

May 8, 2026  
Dept. 9  
Tentative Rulings

1.	23CV1225	CIERRA RICH vs. CAMERON PARK COUNTRY CLUB, INC
Final Approval of PAGA Settlement		

Preliminary approval of this PAGA settlement was granted by the Court on November 7, 2026, and the matter was scheduled for final approval on May 8, 2026.

**TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 8, 2026, IN DEPARTMENT NINE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

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<b>2.</b>	<b>24CV0053</b>	<b>NICHOLAS JAMES LEE GRAY vs. ZBS LAW LLP</b>
<b>Demurrer</b>		

This is a dispute surrounding the foreclosure of Plaintiff's residential real property following Plaintiff's default on the loan. Defendants demur to Plaintiff's Third Amended Complaint ("TAC").

**Requests for Judicial Notice**

Defendant requests the court to take judicial notice of several documents that are recorded with El Dorado County.

Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 collectively govern the circumstances in which judicial notice of a matter may be taken. While Section 451 provides a comprehensive list of matters that must be judicially noticed, Section 452 sets forth matters which may be judicially noticed. A trial court is required to take judicial notice of any matter listed in section 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453. Evidence Code § 452(c) allows the court to take judicial notice of "official acts of the legislative, executive and judicial departments of the United States and of any state of the United States."

Defendants' request for judicial notice is granted.

**Meet and Confer Requirement**

Code of Civil Procedure §430.41(a) provides: Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer.

Code of Civil Procedure §430.41(a)(3):

The demurring party shall file and serve with the demurrer a declaration stating either of the following:

(A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.

(B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.

*Dumas v. Los Angeles County Bd. of Supervisors* (2020) 45 Cal. App. 5th 348 (“If, upon review of a declaration under section 430.41, subdivision (a)(3), a court learns no meet and confer has taken place, or concludes further conferences between counsel would likely be productive, it retains discretion to order counsel to meaningfully discuss the pleadings with an eye toward reducing the number of issues or eliminating the need for a demurrer, and to continue the hearing date to facilitate that effort”).

Based on the Declaration of Brendan D. Gonzalez, counsel attempted to meet and confer with Plaintiff prior to filing, but the dispute could not be resolved.

### **Standard of Review - Demurrer**

A demurrer tests the sufficiency of a complaint by raising questions of law. *Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20. In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe*, 7 Cal.4th 634, 638; *Interinsurance Exchange v. Narula*, 33 Cal.App.4th 1140, 1143. **The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. *Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679.**

*Rodas v. Spiegel* (2001) 87 Cal. App. 4th 513, 517.

The TAC alleges 1) wrongful foreclosure, 2) negligence/statutory duty/breach of fiduciary duty, 3) violation of Business and Professions Code § 17200 Unfair Business Practices, and 4) Accounting/Equitable Relief/Monetary Recovery. Defendant demurs to all causes of action on the grounds that the TAC fails to state facts sufficient to constitute a cause of action.

Defendant argues that the first cause of action fails because the TAC does not establish the essential elements, which are: “(1) the trustee or mortgagee caused an illegal, fraudulent, or willfully oppressive sale of real property pursuant to a power of sale in a mortgage or deed of trust; (2) the party attacking the sale (usually but not always the trustor or mortgagor) was prejudiced or harmed; and (3) in cases where the trustor or mortgagor challenges the sale, the trustor or mortgagor tendered the amount of the secured indebtedness or was excused from tendering.” (*Miles v. Deutsche Bank National Trust Co.* (2015) 236 Cal.App.4th 394, 408.) The Court agrees that the TAC lacks the factual allegations necessary to establish a cause of action for wrongful foreclosure.

Defendant argues that the second cause of action fails because the TAC does not establish that Defendant owed a duty to Plaintiff. The Court agrees and notes that the TAC continues to merely include conclusory statements that a duty was owed and is devoid of factual allegations establishing one.

Defendant argues that the third cause of action fails because Plaintiff lacks standing and fails to allege any wrongful conduct. Standing under the UCL is established only where the

plaintiff “has suffered injury in fact and has lost money or property” as a result of the alleged unfair practices. (Bus. & Prof. Code § 17204.) Here, the default occurred before any alleged wrongdoing. (See RJN, Ex. F, p. 2; TAC, p. 8). Since Plaintiff’s own default led to the foreclosure and any related damage, and not Defendant’s conduct, the Court agrees that Plaintiff lacks standing to bring this cause of action.

Defendant argues that the fourth cause of action fails because the TAC fails to establish entitlement to an accounting and the other “causes” are actually remedies. The Court agrees that the TAC does not include any allegations leading to an entitlement to accounting.

There is no opposition. In terms of leave to amend, California Code of Civil Procedure § 430.41(e)(1) limits amendments, providing that "a complaint or cross-complaint shall not be amended more than three times, absent an offer to the trial court as to such additional facts to be pleaded that there is a reasonable possibility the defect can be cured to state a cause of action." The Complaint has already been amended three times and there is no opposition establishing a reasonable possibility the defect can be cured. Therefore, the demurrer is sustained without leave to amend.

**TENTATIVE RULING #2: DEMURRER SUSTAINED WITHOUT LEAVE TO AMEND.**

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3.	25CV2646	S.O. vs. RESCUE UNION SCHOOL DISTRICT ET AL
Preferential Trial Setting		

This unopposed motion seeks preferential trial setting for Plaintiff, a minor, pursuant to Code of Civil Procedure § 36(b), which provides:

A civil action to recover damages for wrongful death or personal injury shall be entitled to preference upon the motion of any party to the action who is under 14 years of age unless the court finds that the party does not have a substantial interest in the case as a whole. A civil action subject to subdivision (a) shall be given preference over a case subject to this subdivision.

Plaintiff is under 14 years of age. As such, the Court is compelled to grant the motion and schedule the trial within 120 days.

**TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 8, 2026, IN DEPARTMENT NINE, TO SCHEDULE A TRIAL DATE.**

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<b>4.</b>	<b>26CV0466</b>	<b>888 ZHU LLC vs. LUCKY DONG 168, INC.</b>
<b>Preliminary Injunction</b>		

This case involves an alleged agreement to sell the restaurant business known as Hong Kong Inn – Defendant is the current owner, and Plaintiff is a former owner and is seeking to buy the restaurant.

According to the Motion, the parties entered into a written purchase agreement in 2024, wherein Defendant agreed to sell the restaurant to Plaintiff. Plaintiff states that on February 25, 2024, Defendant accepted from Plaintiff a cash payment of \$66,000 for the purchase of the business and executed a written receipt confirming that the \$66,000 cash payment was received for the purchase of the business. Plaintiff states it proceeded with escrow and participated in the process of transferring the ABC license. After accepting Plaintiff’s payment and executing the written agreement and escrow documents, Plaintiff states that Defendant refused to proceed with completion of the sale. Defendant attempted to rescind the transaction by returning the cash payment. Plaintiff states it did not consent to rescission and demanded performance of the agreement. Plaintiff states Defendant has refused to proceed with escrow and has indicated an intent to sell or transfer the business to another buyer.

California courts decide motions for preliminary injunction by evaluating the moving party’s likelihood of success on the merits and by weighing the interim harm that the moving party is likely to sustain if the injunction is denied against the harm the opposing party is likely to suffer if the injunction is granted. (*IT Corp. v. County of Imperial* (1987) 35 Cal.3d 63, 69.) The purpose of a preliminary injunction is to preserve the status quo pending final adjudication. (*White v. Davis* (2003) 30 Cal.4th 528, 554.) When the injunction is sought to prevent an act that would render the ultimate judgment ineffectual, injunctive relief is particularly appropriate because the court’s equitable power exists to prevent irreparable injury and to preserve its ability to grant complete relief at the conclusion of the case. (*IT Corp., supra*, 35 Cal.3d at 73–74.)

The Court agrees that a preliminary injunction is appropriate. Plaintiff has established the purchase agreement exists and Defendant does not dispute that. Whether or not the agreement was rescinded is a factual dispute. When weighing the harm, Defendant argues that Plaintiff will “suffer absolutely no harm” if the injunction is denied. (Opp. p. 6) However, the Court disagrees – if the preliminary injunction is denied and Defendant sells the business, there is significant harm to Plaintiff because it would not be possible to uphold the agreement. If the preliminary injunction is granted, the harm to Defendant is continuing to operate the business and not being able to sell to a third party, making it more likely that Defendant will suffer no harm. For these reasons, the Court grants the preliminary injunction.

**TENTATIVE RULING #4: MOTION FOR PRELIMINARY INJUNCTION IS GRANTED.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

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5.	26CV0558	BENJAMIN DAVID CROCKER vs. MC-025
Judgment on the Pleadings		

Plaintiff filed a Complaint on Judicial Council Form PLD-C-001 on March 3, 2026. No documents were attached to the form pleading. The Complaint alleges breach of contract, but no contract is attached. The damages alleged are \$51 million. A Declaration of Plaintiff was filed at the same time as the Complaint, but it also does not attach any documentation of the claim. A second Declaration of Plaintiff was filed on the same date with 55 pages of text referencing an arrest and Plaintiff's subsequent complaint regarding the circumstances of the arrest. However, the Declaration does not constitute a contract. Two more Declarations were filed on the same date, none of which attach a contract.

The motion filed on the same date as the Complaint at Declarations asserts that there are no issues of fact to be determined and that the Court is requested to issue an Order and Judgment in the amount of \$51 million. The Court understands this to be a request for judgment on the pleadings.

No proof of service of the Summons and Complaint or of the Motion was filed until April 6, 2026, indicating that the Board of Supervisors had been served with all of the documents on file in the matter on April 1, 2026. There is no evidence that Plaintiff has filed any claim under the Government Tort Claims Act, which is a prerequisite to filing a claim against a government agency. There is also no evidence in the record of a contract, and thus, no basis to rule on a breach of contract claim.

**TENTATIVE RULING #5: THE MOTION IS DENIED.**

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PARTIES MAY PERSONALLY APPEAR AT THE HEARING.**

6.	PC20050494	FRANCO vs. GREEN & BLACK COMPANY
Withdraw as Special Master		

The duly appointed Master Special, Mark L. Hardy moves under California Code of Civil Procedure § 284(2) and California Rules of Court, rule 3.1362, for an order permitting the Special Master to withdraw and to be relieved in this action. The Notice does not comply with Local Rule 7.10.05. Repeated violations will be grounds for sanctions under Local Rule 7.12.13. The Motion does not comply with California Rules of Court, rule 3.1362. The Reply is unsigned.

Based on the opposition, it seems Brian D. Boydston is prepared to substitute as Special Master and that this dispute can be resolved between the parties.

**TENTATIVE RULING #6: MOTION DENIED.**

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7.	24CV1853	BANK OF AMERICA N.A. vs. FINDLETON
Judgment on the Pleadings		

### Request for Judicial Notice

Plaintiff has filed a request for the Court to take judicial notice of the December 5, 2025, Order in this case. Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 collectively govern the circumstances in which judicial notice of a matter may be taken. While Section 451 provides a comprehensive list of matters that must be judicially noticed, Section 452 sets forth matters which *may* be judicially noticed, including “records of (1) any court in this state.” Evidence Code §452(d). A trial court is required to take judicial notice of any matter listed in section 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453.

Plaintiff’s request for judicial notice is granted.

### Motion

On December 5, 2025, this Court issued an Order deeming certain facts admitted based on Defendant’s failure to respond to Requests for Admissions propounded by Plaintiff. Based on those admitted facts, Plaintiff moves for judgment on the pleadings pursuant to Code of Civil Procedure §438. Plaintiff’s counsel filed a declaration confirming their meet and confer efforts with Defendant prior to filing the motion, as required by Code of Civil Procedure §439.

All elements of the cause of action for breach of contract having been conclusively established by the Court’s Order, there is no possibility that granting leave to amend would alter the result.

Proof of service of notice of the hearings was filed on March 25, 2026. There is no opposition.

**TENTATIVE RULING #7: MOTION FOR JUDGMENT ON THE PLEADINGS IS GRANTED.**

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**COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**

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<b>8.</b>	<b>25CV1850</b>	<b>MANZER v. POWELL</b>
<b>Motion to Expunge Lis Pendens</b>		

**TENTATIVE RULING #8: HEARING CONTINUED TO FRIDAY, JUNE 26, 2026, AT 8:31 AM IN DEPARTMENT NINE.**

9.	25CV0448	AC TOWING AND TRANSPORT LLC vs. REED
Attorney Withdrawal		

Counsel for the Defendants has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362.

A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating that counsel is physically and financially unable to carry out representation of the client.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Proof of service of the motion on the Defendants at their last known address and on counsel for Plaintiff was filed on March 17, 2026.

There is a Case Management Conference and Trial Setting scheduled on June 16, 2026, which is not listed in the proposed Order. Counsel shall submit a revised Order that includes the upcoming hearing date as required by California Rules of Court, Rule 3.1362(e).

**TENTATIVE RULING #9: THE MOTION TO BE RELIEVED IS GRANTED.**

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<b>10.</b>	<b>25CV1827</b>	<b>EL DORADO COUNTY ANIMAL SERVICES vs. WEBB ET AL</b>
<b>Enforcement Hearing</b>		

At the previous hearing on April 3, 2026, the Court ordered Defendant to allow Animal Services to conduct an inspection within 15 days and continued the matter to allow Defendant to provide proof of compliance.

**TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY, 8, 2026, IN DEPARTMENT NINE.**

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<b>11.</b>	<b>25CV1835</b>	<b>EL DORADO COUNTY ANIMAL SERVICES vs. WEBB ET AL</b>
<b>Enforcement Hearing</b>		

At the previous hearing on April 3, 2026, the Court ordered Defendant to allow Animal Services to conduct an inspection within 15 days and continued the matter to allow Defendant to provide proof of compliance.

**TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY, 8, 2026, IN DEPARTMENT NINE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

**NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**

**LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG 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.**

May 8, 2026  
Dept. 9  
Tentative Rulings

<b>12.</b>	<b>25CV1857</b>	<b>EL DORADO COUNTY ANIMAL SERVICES vs. WEBB ET AL</b>
<b>Enforcement Hearing</b>		

At the previous hearing on April 3, 2026, the Court ordered Defendant to allow Animal Services to conduct an inspection within 15 days and continued the matter to allow Defendant to provide proof of compliance.

**TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY, 8, 2026, IN DEPARTMENT NINE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

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13.	25CV1736	U.S. BANK NATIONAL ASSOCIATION vs. CLIFFORD
Motion for Summary Judgment / Summary Adjudication		

The Notice does not comply with Local Rules 7.10.05. Repeated violations will be grounds for sanctions pursuant to Local Rule 7.12.13.

Plaintiff moves for summary adjudication on the first cause of action for a breach of contract as evidenced by the Cardmember Agreement and billing statements kept by Plaintiff that constitutes the principal record of transactions between Plaintiff and Defendant relative to Defendant's credit card account.

Plaintiff's request for judicial notice is not signed.

Defendant applied to Plaintiff for a credit card account and entered into a written credit card account agreement with Plaintiff for the account number ending in 7252 (the "Account"). See Plaintiff's Separate Statement of Undisputed Material Facts #1 ("SS"). The Defendant agreed to be bound by the terms and conditions set forth in the Cardmember Agreement when the Defendant applied for, received or used the credit card account. In addition, the Cardmember Agreement provides that use of the card constitutes acceptance of the agreement. (SS #2). Defendant agreed to pay Plaintiff for all charges on the Account and Plaintiff paid vendors for the charges made. (SS #2-3). Defendant received billing statements, did not dispute any portion, and failed to make payment on the Account. (SS #4-6). The last payment made was on or around October 15, 2024. (SS #7). Defendant filed an Answer to the Complaint, which consisted of a general denial.

California Code of Civil Procedure §437c:

(p) For purposes of motions for summary judgment and summary adjudication:

(1) A plaintiff or cross-complainant has met that party's burden of showing that there is no defense to a cause of action if that party has proved each element of the cause of action entitling the party to judgment on the cause of action. Once the plaintiff or cross-complainant has met that burden, the burden shifts to the defendant or cross-defendant to show that a triable issue of one or more material facts exists as to the cause of action or a defense thereto. The defendant or cross-defendant shall not rely upon the allegations or denials of its pleadings to show that a triable issue of material fact exists but, instead, shall set forth the specific facts showing that a triable issue of material fact exists as to the cause of action or a defense thereto.

Plaintiff has established the elements of a claim for breach of contract. Defendant does not oppose the Motion and has not raised any defenses. The Court intends to grant Plaintiff's Motion; however, appearances are required since Plaintiff failed to provide Defendant notice of the tentative ruling system.

May 8, 2026  
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Tentative Rulings

**TENTATIVE RULING #13: APPEARANCES ARE REQUIRED, PURSUANT TO PLAINTIFF'S FAILURE TO COMPLY WITH LOCAL RULES.**

14.	25CV1737	VIANI ET AL vs. LEASURE ET AL
Demurrer		

Defendant's Notice does not comply with Local Rule 7.10.05. Repeated violations will be grounds for sanctions under Local Rule 7.12.13.

Code of Civil Procedure §430.41(a) provides: Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer.

Code of Civil Procedure §430.41(a)(3):

The demurring party shall file and serve with the demurrer a declaration stating either of the following:

(A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.

(B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.

*Dumas v. Los Angeles County Bd. of Supervisors* (2020) 45 Cal. App. 5th 348 (“If, upon review of a declaration under section 430.41, subdivision (a)(3), a court learns no meet and confer has taken place, or concludes further conferences between counsel would likely be productive, it retains discretion to order counsel to meaningfully discuss the pleadings with an eye toward reducing the number of issues or eliminating the need for a demurrer, and to continue the hearing date to facilitate that effort”).

Based on the Court's review of the Declaration, the Court finds that the parties did not engage in meaningful meet and confer efforts and hereby orders the parties to discuss Defendant's eleven arguments in an effort to minimize the issues before using judicial resources.

**TENTATIVE RULING #14: HEARING IS CONTINUED TO FRIDAY, JULY 10, 2026, AT 8:35 AM IN DEPARTMENT NINE. PARTIES TO FILE A STATUS REPORT WITH THE COURT BEFORE JUNE 26, 2026, INDICATING WHICH ISSUES THE COURT NEEDS TO ADDRESS.**

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