May 22, 2026
Dept. 9
Tentative Rulings

1.	**26CV0328**	**ANTON v. EL DORADO UNION HIGH SCHOOL**
Motion for Judgment on the Pleadings		

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.

This action arises from a single-vehicle accident that occurred on April 2, 2025, on westbound U.S.-50 in El Dorado County, California. Plaintiff, by and through her Guardian Ad Litem, Eloina Brambila (hereinafter "Plaintiff"), alleges she sustained injuries while a passenger in a vehicle owned by Defendant El Dorado Union High School District (hereinafter "District") and driven by Defendant Hadisa Saedy (collectively "Defendants"), who was acting within the course and scope of her employment with the District.

Meet and Confer

> "(a) Before filing a motion for judgment on the pleadings pursuant to this chapter, the moving party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to the motion for judgment on the pleadings for the purpose of determining if an agreement can be reached that resolves the claims to be raised in the motion for judgment on the pleadings. If an amended pleading is filed, the responding party shall meet and confer again with the party who filed the amended pleading before filing a motion for judgment on the pleadings against the amended pleading. (Code of Civil Procedure, § 439(a))
>
> "A determination by the court that the meet and confer process was insufficient is not grounds to grant or deny the motion for judgment on the pleadings." (Code of Civil Procedure, §439(a)(4))

Based on the Declaration of Andrew E. Pereira, the Court acknowledges that the parties sufficiently engaged in meet and confer efforts.

Request for Judicial Notice

Cal. Rules of Court, rule 3.1113(l), covers judicial notice, requiring that "[a]ny request for judicial notice shall be made in a separate document listing the specific items for which notice is requested and shall comply with rule 3.1306(c)."

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)

Defendants request that the Court take judicial notice of Plaintiff's government claim and subsequent rejection, along with the Complaint and Answer filed in this case. There is no opposition. Defendants' request for judicial notice is granted.

Judgment on the Pleadings

Defendants move for judgment on the pleadings pursuant to California Code of Civil Procedure §438 on the grounds that Plaintiff's government claim was rejected on June 23, 2025, and Plaintiff filed her Complaint on February 4, 2026, when it was required to be filed on or before December 23, 2025. Defendants argue that Plaintiff's Complaint is time barred by the six-month statute of limitations set forth under the Government Tort Claims Act (Gov. Code §§ 905, 911.2(a), 845.4, 945.4, 945.6(a)(1), and 950.2.) Defendants argue that the statutory requirements are mandatory and strictly enforced. (*Apollo v. Gyaami* (2008) 167 Cal.App.4th 1468, 1486, fn. 14; *Stanley v. City and County of San Francisco* (1975) 48 Cal.App.3d 575, 579.)

Plaintiff states that Government Code § 946.6(c)(1) and (4) deal with extensions for late filings; however, those subsections address late filings of the claim, not the lawsuit. In support of the late filing, Plaintiff cites to *Rousseau v. City of San Carlos* (1987) 192 Cal.App.3d 498 and *J.M. v. Huntington Beach Union High School Dist.* (2017) 2 Cal.5th 648. However, those cases are different because it was the filing of the government claim that was late, not the lawsuit. Plaintiff does not provide case law showing relief from the time limits prescribed for the filing of the lawsuit.

In *J.M. v. Huntington Beach,* the court cites to a case that is similar to the case before this Court; in *D.C. v. Oakdale Joint Unified School Dist.* (2012) 203 Cal.App.4th 1572, the court addresses Government Code §946.6 and the six-month statute of limitations for petitioning the court following a denial by the board. In that case, the Court of Appeal held that the six-month statute of limitations is mandatory and not discretionary, absent a showing of estoppel. *Id.* at 1582. In that case, the Court of Appeal remanded the case and allowed the plaintiff to file an amended Complaint, asserting defendants were estopped from asserting the statute of limitations.

The Court agrees that Plaintiff's Complaint is untimely but will offer Plaintiff leave to amend the pleadings to address the statute of limitations defect and any applicable defenses for failure to comply.

TENTATIVE RULING #1: JUDGMENT ON THE PLEADINGS IS GRANTED, WITH LEAVE TO AMEND WITHIN 10 DAYS FROM THE DATE OF THIS RULING.

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.

2.	**25CV0172**	**AUSTIN v. HANSEN**
OSC/Contempt		

TENTATIVE RULING #2: APPEARANCES REQUIRED FRIDAY, MAY 22, 2026, AT 8:30 AM IN DEPARTMENT NINE.

3.	**24CV1851**	**E.B. v. EL DORADO COUNTY OFFICE OF EDUCATION**
Motion to Compel Deposition		

This is a civil action for damages brought by Plaintiff E.B., a minor, by and through her guardian ad litem Diand Freas ("Plaintiff") against El Dorado County Office of Education ("EDCOE"). Plaintiff alleges that Tarik Manasrah, a van driver formerly employed by EDCOE, committed sexual misconduct against her. Plaintiff brings several negligence-based causes of action against EDCOE, including that they negligently hired Mr. Manasrah.

Plaintiff argues that Brooke Simas, Plaintiff's treating therapist, has evidence relevant to several critical areas of this litigation, including knowledge of the abuse that occurred and Plaintiff's emotion distress resulting from the abuse. Ms. Simas was served with a deposition subpoena, which her counsel accepted on her behalf. Plaintiff states that through counsel, Ms. Simas refused to appear for the deposition on the basis that the psychotherapist-patient privilege prevents her from testifying. Plaintiff's guardian ad litem has waived that privilege, which is held exclusively by Plaintiff. As such, Plaintiff moves the Court to compel Ms. Simas's appearance.

A subpoenaing party may move to compel under California Code of Civil Procedure Section 1987.1. Section 1987.1 provides that the court, upon noticed motion, may make an order compelling a witness to comply with a deposition subpoena. See CCP § 1987.1. Regarding Ms. Simas's refusal to be deposed based on privilege, that privilege is waived when a plaintiff puts her mental state at issue in litigation. *See, e.g., In re M.L.* (2012) 210 Cal.App.4th 1457, 1473 ("[W]hen a patient has, himself, placed his medical condition at issue in the case he may no longer justifiably seek protection from its exposure and 'in all fairness, a patient ought not to be allowed to establish a condition without a full inquiry into the circumstances.'").

Further, Plaintiff's guardian ad litem, who is her mother, waived privilege in this case. In California, the patient, not the psychotherapist, holds the privilege. See Evid. Code § 1014 ("[T]he patient . . . has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and psychotherapist. . . ."). Once waived, the psychotherapist cannot invoke the privilege in order to refuse deposition questions. *See In re Lifschutz* (1970) 2 Cal.3d 415, 430 ("The psychotherapist . . . cannot assert his patient's privilege if that privilege has been waived. . . .").

The Court hereby grants the motion, and the parties are ordered to select a mutually agreeable date.

TENTATIVE RULING #3: THE MOTION TO COMPEL DEPOSITION IS GRANTED. PARTIES TO SELECT A MUTUALLY AGREEABLE DATE.

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4.	**26CV0942**	**SWIFT v. FCA US, LLC**
Transfer in from San Diego		

TENTATIVE RULING #4: APPEARANCES REQUIRED FRIDAY, MAY 22, 2026, AT 8:30 AM IN DEPARTMENT NINE.

5.	**25CV1068**	**MAUSS v. KOLOTYUK**
Demurrer		

Cross-Defendant filed a demurrer to the Cross-Complaint on April 6, 2026. However, on April 13, 2026, Cross-Complaint filed his First Amended Cross-Complaint, which renders the demurrer moot.

TENTATIVE RULING #5: DEMURRER IS OVERRULED AS MOOT. HEARING DROPPED FROM CALENDAR.

6.	**23CV0827**	**MONTERO v. BARSOTTI JUICE CO.**
Final Approval		

This is an unopposed motion for an Order for preliminary approval of a class action settlement and to make other orders required to facilitate such settlement. The underlying action involves claims against Defendant for unpaid wages in violation of various California Labor Code provisions as well as claims for civil penalties under the Private Attorney General Act ("PAGA"). Preliminary approval was granted by the Court on August 22, 2025.

TENTATIVE RULING #6: APPEARANCES REQUIRED FRIDAY, MAY 22, 2026, AT 8:30 AM IN DEPARTMENT NINE.

7.	**22CV1669**	**LESARRA HOMEOWNERS v. SELVAN**
Motion for Reconsideration		

Defendant requests that the Court reduce the attorney's fee award. Defendant reviewed the tentative ruling on April 9, 2026, and requested oral argument. However, he states he was unaware of the April 10, 2026, hearing and was therefore unable to appear. Plaintiff opposes.

A motion for reconsideration under Code of Civil Procedure § 1008(a) requires the moving party to present "new or different facts, circumstances, or law" that were not available at the time of the original order. The moving party must also provide a satisfactory explanation for why the new information was not produced at the time of the original motion. See *New York Times Co. v. Superior Court,* 135 Cal.App.4th 206, 212 (2005); *Even Zohar Construction & Remodeling, Inc. v. Bellaire Townhouses, LLC,* 61 Cal.4th 830, 839 (2015).

Defendant fails to present any new or different facts, circumstances, or law, to support his request for reconsideration. Therefore, the Court denies the motion.

TENTATIVE RULING #7: MOTION FOR RECONSIDERATION DENIED.

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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8.	**25CV0662**	**PLACER VILLAGE APARTMENTS v. FEDERAL INS. CO.**
Pro Hac Vice		

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.

Attorney Matthew S. Darrough applies to the Court, pursuant to California Rules of Court, Rule 9.40, to appear as counsel *pro hac vice* on behalf of Cross-Defendant CBM-96, LLC in this action. Mr. Darrough is associated with California attorney Jeffrey B. Kirschenbaum. The requirements of California Rule of Court, Rule 9.40 have been met.

There is no objection. The Court intends to grant the request, however, due to failure to comply with Local Rule 7.10.05, appearances are required.

TENTATIVE RULING #8: APPEARANCES REQUIRED FRIDAY, MAY 22, 2026, AT 8:30 AM IN DEPARTMENT NINE.

9.	**25CV0607**	**GULINSKY v. PHILLIPI**
Determination of Good Faith Settlement		

Defendants Aaron L. Phillippi and Heather Mae Phillippi (collectively "the Phillipis") have brought this Motion before the Court for an Order of Determination of Good Faith Settlement of the Complaint filed against them by Plaintiffs Stas Gulinsky, Maryanna Kantorovich, and Filingrabbit, LLC ("Plaintiffs"). As a result of mediation, the Phillippis will pay $130,000 to Plaintiffs. According to the proof of service all parties were electronically served on April 7, 2026. The Motion is unopposed.

In Tech-Built v. Woodward-Clyde & Associates, the California Supreme Court addressed the good faith requirement for settlements under Section 877.6. The policies underlying the requirement, "…require that a number of factors be taken into account including a rough approximation of plaintiffs' total recovery and the settlor's proportionate liability, the amount paid in settlement, the allocation of settlement proceeds among plaintiffs, and a recognition that a settlor should pay less in settlement than he would if he were found liable after a trial. Other relevant considerations include the financial conditions and insurance policy limits of settling defendants, as well as the existence of collusion, fraud, or tortious conduct aimed to injure the interests of non-settling defendants." Tech-Built v. Woodward-Clyde & Associates, 38 Cal.3rd 448, 499 (1985).

However, as noted in City of Grand Terrace v. Superior Court, the overwhelming majority of applications for a good faith determination are unopposed and a full factual response to all of the Tech-Built factors would be a waste of valuable time and resources. So, when no one objects, a "barebones motion which sets forth the ground of good faith, accompanied by a declaration which sets forth a brief background of the case is sufficient." City of Grand Terrace v. Superior Court, 192 Cal.App.3rd 1251, 1261 (1987).

In the present case, the court has reviewed the application of the Phillipis and determined that it sets forth the basic statutory elements as required. As such, the motion for determination of good faith settlement is granted.

TENTATIVE RULING #9: MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT 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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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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11.	**24PR0336**	**MATTER OF YORK-NORDERHAUG**
Status		

Parties are ordered to appear to address the pending motions in limine and address any other issues for the upcoming trial.

TENTATIVE RULING #10: APPEARANCES REQUIRED FRIDAY, MAY 22, 2026, AT 8:30 AM IN DEPARTMENT NINE.