June 5, 2026
Dept. 9
Tentative Rulings

1.	**25CV0035**	**RAJINDER PAL SINGH GHUMMAN et al vs. AKA LIQUORS INC., a California Corporation et al**
Motion to Relieve Counsel		

Counsel for Rajinder Pal Singh Ghumman and Levleen Kaur Cheema move the Court for an order 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 the clients have failed to cooperate with counsel regarding consistent with their agreement.

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 Plaintiffs were filed on April 14, 2026 and April 24, 2026.

A Settlement Conference is currently scheduled for August 25, 2026. All dates are listed in the proposed Order as required by California Rules of Court, Rule 3.1362(e).

TENTATIVE RULING #1: MOTION IS GRANTED.

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2.	**26CV0710**	**Motion to Quash Summons**
Motion to be Relieved		

Defendant moves in pro per for the court to quash service of the summons and complaint on her. Proof of service of her motion was filed on April 17, 2026.

The motion attaches two declarations. Defendant's declaration states she was not the person who was personally served the complaint. Ms. Familia, her landlord, stated she was the person provided the documents. Ms. Familia states she did not identify herself as defendant, stated Defendant was not there, was not advised that service was being attempted and would not have indicated she was authorized to accept service. Ms. Familia is not a member of the same household.

No opposition has been filed to the motion.

The court finds the declarations are undisputed at this time and therefore grants the motion.

TENTATIVE RULING #2: ABSENT OBJECTION, THE MOTION IS GRANTED. COUNSEL IS DIRECTED TO SERVE A COPY OF THE SIGNED ORDER (FORM MC-053) ON THE CLIENT AND ALL PARTIES THAT HAVE APPEARED IN THE CASE IN ACCORDANCE WITH CALIFORNIA RULES OF COURT, RULE 3.1362(e).

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3.	**25CV3235**	**SYNCHRONY BANK VS. DAVID CRAMER**
Motion for Sanctions		

Defendant filed a Motin to Quash on January 12, 2026. On April 3, 2026 the court heard Defendant's motion which was denied. Defendant now files this motion for sanctions based on the same claim that service was fraudulent and/or was not proper in some manner. Defendant requests the court 1) issue a warrant for the arrest of the process server for perjury and 2) Sanction Plaintiff for the claimed unlawful process.

The court has no authority to issue a warrant for arrest for perjury. Prosecutorial decision making rests with the District Attorney in each county. The court authorizes arrest warrants for charges on the request of the District Attorney but has no independent prosecutorial powers. As such, the court denes the first request for relief.

Defendant further requests sanctions against Plaintiff for the manner of process. As the court has previously addressed the Defendant's motion regarding the validity of service and denied the motion to quash, that issue has been resolved and cannot form a basis for sanctions. The court thus denies Defendant's second request for relief.

TENTATIVE RULING #3: THE MOTION IS DENIED.

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4.	**25CV2768**	**BOBBY DUTTA V. TESLA, INC.**
MOTION FOR RECONSIDERATION		

Plaintiff Bobby Dutta filed this motion for reconsideration.

California Code, Code of Civil Procedure - CCP § 1008

(a) When an application for an order has been made to a judge, or to a court, and refused in whole or in part, or granted, or granted conditionally, or on terms, any party affected by the order may, within 10 days after service upon the party of written notice of entry of the order and based upon new or different facts, circumstances, or law, make application to the same judge or court that made the order, to reconsider the matter and modify, amend, or revoke the prior order. The party making the application shall state by affidavit what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown.

Plaintiff has asserted no facts which were not known and/or presented to the court at the time of the original hearing. Plaintiff disagreed with the court's inclination to appoint an arbitrator and to do so without reference to the parties' agreements on a method for selection as both parties agreed they DID NOT agree on a selection. Nothing presented is either now or different facts than what was known and presented at the hearing. Therefore, the motion is denied.

TENTATIVE RULING #4: PLAINTIFF'S MOTION FOR RECONSIDERATION IS 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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5.	**24CV1253**	**CAPITAL ONE, N.A. vs. PATRICIA GANSBERG**
Motion to set aside default		

Defendant filed this motion to set aside default judgement on April 23, 2026. Opposition to the motion was filed May 11, 0226 and a Reply was filed on June 1, 2026.

The court would note that no default judgement was entered in this matter. An answer was filed on July 30, 2024. On March 7, 2025, the court entered Judgement on the Pleadings following a noticed motion which was served on Defendant on January 16, 2026. The motion was mailed to the Defendant at the address she provided when she answered the complaint.

As no default judgement was entered and Defendant was properly noticed of the Motion for Judgement on the Pleadings, the motion is denied.

TENTATIVE RULING #5: DEFENDANT'S MOTION IS 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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6.	**24CV0753**	**JILLIAN BECKER VS. DAWN MARIE MUZYKA**
Motion to Withdraw funds		

Petitioner filed this motion to withdraw funds from blocked account on May 6, 2026. The court set the matter for a hearing to receive more information on the request. The request asks for funds to cover expenses for the Petitioner herself for her activities, for the minor herself, and for expenses for the minor's child. The court needs for information to determine if the request is appropriate.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED FRIDAY, JUNE 5, 2026, AT 8:30 AM IN DEPARTMENT NINE.

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7.	**26CV0983**	**IN THE MATTER OF MOHAMMAD NAJAFPIR**
Motion to Vacate Arbitration Award		

Petitioner filed this motion to vacate the arbitration award on April 7, 2026. The petition asserts three grounds for the request to vacate: (1) The Arbitrator refused to hear and consider material evidence (§1286.2(a)(5)); (2) The Arbitrator engaged in misconduct that substantially prejudiced Petitioner (§1286.2(a)(3)); and (3) The Arbitrator exceeded her powers by issuing findings not supported by the evidentiary record (§1286.2(a)(4)).

California Code, Code of Civil Procedure - CCP § 1286.2 states:

> (a) Subject to Section 1286.4, the court shall vacate the award if the court determines any of the following:
>
> (1) The award was procured by corruption, fraud or other undue means.
>
> (2) There was corruption in any of the arbitrators.
>
> (3) The rights of the party were substantially prejudiced by misconduct of a neutral arbitrator.
>
> (4) The arbitrators exceeded their powers and the award cannot be corrected without affecting the merits of the decision upon the controversy submitted.
>
> (5) The rights of the party were substantially prejudiced by the refusal of the arbitrators to postpone the hearing upon sufficient cause being shown therefor or by the refusal of the arbitrators to hear evidence material to the controversy or by other conduct of the arbitrators contrary to the provisions of this title.
>
> (6) An arbitrator making the award either: (A) failed to disclose within the time required for disclosure a ground for disqualification of which the arbitrator was then aware; or (B) was subject to disqualification upon grounds specified in Section 1281.91but failed upon receipt of timely demand to disqualify himself or herself as required by that provision. However, this subdivision does not apply to arbitration proceedings conducted under a collective bargaining agreement between employers and employees or between their respective representatives.

The petition claims the arbitrator refused to hear or consider material evidence. However, the facts presented in the petition to not purport that evidence was refused at all. Rather the petition objects to the weight given to evidence which was admitted and considered by the arbitrator. The fact finder has the authority to give any weight or no weight to evidence presented. As such the petition is denied as to first ground.

Next, the petition claims the arbitrator engaged in misconduct which substantially prejudiced the Petitioner. The Petitioner has the burden of demonstrating there has been misconduct and that the misconduct improperly influenced or actually effect the award. Here, the Petitioner presents unsupported statements the arbitrator was conversing with the opposing party and/or counsel just prior to the start of the arbitration proceeding and that the arbitrator appeared to have familiarity with the lawyer for the opposing party. This evidence alone is insufficient. In *Comerica Bank v. Howsam*, 208 Cal. App. 4th 790 the court stated:

> "Improper ex parte communications between an arbitrator and a litigant can serve as a basis for a corruption, fraud or other undue means finding. (*Maaso v. Signer, supra,* 203 Cal.App.4th at pp. 373–375, 136 Cal.Rptr.3d 853.) In the case of an ex parte communication between an arbitrator and an attorney, our colleagues in Division Six of this appellate district described why it was inappropriate to vacate the arbitration award: "We agree the arbitrator should have advised appellants' counsel of the ex parte communication and that he would be issuing an amended arbitration award resolving the stop notice claim. In the absence of a showing that the arbitrator was improperly influenced or actually considered evidence outside the original arbitration proceedings such that appellants needed a further opportunity to be heard on the stop notice claim, appellants cannot demonstrate that the amended award was procured by corruption, fraud, undue means, or misconduct of the arbitrator within the meaning of section 1286.2, subdivisions (a), (b) or (c)." (*A.M. Classic Const., Inc. v. Tri–Build Development Co.* (1999) 70 Cal.App.4th 1470, 1476, 83 Cal.Rptr.2d 449.) *Comerica Bank v. Howsam* (2012)**,** 208 Cal. App. 4th 790, 825

As such, the court denies the petition on the second ground.

The third ground for the petition is that the award was not supported by the evidence. The arguments and supporting documentation in the petition ask the court to reweigh the evidence. The court is not permitted to reweigh evidence in order to vacate an arbitration award and as such the petition is denied on the third ground as well.

TENTATIVE RULING #7: PETITIONER'S MOTION IS DENIED.

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8.	**22CV0137**	**SCOTT NEFF vs. PAMELA ROSEN et al**
MOTION TO ENFORCE SETTLEMENT		

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.

At the hearing on March 6, 2026 the court ordered a full accounting of the proceeds and expenses from the sale to be equally shared prior to the final distribution. Full accounting was to be filed within 30 days of that court date. No accounting has been received.

TENTATIVE RULING #8: APPEARANCES REQUIRED FRIDAY, JUNE 5, 2026, AT 8:30 AM IN DEPARTMENT NINE.

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9.	**25CV2442**	**ELIJAH CARON ET AL VS. DOMINICK SAGER ET AL**
Motion to Consolidate		

Plaintiff/Cross-Defendant moves for consolidation of this action with the unlawful detainer filed in case 26UD0098.

The Plaintiffs claim an ownership interest in the subject residence, the same residence which is the subject of the unlawful detainer.

Code of Civil Procedure § 403 provides:

> A judge may, on motion, transfer an action or actions from another court to that judge's court for coordination with an action involving a common question of fact or law within the meaning of Section 404. The motion shall be supported by a declaration stating facts showing that the actions meet the standards specified in Section 404.1, are not complex as defined by the Judicial Council and that the moving party has made a good faith effort to obtain agreement to the transfer from all parties to each action. Notice of the motion shall be served on all parties to each action and on each court in which an action is pending. Any party to that action may file papers opposing the motion within the time permitted by rule of the Judicial Council. The court to which a case is transferred may order the cases consolidated for trial pursuant to Section 1048 without any further motion or hearing.

Code of Civil Procedure § 404.1 provides:

> Coordination of civil actions sharing a common question of fact or law is appropriate if one judge hearing all of the actions for all purposes in a selected site or sites will promote the ends of justice taking into account whether the common question of fact or law is predominating and significant to the litigation; the convenience of parties, witnesses, and counsel; the relative development of the actions and the work product of counsel; the efficient utilization of judicial facilities and manpower; the calendar of the courts; the disadvantages of duplicative and inconsistent rulings, orders, or judgments; and, the likelihood of settlement of the actions without further litigation should coordination be denied.

Here the Plaintiff's claim to have entered into a purchase agreement for the property in dispute. Defendants maintain the purchase rights were contingent on continued payment of rent. These factual disputes involving title and multiple cases have made it clear that Unlawful Detainer actions in inappropriate to resolve issues related to title and/or property rights and have overturned courts which failed to consolidate or stay unlawful detainer actions in order to

resolve the title/property rights issues. In *Martin-Bragg v. Moore* (2013) 219Cal.App.4th 367 the court stated:

> In unlawful detainer proceedings, ordinarily the only triable issue is the right to possession of the disputed premises, along with incidental damages resulting from the unlawful detention. (*Larson v. City and County of San Francisco* (2011) 192 Cal.App.4th 1263, 1297, [123 Cal.Rptr.3d 40]; Friedman et al., Cal. Practice Guide: Landlord–Tenant (The Rutter Group 2012) 8:4, p. 8–1 (rev. # 1 2011)). Ordinarily, issues respecting the title to the property cannot be adjudicated in an unlawful detainer action. (*Drybread v. Chipain Chiropractic Corp.* (2007) 151 Cal.App.4th 1063, 1072, 60 Cal.Rptr.3d 580; Friedman, *supra,* 7:267, p. 7–58.15. (rev. # 1, 2012)) The denial of certain procedural rights enjoyed by litigants in ordinary actions is deemed necessary in order to prevent frustration of the summary proceedings by the introduction of delays and extraneous issues. (*Markham v. Fralick* (1934) 2 Cal.2d 221, 227, [39 P.2d 804]; *Vasey v. California Dance Co*. (1977) 70 Cal.App.3d 742, 747, [139 Cal.Rptr. 72].)
>
> However, the trial court has the power to consolidate an unlawful detainer proceeding with a simultaneously pending action in which title to the property is in issue. That is because a successful claim of title by the tenant would defeat the landlord's right to possession. (Friedman et al., Cal. Practice Guide: Landlord–Tenant, *supra,* 8:5:1, 8:409.1, pp. 8–2, 8–142. (rev. # 1, 2011, 2006).) When an unlawful detainer proceeding and an unlimited action concerning title to the property are simultaneously pending, the trial court in which the unlimited action is pending may stay the unlawful detainer action until the issue of title is resolved in the unlimited action, or it may consolidate the actions. (*Id*., 7:268, p. 7–58.15 (rev # 1, 2012).) If it does neither and instead tries the issue of title under the summary procedures that constrain unlawful detainer proceedings, the parties' right to a full trial of the issue of title may be unfairly expedited and limited. If complex issues of title are tried in the unlawful detainer proceeding, the proceeding loses its summary character; defects in the plaintiff's title "are neither properly raised in this summary proceeding for possession, nor are they concluded by the judgment." (*Cheney v. Trauzettel* (1937) 9 Cal.2d 158, 160, [69 P.2d 832]; see *Wood v. Herson* (1974) 39 Cal.App.3d 737, 745, [114 Cal.Rptr. 365]; *Gonzales v. Gem Properties, Inc*. (1974) 37 Cal.App.3d 1029, 1033–1035, [112 Cal.Rptr. 884].)

The motion to consolidate is granted.

TENTATIVE RULING #9: MOTION TO CONSOLIDATE IS GRANTED

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10.	**26CV0341**	**RAINER ENDERS VS. MICHAEL WEISSMANN**
Motion To File Amended Complaint/Motion To Compel Further Responses To Special Interrogatories		

Motion To File First Amended Complaint:

Plaintiff filed this Motion to file a First Amended Complaint on April 21, 2026.

Code of Civil Procedure § 473(a)(1) provides:

> The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect; and may, upon like terms, enlarge the time for answer or demurrer. The court may likewise, in its discretion, after notice to the adverse party, allow, upon any terms as may be just, an amendment to any pleading or proceeding in other particulars; and may upon like terms allow an answer to be made after the time limited by this code.

There is a general policy in this state of great liberality in allowing amendment of pleadings at any stage of the litigation to allow cases to be decided on their merits. (Kittredge Sports Co. v. Superior Court (1989) 213 Cal.App.3d 1045, 1047.) The rule of great liberality is particularly important where an amendment is sought to an answer. (Hulsey v. Koehler (1990) 218 Cal.App.3d 1150, 1159; Hyman v. Tarplee (1944) 64 Cal.App.2d 805, 813-814.) "…it is a rare case in which 'a court will be justified in refusing a party leave to amend his pleadings so that he may properly present his case.' (Citations omitted.) If the motion to amend is timely made and the granting of the motion will not prejudice the opposing party, it is error to refuse permission to amend and where the refusal also results in a party being deprived of the right to assert a meritorious cause of action or a meritorious defense, it is not only error but an abuse of discretion. (Citations omitted.)" (Morgan v. Superior Court (1959) 172 Cal.App.2d 527, 530.) "…absent a showing of prejudice to the adverse party, the rule of great liberality in allowing amendment of pleadings will prevail. (*Higgins v. Del Faro* (1981) 123 Cal.App.3d 558, 564, 176

Cal.Rptr. 704.)" (Board of Trustees of Leland Stanford Jr. University v. Superior Court (2007) 149 Cal.App.4th 1154, 1163.)

The amendment is appropriate and does not prejudice the Defendant. The Motion For Leave To File A First Amended Complaint is granted.

Motion to Compel:

The court having reviewed the motion and responses finds defects and inadequacies in BOTH the questions and responses. Specifically, the questions identified in the separate statement all reference to Paragraph 6 of the complaint. Paragraph 6 is the prayer for relief. As such, the questions are either overbroad, nonsensical, or vague and confusing. However, the responses to the extent the questions are discernable are also not adequate and/or evasive. (i.e. failure to provide a list of witnesses with names and contact information of any kind). The court therefore directs the following:

Parties are to immediately begin the meet and confer process on this Motion to Compel Further Responses filed April 10, 2026. The parties are ordered to meet and confer on video conference or in person in a good faith effort to resolve each matter on an item-by-item basis. Both parties are to conduct themselves with professionalism and civility. See Townsend v. Superior Court (1998) 61 Cal.App.4th 1431, 1439; and Manzetti v. Superior Court (1993) 21 Cal.App.4th 373, 380, fn.8. The meet and confer meeting(s) is to be recorded and the recording is to be made available to the Court at the hearing. All parties/attorneys are ordered to make the recording or may all agree to only one party making the recording.

No later than July 10, 2026 the parties shall file a JOINT status report of no more than 5 pages outlining which, if any, items remain in dispute and why, including any request for sanctions. Failure to sign and participate in drafting the joint report will open each side to monetary sanctions for failure to follow this Order pursuant to California Rules of Court 5.14 and 5.98.

The parties shall not file a response or reply papers or any other papers in support or opposition of this motion. The court will only consider the joint status report that should explain what item(s) remains in dispute and the legal reasons why it's in dispute.

Parties shall explain the amount of monetary sanctions sought and the reasons why within the joint status report such that the court can address the same in any subsequent order individually.

The court reminds the parties that it is not enough to refer the court back to the original papers or to other papers filed in association with each matter or previous status report. Moreover, the joint status report(s) should proceed to list items remaining in dispute along with the legal reason(s) why. The parties shall submit a joint status report that complies with CRC 3.1345 which explains why a specific request is in dispute and each party's position. Parties should be careful to delineate the items in dispute in such a way that the Court will be fully aware as to which set of discovery the item in dispute is referring. If an item is not specifically listed and briefed with applicable points and authorities in the joint status report, the Court will assume that the issue has been resolved.

The parties are required to be reasonable in this process or face additional monetary sanctions.

A courtesy copy of the joint status report(s) shall be delivered electronically to Department 9. The hearing on this motion is scheduled on July 17, 2026, at 8:30AM in Department 9.

TENTATIVE RULING #10: MOTION TO FILE AMENDED COMPLAINT IS GRANTED. MOTION TO COMPEL FURTHER RESPONSES IS CONTINUED TO JULY 17, 2026 AT 8:30AM IN DEPARTMENT 9 AND PARTIES ARE ORDERED TO COMPLY WITH ORDERS AS STATED IN THE TENTATIVE RULING WITH REFERRENCE TO THE MOTION.

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.

11.	**26CV0193**	**CHRISHANA FIELDS VS. EL DORADO HILLS FIRE DEPARTMENT ET AL**
DEMURRER		

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. The notice fails to provide the required notice of the tentative ruling procedures.

The matter is continued to July 17, 2026, at 8:30am in Department 9.

TENTATIVE RULING #11: MATTER IS CONTINUED TO JULY 17, 2026, AT 8:30AM IN DEPARTMENT 9.

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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12.	**25CV1503**	**U.S. BANK NATIONAL ASSOCIATION VS. MARK C SCHILLE**
Motion for Summary Judgement/Summary Adjudication		

Plaintiff filed this Motion for Summary Judgement/Adjudication on September 4, 2026. No opposition has been filed.

[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.)

In *Thatcher v. Lucky Stores, Inc.* (2000) 79 Cal.App.4th 1081, 1084, 94 Cal.Rptr.2d 575, a trial court granted summary judgment to defendant because plaintiffs failed to file any opposition, pursuant to a local court rule providing that the failure to oppose a motion may be deemed an admission that the motion is meritorious. **On appeal, the local rule was held invalid because it conflicted with Code of Civil Procedure section 437c by authorizing the trial court "to grant summary judgment based solely on the absence of opposition, without a preliminary finding that the moving party has met its initial burden of proof."** (*Thatcher v. Lucky Stores, Inc., supra,* at pp. 1086–1087, 94 Cal.Rptr.2d 575.) The *Thatcher* court emphasized that the statute requires that the moving party assume the initial burden of producing evidence that no

triable issue of material fact exists. (*Id.* at p. 1085, 94 Cal.Rptr.2d 575.) *Boyle v. CertainTeed Corp.,* 137 Cal. App. 4th 645, 654, 40 Cal. Rptr. 3d 501, 508 (2006)

Under summary judgment law, any party to an action, whether plaintiff or defendant, "may move" the court "for summary judgment" in his favor on a cause of action (i.e., claim) or defense (Code Civ. Proc., § 437c, subd. (a))—a plaintiff "contend[ing] ... that there is no defense to the action," a defendant "contend[ing] that the action has no merit" (*ibid.*). The court must "grant[]" the "motion" "if all the papers submitted show" that "there is no triable issue as to any material fact" (*id.*, § 437c, subd. (c))—that is, there is no issue requiring a trial as to any fact that is necessary under the pleadings and, ultimately, the law (see *Riverside County Community Facilities Dist. v. Bainbridge 17* (1999) 77 Cal.App.4th 644, 653 [92 Cal.Rptr.2d 29]; *Kelly v. First Astri Corp.* (1999) 72 Cal.App.4th 462, 470 [84 Cal.Rptr.2d 810])—and that the "moving party is entitled to a judgment as a matter of law" (Code Civ. Proc., § 437c, subd. (c)). The moving party must "support[]" the "motion" with evidence including "affidavits, declarations, admissions, answers to interrogatories, depositions, and matters of which judicial notice" must or may "be taken." (*Id.*, § 437c, subd. (b) *Aguilar v. Atl. Richfield Co.,* 25 Cal. 4th 826, 843, 24 P.3d 493 (2001), as modified (July 11, 2001)

Here, Plaintiff has established through the affidavits and exhibits that the Defendant entered into a contract with Plaintiff for a credit card. Defendant agreed to the terms of the contract and made purchases totaling $19,945.94. defendant was provided monthly bills with account statements. Defendant made payments on his account initially but by October of 2024 no further payments were made. The outstanding balance remained unpaid and continues to

remain unpaid. No evidence was offered to rebut the evidence presented. Therefore, the Motion for Summary Judgement is granted. Judgement is entered for the Plaintiff in the amount of $19,945.94. Plaintiff is granted to leave to file a motion for attorney fees and costs.

TENTATIVE RULING #12: MOTION FOR SUMMARY JUDGEMENT 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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13.	**25CV2653**	**AMERICAN EXPRESS NATIONAL BANK VS. ALEXI TYLOR-BOARMAN**
Motion to Quash		

Defendant moves to quash service based on defective service pursuant to CCP §§413.10-413-417. Defendant presents declarations that the service was made to a person not authorized to receive service who is not a resident of the same household. Defendant also notes the proof of service itself would support her declarations as the description of the individual who was served is not accurate when compared to evidence in her exhibits as service was purported to be on herself and she has included her driver's license. Defendant is neither the same race as the description nor does she match even approximately the height of the description.

No opposition was filed in response to the motion.

As Defendant has rebutted the presumption that service was proper based on the proof of service from the licensed process server and no response or evidence has been filed in response, the motion is granted.

TENTATIVE RULING #13: MOTION TO QUASH SERVICE OF SUMMONS 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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