the building permit history she received from the South Lake Tahoe Building Department ("The South Lake Tahoe Building Department provided me with the building permit history for 1137 Wildwood Avenue. Attached is a true and correct copy of the Residential Building Record – Fact Sheet as Exhibit N." (Def.'s Decl., ¶ 31)).

2.31. Declaration No. 1, Exhibit O. The court overrules the objection.

2.32. Declaration No. 1, Exhibit R. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).)

2.33. Declaration No. 1, Exhibit S. The court sustains the objection on the grounds of improper authentication. (Evid. Code, § 1401, subd. (a).)

3. Legal Principles

A plaintiff moving for summary judgment bears the burden to produce admissible evidence on each element of a "cause of action" entitling him to judgment. (Code Civ. Proc., § 437c, subd. (p)(1); see *Hunter v. Pacific Mechanical Corp.* (1995) 37 Cal.App.4th 1282, 1287 [disapproved on other grounds by *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826].) This means that plaintiffs, who bear the burden of proof at trial by a preponderance of evidence, must produce evidence that would require a reasonable trier of fact to find any underlying material fact more likely true than not. (*Aguilar*, *supra*, 25 Cal.4th at p. 851.) "[O]therwise, he would not be entitled to judgment *as a matter of law*." (*Ibid.* [emphasis in original]; *LLP Mortgage v. Bizar* (2005) 126 Cal.App.4th 773, 776 [burden is on plaintiff to persuade court there is no triable issue of material fact].) At that point, the burden shifts to the defendant "to show that a triable issue of one or more material facts exists as to that cause of action or a defense thereto." (Code Civ. Proc., § 437c, subd. (p)(1).)

4. Discussion

4.1. First C/A for Quiet Title

An action to quiet title establishes the plaintiff's title to real property against adverse claims. (Code Civ. Proc., § 760.020, subd. (a).) As the moving party, plaintiffs bear the burden to make out a prima facie case of ownership. (*Miller v. Boswell* (1958) 162 Cal.App.2d 508, 511.)

The court finds plaintiffs have met their initial burden by showing they are the legal owners of the real property located at 1139 Wildwood Avenue (RJN No. 3) and, according to an undisputed site survey, their property has been encroached upon by defendant (RJN Nos. 1, 4, 6, 13–15).

Accordingly, the burden shifts to defendant to show the existence of a triable issue of material fact. The court finds defendant has not met this burden. Therefore, plaintiffs are entitled to judgment as a matter of law with respect to the first cause of action for quiet title.

4.2. Second C/A for Trespass

" 'Trespass is an unlawful interference with possession of property.' The elements of trespass are: (1) the plaintiff's ownership or control of the property; (2) the defendant's intentional, reckless, or negligent entry onto the property; (3) lack of permission for the entry of acts in excess of permission; (4) harm; and (5) the defendant's conduct was a substantial factor in causing the harm. (See CACI No. 2000.)" (*Ralphs Grocery Co. v. Victory Consultants*, *Inc.* (2017) 17 Cal.App.5th 254, 261–262.)

Plaintiffs have clearly met their initial burden of showing they owned the property, defendant lacked permission to enter, plaintiffs were harmed, and defendant's conduct was a substantial factor in causing the harm. The court also finds plaintiffs have met their initial burden of showing defendant intentionally, recklessly, or negligently entered onto the property. (RJN No. 10.) The only intent required is intent to commit the act of trespass; intent to cause harm is not necessary. (*Meyer v. Pacific Employers Ins. Co.*

(1965) 233 Cal.App.2d 321, 326; *Miller v. Nat'l Broadcasting Co.* (1986) 187 Cal.App.3d 1463, 1480–1481; Rest.2d Torts § 158.)

Defendant argues she acted in good faith because she believed the property to be hers. But this argument is unavailing. "The defendant is liable for an intentional entry although he has acted in good faith, under the mistaken belief, however, reasonable, that he is committing no wrong." (*Miller*, *supra*, at pp. 1480–1481.)

The court finds plaintiffs have met their initial burden of establishing they are entitled to judgment as a matter of law, and defendant has not met her burden of establishing a triable issue of material fact.

The motion for summary judgment is granted.

TENTATIVE RULING # 6: THE MOTION FOR SUMMARY JUDGMENT 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.

7. MATTER OF BREN, 25CV1876

OSC Re: Name Change

TENTATIVE RULING # 7: THE PETITION IS GRANTED. NO APPEARANCE IS REQUIRED.

8. MATTER OF QUINTANILLA, 25CV1861

OSC Re: Name Change

Pending is a petition to change the name of a minor filed by his legal guardian, the minor's maternal grandmother. Under Paragraph 7(c) of the petition, which asks for the reason for name change, petitioner states, "I am the grandmother of the child." Under Paragraph 7(g) of the Supplemental Attachment to Petition for Change of Name (Judicial Council Form NC-110G), which asks for an explanation of why the minor is not likely to be returned to the custody of his parents, petitioner states, "[t]he mother is not interested on the raising the child so my grandchild lives with me 100% and I was granted custody by the court."

Code of Civil Procedure section 1278.5 provides: "In any proceeding pursuant to this title in which a petition has been filed to change the name of a minor, and both parents, if living, do not join in consent, the court may deny the petition in whole or in part if it finds that any portion of the proposed name change is not in the best interest of the child." (*Ibid.*) The court notes that both parents are living and there is no proof of their consent in the court's file.

On September 5, 2025, the petitioner submitted proof of publication, as required under Code of Civil Procedure section 1277, subdivision (a)(2)(A).

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, SEPTEMBER 12, 2025, IN DEPARTMENT FOUR.

9. MATTER OF CORBELLI, 25CV1439

OSC Re: Name Change

This matter was continued from August 1, 2025. There were no appearances at the last hearing.

The petition does not specify the reason for the name change. (Code Civ. Proc., § 1276, subd. (a)(2).) Also, to date, there is still no proof of publication in the court's file. (Code Civ. Proc., § 1277, subd. (a)(2)(A).)

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, SEPTEMBER 12, 2025, IN DEPARTMENT FOUR.