

May 15, 2026
Dept. 9
Tentative Rulings

1.	23CV0824	RICH v. GLADIOLUS HOLDINGS
Final Approval of Class Action		

The Court entered Judgment in this case and the related PAGA case on November 14, 2025. This hearing date was set to review compliance with the distribution.

TENTATIVE RULING #1:

APPEARANCES REQUIRED ON FRIDAY, MAY 15, 2026, AT 8:30 AM IN DEPARTMENT NINE.

2.	24CV2404	DEMTECH SERVICES v. DM SOLUTIONS
Motion to Quash		

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

Defendants DM Solutions, Inc., David McLaury, and Owen Mackendrick's (collectively, "Defendants") issued subpoenas to "all banks where commercial enterprises tend to bank," effectively seeking production of all financial records for Plaintiff DemTech Services, Inc. ("Plaintiff" or "DemTech") and its individual employees for the last two years. Plaintiff argues the subpoenas are indefensibly overbroad, invade the privacy rights of both Plaintiff and third parties, and appear intended to harass and oppress Plaintiff. Despite efforts to meet and confer, Defendants have refused to withdraw or narrow the subpoenas.

Plaintiff argues that the requests are unreasonable, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence and are also oppressive because they unreasonably violate Plaintiff's and third parties' rights to financial privacy.

Defendants explain that the underlying lawsuit involves allegations by Plaintiff of stolen trade secrets, including customer lists, and that revenue has declined due to wrongful competition. These allegations are why Defendants state they subpoenaed the six banks. Defendants confirm they are not seeking records for any individual, and that they are seeking records for a little over a two-year period, starting with the time at which Defendant McLaury was terminated.

In its Reply, Plaintiff points out that Defendants did not attempt to determine which banks are actually relevant through discovery, but rather issued subpoenas to common banks. Plaintiff continues to argue that the subpoenas violate the privacy of Plaintiff's agents, in seeking their financial records.

While the Court agrees that Defendants should have used discovery to determine the relevant banks (as these subpoenas may prove to be unfruitful), the Court understands that the subpoenas may produce information relevant to the litigation and the timeframe is narrowly tailored. While the Court will not quash the subpoenas, the Court is requiring that the subpoenas be tailored to only include the records of DemTech and not any individual persons.

TENTATIVE RULING #2:

MOTION TO QUASH IS DENIED. HOWEVER, THE SUBPOENAS ARE TO BE NARROWED TO THE RECORDS OF DEMTECH ONLY.

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3.	25CV1880	WILSON v. TESLA
Motion to Set-Aside		

The Motion does not comply with Local Rules 7.10.05 Repeated failures will be grounds for sanctions pursuant to Local Rules 7.12.13.

Tesla brings this Motion to Set Aside Default under the provisions of CCP § 473(b) on the grounds that default was taken as a result of Tesla’s mistake, inadvertence, or excusable neglect. Tesla argues that based on improper service attempts prior to a valid service of the Complaint and Summons, counsel inadvertently failed to calendar the deadline for responsive pleading.

[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, 695 P.2d 713 (1985).

As required by the caselaw, the Court is not convinced that Defendant has provided a “satisfactory excuse” for not timely filing their responsive pleading; However, the Court recognizes the liberal policy in resolving a case on its merits. Therefore, the Motion is granted and as provided by California Code of Civil Procedure §473(c)(1), the Court orders that counsel for Tesla pay \$1,000 to the State Bar Client Security Fund.

TENTATIVE RULING #3:

MOTION TO SET-ASIDE DEFAULT IS GRANTED AND COUNSEL FOR DEFENDANT IS ORDERED TO PAY \$1,000 TO THE STATE BAR CLIENT SECURITY FUND WITHIN 10 DAYS OF THIS ORDER.

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4.	26CV0336	MOHR v. COUNTY OF EL DORADO
Motion to Quash		

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

Defendant Garret Paul Gonzales (“Defendant”) moves to quash service of the Summons and Complaint, arguing that he was never personally served. Defendant argues that he was not in the state of California at the time of the purported service.

Plaintiff opposes, arguing that when the process server called out Defendant’s name, the individual responded and then refused service. A defendant cannot defeat service through his own refusal and then use that refusal as a basis to challenge jurisdiction. Courts do not permit that type of evasion. (*Pasadena MediCenter Associates v. Superior Court* (1973) 9 Cal.3d 773, 778.)

The Court finds that the process server’s declaration establishes by a preponderance of evidence that service was effectuated on Defendant.

TENTATIVE RULING #4:

MOTION TO QUASH IS DENIED.

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5.	23CV1828	DISCOVER BANK v. BAILEY
Motion to Set-Aside		

Judgment was entered on August 4, 2025. Defendant has unsuccessfully filed several Motions to Set-Aside the Judgment.

Pursuant to California Code of Civil Procedure §473(b), the request to set-aside a judgment shall be made within six months after the judgment was taken. Therefore, this request to set-aside and any future requests are not timely.

TENTATIVE RULING #5:

MOTION TO SET-ASIDE IS DENIED.

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6.	26CV0806	CHRISTIANSEN v. NISBET
Compromise Minor's Claim		

On March 19, 2026, Soren Christensen, a parent of the minor who is the subject of this filed an ex parte application to be appointed guardian ad litem for the purpose of this proceeding, which was approved by the court on March 24, 2026.

* * *

This is a Petition to compromise a minor's claim. The Petition states the minor sustained serious injuries including subdural hematoma, T7 compression fracture, pubic rami fracture and sacral fracture resulting from an accident in 2020. A copy of the accident investigation report was filed with the Petition, as required by Local Rule 7.10.12A(4). Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of \$675,000.00.

The Petition states the minor incurred 471,375.72 in medical expenses, of which the negotiated amount of \$140,000 will be deducted from the settlement. This includes reimbursement of \$109,200.00 in medical expenses to be paid to private health insurance as well as a lien from UC Davis Medical Center for \$30,800.00. **Copies of invoices for the claimed medical expenses are not attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).**

The Petition states that the minor has not fully recovered and that the minor will suffer from permanent residual cognitive issues and anxiety. A doctor's report concerning the minor's condition and prognosis of recovery is attached, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(3).

The minor's attorney requests attorney's fees in the amount of \$230,000.00, which represents 34% of the gross settlement amount. The court uses a reasonable fee standard when approving and allowing the amount of attorney's fees payable from money or property paid or to be paid for the benefit of a minor or a person with a disability. (Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(8); California Rules of Court, Rule 7.955(a)(1).) The Petition does include a Declaration by the attorney as required by California Rules of Court, Rule 7.955(c).

The minor's attorneys also request reimbursement for costs in the amount of \$2,295.99 and \$10,989.87. **There are no copies of bills substantiating the claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).**

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The minor's guardian requests reimbursement of educational expenses in the form of semi-private tutoring in the amount of \$7,410.00. There are copies of bills substantiating the claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

With respect to the \$284,304.14 due to the minor, the Petition requests that the funds be invested in a single-premium deferred annuity, subject to withdrawal with court authorization. See attachment 18(b)(3), which includes the terms and conditions of the annuity.

The minor's presence at the hearing will be required in order for the court to approve the Petition. Local Rules of the El Dorado County Superior Court, Rule 7.10.12.D.

TENTATIVE RULING #6:

HEARING CONTINUED TO FRIDAY, JULY 10, 2026, AT 8:30 AM IN DEPARTMENT NINE.

7.	25CV1097	LIIMATTA v. EVANS
Motion for Protective Order & Monetary Sanctions (2)		

The Notices do not comply with Local Rule 7.10.05. Repeated violations will be grounds for sanctions pursuant to Local Rule 7.12.13.

This case involves concrete work performed by Defendants for Plaintiffs' driveway. Defendants John William Evans and Jared Evans (collectively "Defendants") move for Orders limiting Plaintiff's discovery requests on the grounds that: the discovery sought is not relevant; the burden and expense outweigh the likelihood that the information will lead to discovery of admissible evidence; and the method of discovery is unduly burdensome. The two motions are basically identical, aside from the number of discovery requests served on the Defendants, which differ slightly.

In her declaration, Khaya Pleshchitskaya merely states that "meet and confer attempt[s] to communicate with Plaintiff...have been unsuccessful." (Plesh. Decl.) The Court does not find this sufficient. The declaration of Robert Grijalba further bolsters this, by providing a detailed timeline of his meet and confer efforts and in fact defense counsel's unwillingness to engage.

On March 9, 2026, counsel for Defendants requested Plaintiffs to withdraw Special Interrogatories Nos. 90-95 and 99-106 and Inspection Demands Nos. 17- 25 and 62-63 (Plesh. Decl. ¶2, Plesh. Decl. Exhibit 6.) Contrary to defense counsel's declaration, Plaintiffs' counsel states he made several concessions and proposals to resolve the dispute. Plaintiff: (i) withdrew Inspection Demands Nos. 24 (tax records) and 25 (warranty language) (Grijalba Decl. ¶ 15; IOE Ex. "16" at 18); (ii) narrowed Inspection Demand No. 21 to cover only sales of "drainage-related materials, catch basins, or piping" rather than all "consumer goods" (Grijalba Decl. ¶ 15; IOE Ex. "16" at 15); and (iii) proposed a stipulated protective order and offered to allow redaction of personal identifying information to address Defendant's privacy concerns regarding Inspection Demands Nos. 20 (other customer contracts), 22 (customer complaints), and 23 (prior litigation) (Grijalba Decl. ¶ 15; IOE Ex. "16" at 15-17). (emphasis added)

Plaintiffs' counsel has shown a willingness to engage in meet and confer efforts and resolve these disputes. In her declaration with the Reply, defense counsel states she "overlooked" the first two items in Plaintiffs' proposal to resolve the dispute and proceeded to file the instant motions. The Court finds that further meet and confer efforts are warranted and likely to be successful.

TENTATIVE RULING #7:

**HEARING CONTINUED TO MONDAY, JULY 17, 2026, AT 8:30 AM IN DEPARTMENT NINE.
DEFENSE TO FILE A STATUS REPORT WITH THE COURT BEFORE JUNE 22, 2026, REGARDING**

WHETHER THE HEARING IS STILL NECESSARY, AND IF SO, WHICH ISSUES STILL NEED TO BE ADDRESSED.

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8.	23CV1187	MOORE v. HANSEN
Motion for Interlocutory Judgment and to Appoint Partition Referee		

This suit is a partition action that seeks the sale of real property containing a single-family home located at 3940 Freedom Road, Placerville, CA 95667, (the "Property"). On March 13, 2026, this Court granted Defendant's Motion for Judgment on the Pleadings, Motion to Compel Responses, and Motion to Deem Requests for Admission Admitted, but did not enter an interlocutory judgment, appoint a referee, or give the referee instructions.

Defendant and Cross-Complainant moves for the Court to enter an interlocutory judgment ordering the Property to be sold, appoint Franco Garcia to sell the Property, and provide instructions as set forth in the Proposed Order.

Code of Civil Procedure section 873.010 provides that this Court "shall appoint a referee to divide or sell the Property as ordered by the court." Similarly, Section 873.020 states that "the court in its discretion may appoint a referee for sale and a referee for division, or may appoint a single referee for both."

Code of Civil Procedure section 873.060 provides that "[t]he referee may perform any acts necessary to exercise the authority conferred by this title or by order of the court." Similarly, Code of Civil Procedure section 873.070 provides that "[t]he referee or any party may, on noticed motion, petition the court for instructions concerning the referee's duties." Thus, the Defendant requests that the Court issue the following instructions concerning the referee's duties concerning the partition and sale of the Property: that the property be sold "as-is", for cash, that the notice of sale shall be given pursuant to statute, that the referee shall provide the Court with the details of the sale, and that the Court shall retain jurisdiction.

There is no Opposition.

TENTATIVE RULING #8:

MOTION FOR INTERLOCUTORY JUDGMENT AND TO APPOINT PARTITION REFEREE IS GRANTED.

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9.	24CV1751	HOLLAND v. LONG
Determine Fair Market Value		

The appraisal was filed on December 5, 2025. Pursuant to the Stipulation and Order filed by the parties, any objections were due by April 17, 2026. No objections were received.

TENTATIVE RULING #9:

APPEARANCES REQUIRED ON FRIDAY, MAY 15, 2026, AT 8:30 AM IN DEPARTMENT NINE.

10.	26CV0764	SMITHE v. ZILDŽO
Motion for Preliminary Injunction		

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 preliminary injunction. There is no proof of service.

TENTATIVE RULING #10:

MOTION FOR PRELIMINARY INJUNCTION DENIED.

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11.	25CV2822	ZAGHI v. EVOLVE MANAGEMENT EXPERTS
Demurrer		

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. (emphasis added)

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.

Defendants failed to comply with CCP §430.41(a)(3). There is no declaration included with the demurrer. The Court expects parties to engage in meaningful meet and confer efforts before requiring judicial resources. The demurrer is overruled.

TENTATIVE RULING #11:

DEMURRER OVERRULED.

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12.	26CV0723	GALLEGOS v. PARK PLACE FINANCE
Demurrer		

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.

Defendants demurred to the Complaint, and thereafter, Plaintiff filed a series of Amendments to the Complaint. Plaintiff is allowed to amend his pleading **once** without requesting leave of court. Due to his numerous amendments, there is currently no operative pleading.

Plaintiff is hereby ordered to file and serve his First Amended Complaint within 10 days of this Ruling. No further amendments are allowed without requesting leave of court.

TENTATIVE RULING #12:

DEMURRER IS OVERRULED AS MOOT. PLAINTIFF TO FILE AND SERVE THE FIRST AMENDED COMPLAINT ON OR BEFORE TUESDAY, MAY 26, 2026.

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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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.

13.	25CV3374	EMERGENCY RESTORATION & CLEANING v. WRIGHT
Automatic Extension		

Parties are ordered to meet and confer, keeping in mind the policy to resolve cases on the merits and the liberal policy of allowing amendment to pleadings. Parties are to file a status report before June 26, 2026, regarding the status of the dispute. The hearing will be continued to a later date, if Court resources are still required.

TENTATIVE RULING #13:

HEARING CONTINUED TO FRIDAY, JULY 10, 2026, AT 8:30 AM 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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