

<b>1.</b>	<b>23CV1663</b>	<b>SULLIVAN vs. WAGON WHEEL MOBILE HOME PARK</b>
<b>Compel Further Discovery Responses</b>		

The Complaint in the case alleges that Defendants have liability for an attack on Plaintiff, a resident of Defendant's mobile home park. The Complaint alleges negligence, premises liability and negligent infliction of emotional distress.

Discovery was served on Plaintiff on October 22, 2025. The responses were received by the extended deadline of December 9, 2025. Defense counsel sent a meet and confer letter seeking further responses on December 16, 2025, but Plaintiff has not responded to that communication. Declaration of David Casady, dated January 23, 2026, paras. 5-7.

Requests for Admissions (RFAs), Set Two

Defendant objects that the responses are not verified as required by Code of Civil Procedure § 2033.240(a); however, because they only consist of objections and do not include any substantive responses, only the attorney's signature is required. Code of Civil Procedure § 2033.240(c).

Code of Civil Procedure § 2033.230(b) requires that when making objections to RFAs:

[T]he specific ground for the objection shall be set forth clearly in the response. If an objection is based on a claim of privilege, the particular privilege invoked shall be clearly stated. If an objection is based on a claim that the matter as to which an admission is requested is protected work product under Chapter 4 (commencing with Section 2018.010), that claim shall be expressly asserted.

The responses to all 20 of the RFAs consist of 16 identical objections to every RFA with no analysis or discussion. There is no attempt to answer any part of any question in the responses provided. Almost all of the offered objections are so clearly inapplicable that it is impossible to conclude that the Plaintiff made any effort to provide genuine responses to the RFAs in good faith. To the extent any of the objections might have some substantive application to the particular Request, without the specificity provided that is required by Code of Civil procedure the Court is unable to evaluate the merit of any of the responses.

Requests for Production of Document (RFP)

To every one of 14 RFPs Plaintiff responded with the identical 16 objections as were asserted for the RFAs, with no discussion or analysis. Code of Civil Procedure § 2031.240(b) requires the objecting party to include the following in its response to a RFP:

(1) Identify with particularity any document, tangible thing, land, or electronically stored information falling within any category of item in the demand to which an objection is being made.

(2) Set forth clearly the extent of, and the specific ground for, the objection. If an objection is based on a claim of privilege, the particular privilege invoked shall be stated. If an objection is based on a claim that the information sought is protected work product under Chapter 4 (commencing with Section 2018.010), that claim shall be expressly asserted.

(c)(1) If an objection is based on a claim of privilege or a claim that the information sought is protected work product, the response shall provide sufficient factual information for other parties to evaluate the merits of that claim, including, if necessary, a privilege log.

The Plaintiffs responses to the RFPs contain none of these statutory requirements.

#### Form Interrogatories, Set Two

Form Interrogatory No. 17.1 refers back to the responses to the RFAs. In response to this Form Interrogatory, Plaintiff has asserted all 16 of the objections that appeared in her responses to every RFA. Accordingly, the same analysis that applies to the RFA responses is applicable to this Interrogatory response.

Code of Civil Procedure § 2030.240(b) provides:

If an objection is made to an interrogatory or to a part of an interrogatory, the specific ground for the objection shall be set forth clearly in the response. If an objection is based on a claim of privilege, the particular privilege invoked shall be clearly stated. If an objection is based on a claim that the information sought is protected work product under Chapter 4 (commencing with Section 2018.010), that claim shall be expressly asserted.

#### Special Interrogatories

The same set of identical objections as appeared in response to the other forms of discovery are repeated verbatim in response to 35 Special Interrogatories. Once again, the discovery statutes require an attempt to answer any part of an interrogatory that is not objectionable, and to set forth the specific ground for any objection asserted:

(a) If only a part of an interrogatory is objectionable, the remainder of the interrogatory shall be answered.

(b) If an objection is made to an interrogatory or to a part of an interrogatory, the specific ground for the objection shall be set forth clearly in the response. If an objection is based on a claim of privilege, the particular privilege invoked shall be clearly stated. If an objection is based on a claim that the information sought is protected work product under Chapter 4 (commencing with [Section 2018.010](#)), that claim shall be expressly asserted.

Code of Civil Procedure § 2030.240.

Once again, there appears to have been no good faith attempt to answer any part of any of the interrogatories, and Plaintiff instead asserted a catalog of identical, inapplicable objections to each one.

### Sanctions

Defendant requests sanctions in the amount of \$547.50 for each of the four discovery motions, representing 1.5 hours at \$325 per hour, plus \$60 for the expense of the filing fee. The Court finds this to be a reasonable amount.

**TENTATIVE RULING #1: PLAINTIFF'S MOTIONS TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSIONS, REQUEST FOR PRODUCTION OF DOCUMENTS, SPECIAL INTERROGATORIES AND FORM INTERROGATORIES ARE GRANTED; RESPONSES TO BE PROVIDED WITHIN FIFTEEN DAYS OF SERVICE OF THIS ORDER. PLAINTIFF IS ORDERED TO PAY DEFENDANT SANCTIONS IN THE AMOUNT OF \$2,190 WITHIN FIFTEEN DAYS OF SERVICE OF THIS ORDER.**

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March 6, 2026  
Dept. 9  
Tentative Rulings

**CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED.  
PARTIES MAY PERSONALLY APPEAR AT THE HEARING.**

<b>2.</b>	<b>24CV0536</b>	<b>RANDOLPH vs. AMERICAN HONDA MOTOR CO., INC.</b>
<b>Motion to Tax Fees and Costs</b>		

Plaintiff moves to tax costs submitted by Defendant for deposition costs and filing and motion fees. As a preliminary matter, Defendant prevailed on a motion for summary judgment that defeated Plaintiff's Complaint. Plaintiff argues that the Defendant's claim for costs as a prevailing party should be disallowed because the Memorandum of Costs was executed and filed on December 29, 2025, more than 15 days after the notice of entry of judgment was filed by the Clerk of the Court on December 3, 2025.

Code of Civil Procedure § 1032(b) provides: "Except as otherwise expressly provided by statute, a prevailing party is entitled as a matter of right to recover costs in any action or proceeding."

Code of Civil Procedure § 1034(a) declares that: "[p]rejudgment costs allowable under this chapter shall be claimed and contested in accordance with rules adopted by the Judicial Council."

California Rules of Court, Rule 3.1700(a)(1), in turn, defines the available procedure for recovering pre-judgment costs:

A prevailing party who claims costs must serve and file a memorandum of costs within 15 days after the date of service of the notice of entry of judgment or dismissal by the clerk under Code of Civil Procedure section 664.5 or the date of service of written notice of entry of judgment or dismissal, or within 180 days after entry of judgment, whichever is first. The memorandum of costs must be verified by a statement of the party, attorney, or agent that to the best of his or her knowledge the items of cost are correct and were necessarily incurred in the case.

California Rules of Court, Rule 3.1700(b)(3) creates a framework for the parties to agree to extend the deadline for submitting a Memorandum of Costs, but no such agreement exists in this case. The same subsection of the statute authorizes the Court to extend the deadline for submitting a Memorandum of Costs up to 30 days.

Even allowing for five additional days for mailing the notice of entry of judgment by the Clerk of the Court on December 3, 2025, and deducting for the New Years' Day holiday, Defendant's memorandum of costs was still untimely.

The Court finds that Plaintiff's motion is timely pursuant to California Rules of Court, Rule 3.1700(b)(1) ("Any notice of motion to strike or to tax costs must be served and filed 15 days after service of the cost memorandum," plus an additional five days for mailing of the notice of service. Code of Civil Procedure § 1013(a).

The Court finds that it is in the interests of justice to extend the deadline for Defendant's memorandum of costs to the date it was filed, and consider the motion to tax on the merits as to whether the prevailing party is entitled to recover costs.

Plaintiff argues that any action brought under the Song-Beverly Act limits recovery of prejudgment costs to plaintiffs/consumers only. It is true that Civil Code § 1794(d), which authorizes plaintiffs who bring an action as the "buyer of consumer goods who is damaged by a failure to comply with any obligation under this chapter or under an implied or express warranty or service contract" to recover reasonably incurred costs and fees. That statute applies to successful plaintiffs only, without any reference to prevailing defendants' cost recovery. However, in this case, Defendant prevailed on a summary judgment motion, establishing that, based on undisputed material facts, the Plaintiff was not harmed by a violation of the Song-Beverly Act and so does not come within the umbrella of that statute.

Rule 3.1700 does require that the memorandum of costs be verified, as it is in this case.

The claimed expenses must also be "necessarily incurred," Rule 3.1700(a)(1), and "reasonably necessary to the conduct of the litigation", Code of Civil Procedure §1033.5(c)(2), "reasonable in amount", Code of Civil Procedure §1033.5(c)(3). The Court finds that the costs of a deposition and filing fees are reasonably necessary to the conduct of the litigation, and that the amount claimed is reasonable. While Rule 3.1700 requires verification of the memorandum of costs, it does not require receipts to be attached.

**TENTATIVE RULING #2: PLAINTIFF'S MOTION TO TAX COSTS IS DENIED.**

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March 6, 2026  
Dept. 9  
Tentative Rulings

3.	25CV3424	<b>WOPUMNES NISENAN AND MEWUK HERITAGE PRESERVATION SOCIETY OF EL DORADO COUNTY vs. CALIFORNIA DEPT. OF FOOD AND AGRICULTURE ET AL</b>
<b>Preliminary Injunction</b>		

As noted by Defendants' Opposition, there is a February 17, 2026, motion to transfer venue and stay proceedings pending in this matter, which prevents this Court from hearing any further motions pending resolution of that issue.

**TENTATIVE RULING #3: THE MATTER IS TAKEN OFF CALENDAR.**

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4.	24CV2162	ESKATON PROPERTIES, INC. vs. AST
Terminating Sanctions or Evidentiary, Issue, and Monetary Sanctions		

Plaintiff propounded written discovery on August 4, 2025. Defendant has not yet responded.

Following a hearing on November 21, 2025, the Court granted Plaintiff's motion to deem admitted the matters specified in the Requests for Admission, and ordered the Defendant to pay \$577 in monetary sanctions and respond to discovery within 30 days, but Defendant has not complied with the Court's Order in either respect.

Plaintiff now requests terminating sanctions, or in the alternative, evidentiary, issue and monetary sanctions, and an award of attorneys' fees and costs.

Misuse of the discovery process includes "[f]ailing to respond or to submit to an authorized method of discovery", Code of Civil Procedure § 2023.010(d), and "[d]isobeying a court order to provide discovery". Code of Civil Procedure § 2023.010(g).

Code of Civil Procedure § 2023.030 authorizes the Court to impose terminating sanctions as to a party who is found to have misused the discovery process by striking that party's pleadings. The Court finds that Defendant has misused the discovery process.

A terminating sanction is further authorized for failure to obey the Court's Order compelling further responses to interrogatories (Code of Civil Procedure § 2030.300(e)). Given that Defendant has not appeared in any scheduled hearing or in either of two Case Management Conferences for this matter, in addition to disregarding all discovery requests and the Court's most recent Order compelling discovery responses, the Court finds that a terminating sanction is warranted, in addition to monetary sanctions for the cost of bringing his motion in addition to the sanctions already ordered.

**TENTATIVE RULING #4: PLAINTIFF'S MOTION FOR TERMINATING SANCTIONS IS GRANTED. DEFENDANT'S ANSWER IS STRICKEN. PLAINTIFF'S MOTION FOR MONETARY SANCTION IS GRANTED. DEFENDANT IS ORDERED TO PAY PLAINTIFF THE AMOUNT OF \$1,672 WITHIN THIRTY (30) DAYS F SERVICE OF THIS ORDER.**

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Dept. 9  
Tentative Rulings

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5.	23CV1828	DISCOVER BANK vs. BAILEY
Set Aside Default		

Defendant filed a motion to quash service of Summons on August 8, 2025, on the grounds that she was served in a jurisdiction where she was not residing. After a hearing on October 3, 2025, at which Defendant did not appear, this motion was denied by the Court as untimely because a default judgment had already been entered at the time the motion was filed.

Defendant filed another motion, this time to set aside the default judgment, on November 17, 2025, arguing that too much time had passed between the time that the Summons and Complaint was filed and the time she was served with the Summons and Complaint. This motion was denied following a hearing held on January 9, 2026, a hearing which Defendant attended, because the Court found that service was timely under Code of Civil Procedure § 583.210(a).

The instant motion, filed on January 20, 2026, states that it is a re-filed motion to set aside the default judgment because service was not made where Defendant resides. This question of whether there are grounds to set aside the default judgment has already been the subject of a ruling by the Court. This could be understood to be a “subsequent application for the same order upon new or different facts, circumstances, or law,” under Code of Civil Procedure § 1008(b), given that the alleged lack of service was never the subject of a substantive evaluation. However, even allowing for this, the proof of service indicates that the Summons and Complaint were served by personal service on a woman “with identity confirmed by subject saying yes when named.” Defendant does not take issue with the physical description set forth in the proof of service.

The service was effectuated by a registered process server. Evidence Code § 647 establishes a presumption affecting the burden of producing evidence, of the facts stated in the proof of service when the process server is registered with the State of California under Division 8 of the Business and Professions Code (Business and Professions Code §§ 22350, et seq.). See also, Floveyor Internat., Ltd. v. Superior Court 59 Cal.App.4th 789, 795 (1997).

The trial court is not required to accept a self-serving declaration contradicting the process server’s statement. Am. Express Centurion Bank v. Zara, 199 Cal. App. 4th 383, 390 (2011).

**TENTATIVE RULING #5: DEFENDANT’S MOTION TO SET ASIDE THE DEFAULT JUDGMENT IS DENIED.**

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Dept. 9  
Tentative Rulings

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6.	25CV1756	CAPITAL ONE N.A. vs. BOWMAN
Set Aside Default		

This is an action to collect a debt. Defendant requests the Court to set aside the default judgment that was entered on December 5, 2025, on the grounds that she attempted to file an Answer by submitting it to a third party for filing and believed that it had been filed until she received the notice of the default judgment. Declaration of Charity Bowman, dated December 22, 2025. On January 12, 2026, she filed this motion.

Code of Civil Procedure § 473(b) provides:

The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken.

\* \* \*

Defendant's motion meets these statutory requirements.

[B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default (*Waite v. Southern Pacific Co.* (1923) 192 Cal. 467, 470-471 [221 P. 204]; *Carli v. Superior Court* (1984) 152 Cal.App.3d 1095, 1099 [199 Cal.Rptr. 583] [in the context of deemed admissions § 473 should be applied liberally "so cases can be tried on the merits"]; *Flores v. Board of Supervisors, supra*, 13 Cal.App.3d at p. 483.) . . . A motion seeking such relief lies within the sound discretion of the trial court, and the trial court's decision will not be overturned absent an abuse of discretion. (*Weitz v. Yankosky* (1966) 63 Cal.2d 849, 854 [48 Cal.Rptr. 620, 409 P.2d 700]; *Martin v. Cook* (1977) 68 Cal.App.3d 799, 807 [137 Cal.Rptr. 434].)

Elston v. City of Turlock, 38 Cal. 3d 227, 233 (1985).

**TENTATIVE RULING #6: THE DEFAULT JUDGMENT IS SET ASIDE; DEFENDANT SHALL FILE AN ANSWER WITHIN TEN DAYS OF SERVICE OF THIS ORDER.**

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7.	23CV2154	AMERICAN EXPRESS NATIONAL BANK vs. DEVORSS
Entry of Judgment per Code of Civil Procedure § 664.6.		

The parties entered a settlement agreement (“Settlement”) on February 13, 2024, and provided for conditional dismissal of the action with continuing jurisdiction of the Court to enforce the Settlement through Code of Civil Procedure § 664.6. Settlement, para. 13. This Settlement was filed with the Court on February 20, 2024.

Defendant made payments under the Settlement totaling \$52,386.97. Declaration of Scott Dyle, dated January 7, 2026, (“Dyle Declaration”) para. 10. Plaintiff alleges that Defendant has not made a payment under the Settlement since March 20, 2025. Dyle Declaration, para. 7. Plaintiff has provided Defendant with notice of the default on July 1, 2025, Dyle Declaration, para. 8, but the default has not been cured. Dyle Declaration, para. 9. Plaintiff requests the Court to enter judgment in the amount of \$100,277.26, plus costs in the amount of \$563, for a total of \$100,840.99.

Proof of Service of notice of the motion was filed on February 13, 2026. The motion is unopposed.

**TENTATIVE RULING #7: THE MOTION IS GRANTED.**

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<b>8.</b>	<b>25CV3301</b>	<b>RAE ET AL vs. DUGGAN ET AL</b>
<b>Motion to Transfer from Department Ten and Consolidate</b>		

This motion by Plaintiffs cites Code of Civil Procedure § 116.390 as authority to seek a transfer of Small Claims Case No. 25CV2863, that was initiated by Ms. Duggan, a Defendant in this Superior Court action, against the Plaintiffs in this case.

The Small Claims action was filed by Duggan on October 28, 2025, and seeks return of her \$2,452.09 representing a security deposit that was withheld for repairs characterized by Duggan as normal wear and tear. The instant case was filed in Superior Court on December 4, 2025, and names Duggan as Defendant. The Superior Court Complaint in the instant case includes causes of action for negligence, breach of written agreement, breach of implied agreement and breach of implied covenant of good faith and fair dealing. The total amount of damages sought is \$3,490.67 as well as attorneys' fees and costs. The Small Claims jurisdictional limit is \$12,500. Code of Civil Procedure § 116.221.

Trial in the Small Claims action is currently scheduled for March 13, 2026 in Department 10.

California Code, Code of Civil Procedure - CCP § 116.390 governs transfers from Small Claims to Superior Court:

(a) If a defendant has a claim against a plaintiff that exceeds the jurisdictional limits stated in Sections 116.220, 116.221, and 116.231, and the claim relates to the contract, transaction, matter, or event which is the subject of the plaintiff's claim, the defendant may commence an action against the plaintiff in a court of competent jurisdiction and request the small claims court to transfer the small claims action to that court.

(b) The defendant may make the request by filing with the small claims court in which the plaintiff commenced the action, at or before the time set for the hearing of that action, a declaration stating the facts concerning the defendant's action against the plaintiff with a true copy of the complaint so filed by the defendant against the plaintiff. The defendant shall cause a copy of the declaration and complaint to be personally delivered to the plaintiff at or before the time set for the hearing of the small claims action.

(c) In ruling on a motion to transfer, the small claims court may do any of the following: (1) render judgment on the small claims case prior to the transfer; (2) not render judgment and transfer the small claims case; (3) refuse to transfer the small claims case on the grounds that the ends of justice would not be served. If the small claims action is transferred prior to judgment, both actions shall be tried together in the transferee court.

March 6, 2026  
Dept. 9  
Tentative Rulings

(d) When the small claims court orders the action transferred, it shall transmit all files and papers to the transferee court.

\* \* \*

The statute requires to transfer motion to be filed in the Small Claims action, and it is the Small Claims court that is empowered to make the decision about transferring the case, including a decision about whether to render judgment in the Small Claims action prior to the transfer. The motion to transfer the Small Claims case is not properly filed in this Superior Court action.

**TENTATIVE RULING #8: THIS MOTION IS TRANSFERRED TO DEPARTMENT TEN.**

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9.	26CV0123	NELSON v. RESCUE UNION SCHOOL DISTRICT
Relief from Government Tort Claims Act		

The underlying action involves recovery by a minor for physical injuries suffered on the grounds of an elementary school. Ethan Nelson, a minor, seeks an Order from the Court relieving him of the deadline imposed by Government Code § 954.4 for filing an action against the Rescue Union School District (“District” or “Respondent”). That section prohibits the filing of an action against a public entity without first filing a written claim:

[N]o suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented . . . until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, . . .

The six-month deadline for filing such a claim is set forth in Government Code § 911.2(a):

A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented . . . not later than six months after the accrual of the cause of action.

According to the Petitioners’ Memorandum of Points and Authorities, on January 11, 2024, Petitioners’ minor son was injured on the grounds of Lake Forest Elementary School during school hours. It was not until September, 2024 that Petitioners learned of the six-month filing deadline to assert a claim against the District, after it had already passed.

On January 7, 2025, Petitioners filed a timely application for the allowance of a late claim pursuant to Government Code § 911.4, which was deemed denied as of February 21, 2025.

Just under six months later, on August 14, 2025, the *pro per* Petitioners filed a timely *ex parte* application for the Court to set aside the claims deadline pursuant to Government Code § 946.6, which provides, in pertinent part (emphasis added):

(a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. . . .

(b) The petition shall show each of the following:

(1) That application was made to the board under Section 911.4 and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in Section 911.2.

(3) The information required by Section 910.

March 6, 2026  
Dept. 9  
Tentative Rulings

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

**(c) The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application . . . was made within a reasonable time not to exceed [one year after the accrual of the cause of action] and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:**

(1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4.

**(2) The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.**

\* \* \*

The Court denied the *ex parte* application but invited Petitioners to put the matter on the regular law and motion calendar so that the District could respond. Petitioners retained counsel in September, 2025. On October 29, 2025, the application was re-filed in the parents' name on October 29, 2025, and heard on December 5, 2025. At this hearing, the District acknowledged that while Government Code § 946.6(c)(2) did not apply to the action as filed by the minor's parents, it would apply if the matter had been filed in the name of the minor directly. Petitioners indicated that they would re-file the action in the name of the minor.

On January 9, 2026, the application was re-filed in the minor's name, which is the application currently before the Court. The Court dismissed the related action that was filed in the parents' name (25CV2109) at a Status Conference for that case held on January 16, 2026, after this action had been filed.

An Opposition has been filed by the Rescue School District (Respondent) in the related case (25CV2109), indicating that Petitioner, the minor, had missed the deadline for filing this Petition for relief. Respondent quotes the case of J.M. v. Huntington Beach Union High Sch. Dist., (2017) 2 Cal. 5th 648, at 655-656 for the proposition that extensions of time beyond the statutory allowances for filing a claim against a government entity are not available. However, the same Court continued at p.657-658 to consider equitable tolling as applicable to limitation periods imposed by the claims statutes. The Court recognized:

“a general policy which favors relieving plaintiff from the bar of a limitations statute when, possessing several legal remedies he, reasonably and in good faith, pursues one designed to lessen the extent of his injuries or damage.” (*Id.* at p. 317, 146 Cal.Rptr. 224,

578 P.2d 941; see *McDonald v. Antelope Valley Community College Dist.* (2008) 45 Cal.4th 88, 100, 84 Cal.Rptr.3d 734, 194 P.3d 1026.) In *Addison*, the plaintiffs presented a timely claim. When it was rejected they filed a federal lawsuit, which was eventually dismissed for lack of jurisdiction. In these circumstances, the period for suing in state court was equitably tolled during the pendency of the federal action. The elements of timely notice, lack of prejudice to the defendant, and reasonable good faith conduct by the plaintiffs were satisfied. (*Addison*, at p. 319, 146 Cal.Rptr. 224, 578 P.2d 941.)

J.M. v. Huntington Beach Union High Sch. Dist., 2 Cal. 5th 648, 657 (2017).

In this case, Petitioner's parents have been filing timely petitions for relief from the six-month statute, first with the District and then with the Court. The Court finds that filing the Petition in the name of the parents on behalf of the minor instead of directly under the name of the minor fairly comes within the definition of "mistake" under Government Code § 946.6(c)(1). In each instance Petitioner's parents took the next step in the administrative appeals process in a timely manner. Respondent had notice of this claim from January, 2025, a year before this action was finally properly filed under the name of the minor. The Court further finds that the statutory period for the minor to file in his own name was equitably tolled during the period that the parents in reasonable good faith attempted to pursue the claim in their capacity as parents instead of in the legal capacity of guardian *ad litem*. Accordingly, pursuant to Government Code §§ 946.6(c)(1) and 946.6(c)(2), the Court grants the Petition.

**TENTATIVE RULING #9: THE PETITION IS GRANTED. PURSUANT TO GOVERNMENT CODE § 946.6(F), PETITIONERS SHALL FILE SUIT ON THE CAUSE(S) OF ACTION TO WHICH THE CLAIM RELATES WITHIN 30 DAYS OF THIS COURT'S ORDER.**

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<b>10.</b>	<b>22CV0137</b>	<b>NEFF vs. ROSEN ET AL</b>
<b>Enforce Settlement</b>		

This is a motion to enforce a Settlement Agreement in this partition action. The parties have sold the shared property and the funds are being held in escrow pending resolution of this motion. Plaintiff asks the Court to enforce the Settlement Agreement and order an equal split of the funds resulting from the sale.

Defendant argues that she has the right to offset the 50/50 split of funds provided for in the Settlement Agreement with additional claims for costs, such as the value of certain personal property, an unanticipated mortgage loan balance and overdue mortgage loan payments from the time of the Settlement Agreement to the time of the sale, any foreclosure fees resulting from overdue mortgage payments, any amounts left in escrow, refunds due for overpayments, and outstanding utility bills.

The first, un-numbered paragraph of the Settlement Agreement provides:

In consideration of the terms, covenants, conditions and releases of this Agreement, the Parties hereto agree as follows:

- a. The parties shall proceed with the sale of the subject property in accordance with the terms set forth herein.
- b. Proceeds from the sale of the subject property shall be divided equally between the parties, after deducting all sale-related expenses.
- c. The Parties shall reasonably cooperate to ensure completion of the settlement.

Paragraph 4 of the Settlement Agreement states that “The parties agree that this Agreement may be enforced by a court of competent jurisdiction, upon ex parte motion, as a judgment pursuant to Code of Civil Procedure Section 664.6.”

The Settlement Agreement appears to have been executed by both parties on June 30, 2025.

**TENTATIVE RULING #10: THE MOTION TO ENFORCE THE SETTLEMENT AGREEMENT IS GRANTED. THE PARTIES ARE TO SPLIT THE PROCEEDS HELD IN TRUST EVENLY AFTER DEDUCTIONS FOR SALE-RELATED EXPENSES, AS AGREED TO IN THE SETTLEMENT AGREEMENT, WHICH INCLUDES SHARING OF ANY OVERPAYMENTS, REFUNDS OR FUNDS HELD IN ESCROW. THE COURT FURTHER ORDERS THE REASONABLE COOPERATION OF THE PARTIES TO ENSURE COMPLETION OF THE SETTLEMENT, INCLUDING A FULL ACCOUNTING OF THE PROCEEDS AND EXPENSES FROM THE SALE TO BE EQUALLY SHARED, PRIOR TO FINAL DISTRIBUTION OF THE FUNDS.**

March 6, 2026  
Dept. 9  
Tentative Rulings

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11.	PC20210280	COLLEEN ADDY vs HARPRIT BAJWA DPM, ET AL
Motion for Summary Judgment/Summary Adjudication		

This is a medical malpractice case in which Defendant asserts that there was no breach of the applicable professional standard of care in Plaintiff's case, and Plaintiff disagrees. At this stage of the proceedings, the parties have submitted expert declarations in support of their contradictory positions.

#### Standard of Review

[S]ummary judgment or summary adjudication is to be granted when there is no triable issue of material fact and the moving party is entitled to judgment as a matter of law." (*Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 894–895, 83 Cal.Rptr.3d 146.) The "party moving for summary judgment bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he carries his burden of production, he causes a shift, and the opposing party is then subjected to a burden of production of his own to make a prima facie showing of the existence of a triable issue of material fact." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 861–862, 107 Cal.Rptr.2d 841, 24 P.3d 493.)

Alvarez v. Seaside Transportation Servs. LLC, 13 Cal. App. 5th 635, 641–42 (2017).

We accept as true the facts in the evidence of the party opposing summary judgment and the reasonable inferences that can be drawn from them, viewing the evidence in the light most favorable to the opposing party, and liberally construing that party's evidentiary submissions, while strictly scrutinizing the moving party's evidence. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243, 253–254, 100 Cal.Rptr.3d 296.) "[A]ny doubts about the propriety of summary judgment must be resolved in favor of the opposing party." (*Richards v. Sequoia Ins. Co.* (2011) 195 Cal.App.4th 431, 435, 124 Cal.Rptr.3d 637.) We consider "all the evidence set forth in the moving and opposing papers except that to which objections were made and sustained." (*Grossman v. Santa Monica-Malibu Unified School Dist.* (2019) 33 Cal.App.5th 458, 465, 245 Cal.Rptr.3d 205 (*Grossman*).)

Zaragoza v. Adam, 109 Cal. App. 5th 113, 118 (2025).

Where, as here, the material issues framed by the complaint are whether the conduct of a medical professional fell below the standard of care and proximately caused the plaintiff's injury, expert testimony is required to establish the reasonable degree of skill, knowledge, and care ordinarily possessed and exercised by members of the medical profession under similar circumstances (*McAlpine v. Norman* (2020) 51 Cal.App.5th 933, 938, 264 Cal.Rptr.3d 755 (*McAlpine*)), as well as whether the defendant's conduct proximately caused the plaintiff's injuries within a reasonable medical probability (*Jones*

*v. Ortho Pharmaceutical Corp.* (1985) 163 Cal.App.3d 396, 402, 209 Cal.Rptr. 456).

Id., 109 Cal. App. 5th at 118–19.

Whether a defendant breached a duty to use reasonable care, and whether such breach is the cause of a plaintiff's harm in a particular factual situation "are ordinarily questions of fact for the jury's determination." Lawrence v. La Jolla Beach & Tennis Club, Inc., 231 Cal. App. 4th 11, 32 (2014); Zaragoza v. Adam, 109 Cal. App. 5th 113, 120–21 (2025).

In this case, Defendant Bajywa's motion is based on the expert Declarations of Dr. Thomas Chang, dated June 21, 2024 ("Chang Declaration"), and Dr. Mark Sockell, dated May 30, 2024 ("Sockell Declaration"), which are attached as Exhibits D and E to the Declaration of Amelia Burroughs, dated December 10, 2026, and filed December 11, 2025, ("Burroughs Declaration"). Defendant's experts opine that Dr. Bajywa met the standard of care. But Plaintiff's expert, Dr. Vartivarian, presents contrary evidence and triable issues of material fact. Declaration of Dr. Mher Vartivarian, dated February 11, 2026 ("Vartivarian Declaration").

The central issue is UMF No. 47: "Dr. Bajywa did not breach the standard of care at any time during her care and treatment of plaintiff." Defendant cites the Chang and Sockell Declarations (paras. 4-6). Plaintiff disputes this statement, citing the Vartivarian Declaration, paras. 19-22. Both of these expert Declarations declare that their opinions are based on their personal review of the Plaintiff's medical records and their own experience in podiatric medicine. Chang Declaration, paras. 2-3; Sockell Declaration, paras. 2-3; Vartivarian Declaration at paras. 2-3.

On February 23, 2026, Defendant filed Objections to Plaintiff's Evidence in Opposition to Defendant's Motion to Summary Judgment/Summary Adjudication. Defendant objects to the admission of the Vartivarian Declaration, and specific parts of it, into evidence as 1) lacking foundation (Evidence Code § 403), 2) lacking personal knowledge (Evidence Code § 702) and 3) for relevance (Evidence Code § 350).

The Court finds that expert evidence related to the applicable standard of care is relevant to the case. As to foundation, Dr. Vartivarian's Declaration does list facts on which his opinion was formed. Vartivarian Declaration, paras. 4-18. Further, the Court finds that the medical records on which the Vartivarian Declaration relies have been authenticated by Defendant's Burroughs Declaration, paras. 3-4, Exhibits B and C. They are the same medical records on which Defendant's experts rely to form their contrary conclusions. Chang Declaration, paras. 2-3; Sockell Declaration, paras. 2-3; Vartivarian Declaration at paras. 2-3. "[A] party opposing summary judgment [is not required to] file duplicate copies of the medical records on which the

opposing expert relied in forming a disputed expert opinion if they are already before the court in support of the motion.” Shugart v. Regents of Univ. of California, 199 Cal. App. 4th 499, 506 (2011).

As to Paragraphs 14 and 17 of the Vartivarian Declaration, as well as the second sentence of paragraph 21, the Court sustains the Defendant’s objections as to the admissibility of these statements due to lack of personal knowledge. Evidence Code § 702. The rest of Defendant’s objections to Plaintiff’s evidence are overruled. Even without these paragraphs the Vartivarian Declaration is sufficient to raise a triable issue of material fact on the issue of the standard of care.

Finally, Defendant further objects that the caption on the Vartivarian Declaration does not comply with California Rules of Court, Rule 3.1115, but the Court finds that the caption of the Vartivarian Declaration in fact does state that it is in opposition to the motion for summary judgment as required by Rule 3.1115.

The Complaint alleges a single cause of action for negligence. Having found that there is a triable issue of fact as to that cause of action, there are no additional causes of action to consider with respect to the motion for summary adjudication.

**TENTATIVE RULING #11: THE MOTION FOR SUMMARY JUDGMENT/SUMMARY ADJUDICATION IS DENIED.**

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<b>12.</b>	<b>25CV0805</b>	<b>U.S. BANK NATIONAL ASSOCIATION vs. WEBER</b>
<b>Motion for Summary Judgment</b>		

This is an action for collection on a credit card account. The undisputed material facts are that Defendant held a credit card account with Plaintiff (Declaration of Dale Ann Epley, dated October 7, 2025 (“Epley Declaration”), para. 7), and Defendant used the account and had a balance of \$23,393.11 but stopped monthly making payments around April 11, 2024. Epley Declaration, paras. 9-10.

[S]ummary judgment or summary adjudication is to be granted when there is no triable issue of material fact and the moving party is entitled to judgment as a matter of law.” (*Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 894–895, 83 Cal.Rptr.3d 146.) The “party moving for summary judgment bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he carries his burden of production, he causes a shift, and the opposing party is then subjected to a burden of production of his own to make a prima facie showing of the existence of a triable issue of material fact.” (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 861–862, 107 Cal.Rptr.2d 841, 24 P.3d 493.)

Alvarez v. Seaside Transportation Servs. LLC, 13 Cal. App. 5th 635, 641–42, 221 Cal. Rptr. 3d 119, 124–25 (2017).

The proof of service of notice of the motion indicates Defendant was served by mail on October 29, 2025. The motion is unopposed.

Plaintiff has met the initial burden of production; Defendant has not appeared to make a showing of any triable issue of material fact.

**TENTATIVE RULING #12: PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT IS GRANTED.**

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March 6, 2026  
Dept. 9  
Tentative Rulings

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