

1.	24CV1721	BRETT BIRKELAND V. PROEQUITY ASSET MANAGEMENT CORPORATION
MOTION TO BIFURCATE, FURTHER HEARING REQUEST FOR PRODUCTION		

As to both the Motion to Bifurcate and the Motion to Compel the court finds the meet and confer efforts to be inadequate. The court therefore orders the following:

Parties are to immediately begin the meet and confer process on this Motion to Bifurcate and Compel filed on March 19, 2026 and March 30, 2026. The parties are on 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 referred to standards of professionalism and civility as discussed in *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 24, 2026 the parties shall file a JOINT status report of no more than 10 pages (five for each motion) 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 of for failure to follow this order.

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.

June 12, 2026
Dept. 9
Tentative Rulings

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 31, 2026 at 8:30AM in Department 9.

TENTATIVE RULING #1: BOTH MOTIONS ARE CONTINUED TO JULY 31,2026 AT 8:30AM IN DEPARTMENT 9. PARTIES AND CONUNSEL ARE ORDERED TO COMPLY WITH TH COURT'S ORDER TO MEET AND CONFER IS OUTLINED IN THE TENTATIVE 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.

June 12, 2026
Dept. 9
Tentative Rulings

2.	24CV2106	KENNETH BAZEMORE, JR. VS. BYC ENTERPRISES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ET AL
MOTION DEFAULT		

Plaintiff files this motion for relief from default on April 7, 2026. The motion maintains Plaintiff was represented by counsel who failed to file an answer despite communicating with Plaintiff regarding the need to respond. The opposition filed June 1, 2026 claims the motion is time barred because the default being entered on September 12, 2025 and there is no attorney affidavit.

[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).

The court notes that the entry of default occurred on September 12, 2025. However, the court can find no Judgement entered for the prevailing party nor anything establishing notice of entry of the default. Had either occurred the court would agree the request is time barred; however, it does not appear judgement has been entered nor notice of judgment to start the time to run.

Additionally, the court is not persuaded an attorney declaration is necessary. The declaration avers there was a breakdown in the relationship which contributed to the failure to file an answer. Such a breakdown would also make obtaining a declaration either impossible or practicable.

As such, the court grants the motion to set aside default.

TENTATIVE RULING #2: THE MOTION TO SET ASIDE DEFAULT 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).

June 12, 2026
Dept. 9
Tentative Rulings

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.

3.	25CV0119	THEOPOLIS WILLIAMS VS. UBER TECHNOLOGIES, INC. ET AL
MOTION TO COMPEL RESPONSES AND SANCTIONS		

The court finds the meet and confer efforts of both parties to be inadequate. The court therefore orders the following:

Parties are to immediately begin the meet and confer process on these Motions to Compel and Request for Sanctions filed on April 20, 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 referred to standards of professionalism and civility as discussed in *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 24, 2026 the parties shall file a JOINT status report of no more than 10 pages (five for each motion) 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 of for failure to follow this order.

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.

June 12, 2026
Dept. 9
Tentative Rulings

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 31, 2026 at 8:30AM in Department 9.

TENTATIVE RULING #3: BOTH MOTIONS ARE CONTINUED TO JULY 31, 2026 AT 8:30AM IN DEPARTMENT 9. PARTIES AND CONUNSEL ARE ORDERED TO COMPLY WITH TH COURT'S ORDER TO MEET AND CONFER IS OUTLINED IN THE TENTATIVE 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.

June 12, 2026
Dept. 9
Tentative Rulings

4.	25CV3506	PATRICIA MOYLE, AN ADULT, BY AND THROUGH HER GUARDIAN AD LITEM, ISABELLE VALDEZ ET AL VS. GLADIOLUS HOLDINGS, LLC DBA THE PINES AT PLACERVILLE HEALTHCARE CENTER ET AL
MOTION TO COMPEL ARBITRATION AND REQUEST FOR STAY		

Defendant filed this motion to compel arbitration on April 22, 2026. The Plaintiff filed their opposition on June 8, 2026 claiming the arbitration provision is not binding as the Plaintiff did not sign it, the person who signed it had no authority to do so, and there are no extrinsic facts which could bind the Plaintiff to the agreement and even were there to be such facts, they could not bind the Guardian ad Liteum granddaughter.

Code of Civil Procedure § 1281.2 requires the trial court to order arbitration of a controversy “[o]n petition of a party to an arbitration agreement alleging the existence of a written agreement to arbitrate a controversy and that a party to the agreement refuses to arbitrate such controversy ... if it determines that an agreement to arbitrate the controversy exists.” In this case there is no dispute that an arbitration agreement governs the parties’ dispute. Accordingly, the threshold question is whether there is an agreement to arbitrate. (*American Express Co. v. Italian Colors Restaurant* (2013) 570 U.S. 228, 233, 133 S.Ct. 2304, 186 L.Ed.2d 417 [“arbitration is a matter of contract”]; *Pinnacle Museum Tower Assn. v. Pinnacle Market Development (U.S.), LLC* (2012) 55 Cal.4th 223, 236, 145 Cal.Rptr.3d 514, 282 P.3d 1217 [“ ‘A party cannot be required to submit to arbitration any dispute which he has not agreed so to submit.’ ”]; *Trinity v. Life Ins. Co. of North America* (2022) 78 Cal.App.5th 1111, 1120, 293 Cal.Rptr.3d 899 [“As the language of this section makes plain, the threshold question presented by every petition to compel arbitration is whether an agreement to arbitrate exists.”].)

Code of Civil Procedure section 1290.6

Under state and federal state law, there is a public policy in favor of arbitration. (*Morgan v. Sundance, Inc.* (2022) — U.S. —, 142 S.Ct. 1708, 1713, 212 L.Ed.2d 753; *OTO, L.L.C. v. Kho* (2019) 8 Cal.5th 111, 125, 251 Cal.Rptr.3d 714, 447 P.3d 680 [acknowledging strong public policy favoring arbitration under state law]; *DMS Services, LLC v. Superior Court* (2012) 205 Cal.App.4th 1346, 1352, 140 Cal.Rptr.3d 896 (*DMS Services*) [recognizing strong state and federal policy favoring arbitration].) However, “ ‘[e]ven the strong public policy in favor of arbitration does not extend to those who are not parties to an arbitration agreement or who have not authorized anyone to act for them in executing such an agreement.’ ” (*Jensen v. U-Haul Co. of California* (2017) 18 Cal.App.5th 295, 300, 226 Cal.Rptr.3d 797 (*Jensen*); accord, *Ford Motor Warranty Cases* (2023) 89 Cal.App.5th 1324, 1331, 306 Cal.Rptr.3d 611 (*Ford Warranty*); *DMS Services*, at

p. 1352, 140 Cal.Rptr.3d 896 [with limited exceptions, “ “ ‘one must be a party to an arbitration agreement to be bound by it or invoke it’ ” ”].)

Montemayor v. Ford Motor Co., No. B320477, 2023 WL 4181909, at *5 (Cal. Ct. App. June 26, 2023)

The Defendant has provided nothing to support their contention that Christine Valdez had any legal authority to bind Plaintiff to the arbitration agreement. There is no document of any kind with her signature. Ms. Valdez’s representations, whatever they were, are not relevant. She either had authority or did not. As the facility was entirely aware the Plaintiff had dementia and likely had no capacity to give or withdraw consent to enter into a contract or agree to arbitration, they cannot now rely on any action or inaction on her behalf. Were Ms. Valdez to pursue any separate claims related to the contract and services, the arbitration provision would bind her for the purpose of her claims.

As no binding arbitration agreement has been established between the parties, the motion is denied.

TENTATIVE RULING #4: DEFENDANT’S MOTION TO COMPLE ARBITRATION 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).

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.

5.	26CV0127	EUGENE FRUEAN VS. COUNTY OF EL DORADO
MOTION TO QUASH SUBPOENA FOR PERSONAL APPEARANCE OF ATTORNEY JAMIE M. RITTERBECK AND PRODUCTION OF DOCUMENTS AT LONG CAUSE HEARING		

Defendant, County of El Dorado filed a notice of non-opposition to the motion to quash on June 2, 2026. The court grants the motion.

TENTATIVE RULING #5: THE MOTION TO QUASH SUBPOENA 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).

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.

6.	22CV1735	BROOK HILTON VS. JACK GLUECK
MOTION TO LIFT STAY		

Plaintiff filed this motion to lift a purported stay on April 24, 2026. The motion maintains an order was made to stay discover due to the medical condition for the Plaintiff. The court can find no order suggesting a stay was ever ordered. There does not appear to be orders continuing the settlement conference and trial dates and thus extending discovery deadlines but not a stay. To the extent any stay was in place and the party requesting the stay indicates it addressed her medical care which is now complete, the court orders discovery to proceed without restriction forthwith.

TENTATIVE RULING #6: THE MOTION APPEARS TO BE MOOT BUT TO THE EXTENT ANY STAY EXSISTED THE MOTION 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).

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.

7.	23CV1187	MYRA LYNN MOORE VS. CHAD HANSEN, ET AL
MOTION FOR INTERLOCUTORY JUDGEMENT		

This suit is a partition action that seeks the sale of real property containing a single-family home located at 3940 Freedom Road in Placerville, CA (the "Property"). On March 13, 2026, the 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 (hereinafter "Defendant") moves 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 on the Proposed Order. The parties appeared before the court for hearing on May 15, 2026, at which time the court continued the matter to the present date.

Code of Civil Procedure section 873.010 provides that the 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." Once appointed, "[t]he referee may perform any acts necessary to exercise the authority conferred by this title or by order of the court." Cal. Civ. Pro. § 873.060. Furthermore, "[t]he referee or any party may, on noticed motion, petition the court for instructions concerning the referee's duties." Cal. Civ. Pro. § 873.070.

In accordance with the foregoing, Defendant requests that the court appoint Mr. Garcia as the referee and issue the following instructions regarding the referee's duties in relation to the partition and sale of the Property: that the Property be sold 'as-is,' for cash, that the notice of the sale shall be given pursuant to statute, that the referee shall provide the court with details of the sale, and that the court shall retain jurisdiction over the matter. The court finds that it has authority to make the orders requested and, in light of the fact that Defendant's prior Motion for Judgment on the Pleadings was granted, the court finds the requested order to be proper under the circumstances. The request for an interlocutory judgment is granted. Franco Garcia is hereby appointed as the referee to sell the Property. The remaining requests in Defendant's moving papers are granted, and the court will sign the [Proposed] Interlocutory Judgment, and Notice of Entry of Judgment.

On May 8, 2026 Defendant filed a notice of non-opposition to the motion.

The court granted to motion as requested. Parties requested a continuance as they believed they may be able to reach a settlement.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED JUNE 12, 2026 AT 8:30AM IN DEPARTMENT 9. P

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.

8.	25CV1028	WELLS FARGO BANK, N.A. VS. JESSE S MARTINCEK
DEEM REQUESTS FOR ADMISSIONS ADMITTED AND OF NONAPPEARANCE		

On December 8, 2025, Plaintiff served a Request for Admissions (RFA”) on Defendant as part of discovery in this lawsuit. Responses to the RFA were due on January 29, 2026. Defendant has not yet responded to this discovery. Plaintiff has filed this motion seeking to have the matters specified in the RFA deemed admitted, and served notice of the motion on April 21, 2026, by mail. No response has been filed by the Defendant.

Code of Civil Procedure § 2033.280 addresses the failure to respond to requests for admissions:

If a party to whom requests for admission are directed fails to serve a timely response, the following rules apply:

(a) The party to whom the requests for admission are directed waives any objection to the requests, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

(1) The party has subsequently served a response that is in substantial compliance with Sections 2033.210, 2033.220, and 2033.230.

(2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

(b) The requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction under Chapter 7 (commencing with Section 2023.010).

(c) The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. It is mandatory that the court impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated this motion.

TENTATIVE RULING #8: PLAINTIFF’S MOTION TO DEEM ADMITTED THE MATTERS SPECIFIED IN THE REQUESTS FOR ADMISSION IS GRANTED.

June 12, 2026
Dept. 9
Tentative Rulings

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.

9.	25CV1182	WELLS FARGO BANK, NA VS. HERMELINDA PENA, AN INDIVIDUAL
MOTION FOR JUDGEMENT ON THE PLEADINGS		

On April 8, 2026, Plaintiff filed its Notice of Motion and Motion for Judgment on the Pleadings. A Memorandum of Points and Authorities, Request for Judicial Notice, and several other documents were filed concurrently therewith in support of the motion.

This matter stems from Plaintiff's efforts to collect \$5,951.93 in credit card debt from Defendant. The Complaint was filed on May 7, 2025. Defendant filed her Answer on May 27th generally denying all allegations in the Complaint and asserting seven affirmative defenses. Plaintiff thereafter propounded Requests for Admission which were ultimately deemed admitted due to Defendant's failure to provide responses. Plaintiff now seeks judgment on the pleadings in the amount of \$6,236.93 (\$5,951.93 for the original debt plus \$285 in filing fees).

Request for Judicial Notice

Plaintiff asks the court to take judicial notice of the following: (1) Plaintiff's Complaint in the above referenced matter; (2) Plaintiff's Motion to Deem Request for Admissions Admitted; and (3) the court's order deeming Plaintiff's Request for Admissions admitted.

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 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 "[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States."

Section 452 provides that the court "may" take judicial notice of the matters listed therein, while Section 453 provides a caveat that the court "shall" take judicial notice of any matter "specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request...to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter." Cal. Evid. Code § 453.

While the requests made by Plaintiff fall within the purview of Section 452, matters which *may* be judicially noticed, the court does find that Plaintiff provided Defendant and the court sufficient notice of the request and copies of the documents requested to be noticed. As such, Plaintiff has satisfied the requirements of Evidence Code § 453 and the request for judicial notice is granted.

Motion for Judgment on the Pleadings

A party may move for judgment on the pleadings on the basis “...that the complaint states facts sufficient to constitute a cause or causes of action against the defendant and the answer does not state facts sufficient to constitute a defense to the complaint.” Cal. Civ. Pro. § 438(c)(1)(A). The grounds for such a motion must appear on the face of the pleading or from any matter of which the court takes judicial notice. *Id.* at (d).

When ruling on a motion for judgment on the pleadings, the court is to accept as true all material allegations contained in the challenged pleading but not those facts which are contrary to matters which have been judicially noticed. *Mechanical Contractors Assn. v. Greater Bay Area Assn.*, 66 Cal. App. 4th 672 (1998). “The courts...will not close their eyes to situations where [the pleading] contains allegations of fact inconsistent with attached documents, or allegations contrary to facts which are judicially noticed. [Citations].” *Del E. Webb Corp. v. Structural Materials Co.*, 123 Cal. App. 3d 593, 604 (1981). In instances where a party’s Request for Admission responses are incontrovertible, the court may properly take judicial notice thereof and may consider them in ruling on a motion for judgment on the pleadings. *Del E. Webb Corp. v. Structural Materials Co.*, 123 Cal. App. 3d 593, 604 (1981) *citing* *Stencel Aero Engineering Corp. v. Sup. Ct.*, 56 Cal. App. 3d 978 (1976) *and* *Able v. Van Der Zee*, 256 Cal. App. 2d 728 (1967).

A motion for judgment on the pleadings may be granted with or without leave to amend. Cal. Civ. Pro. § 438(h)(1). Generally speaking, leave to amend is to be liberally granted. *Mendoza v. Continental Sales Co.*, 140 Cal. App. 4th 1395 (2006) (“When there is a reasonable possibility that a defect in pleading can be cured by amendment, the trial court considering the motion for judgment on the pleadings abuses its discretion by not granting leave to amend...”). However, where the defective pleading is not reasonably susceptible to cure, it is proper for the court to decline leave to amend. *Id.* When leave to amend is not granted, “...then judgment shall be entered forthwith in accordance with the motion granting judgment to the moving party.” Cal. Civ. Pro. § 438(h)(3).

Here, the Complaint asserts causes of action for breach of written contract, and breach of implied in fact contract. The Complaint alleges that Plaintiff issued Defendant a credit card, Defendant used the credit card to purchase goods and services, Defendant agreed to repay the principal and interest on the credit card but she has failed to do so. A copy of the Consumer Credit Card Customer Agreement is attached as Exhibit A to the Complaint.

The Answer generally denies each statement in the Complaint and asserts affirmative defenses which are addressed in further detail below. However, before addressing those defenses, the court must look to the facts which have been conclusively established by way of the Requests for Admissions deemed admitted and sufficiency of the Answer must be viewed in light of those facts. The court’s October 10th order deemed the following facts conclusively admitted: (1) Plaintiff issued Defendant a credit card; (2) Defendant was to repay the amount charged on the credit card; (3) Defendant, or those authorized by her, were the only people who used the credit

card to make charges; (4) Defendant received monthly statements from Plaintiff for the subject credit card; (5) Defendant never disputed the accuracy of any of the monthly billing statements for the credit card; (6) Defendant owes \$5,951.93 on the credit card; (7) Defendant's last payment on the credit card was February 15, 2024; (8) Defendant does not have any defenses to Plaintiff's Complaint; and (9) A true and correct copy of the last billing statement for the credit card is attached to the requests as Exhibit "1."

Turning now to the sufficiency of the Answer, the first cause of action asserted is Plaintiff's lack of standing. According to the Answer, Plaintiff failed to demonstrate that it is the original creditor or legal owner of the debt. The admissions conclusively refute this. Defendant admitted that Plaintiff issued her a credit card and she was to repay them the amount.

The second affirmative defense is for failure to state a cause of action. Defendant argues that Plaintiff failed to provide the alleged agreement, however a copy of the agreement is attached as Exhibit A to the Complaint. She argues that Plaintiff failed to establish that it performed or was excused from performing under the agreement. Again, this is refuted by Defendant's admissions that she was issued a credit card by Defendant and she made charges on that card.

Under the third cause of action, Defendant argues the claims made by Plaintiff are barred by the statute of limitations. She states "...the statute of limitations had expired relative to one or more of [Plaintiff's] causes of action." However, Defendant provides no factual basis for this conclusory statement nor does she specify which causes of action she finds to be barred.

The fourth, fifth, and sixth causes of action claim that Plaintiff waived its right to sue, failed to mitigate its damages, and plead its supporting facts with ambiguity. As with the third cause of action, these causes of action are plead without any supporting facts or basis in the law.

Given that each of the affirmative causes of action fails to state facts sufficient to dispute the claims asserted in the Complaint, and given that Defendant's own admissions conclusively establish the elements needed to prove the causes of action asserted in the Complaint, Plaintiff's Motion for Judgment on the Pleadings is granted without leave to amend. The court will enter judgment in favor of Plaintiff, Wells Fargo Bank, N.A., against Defendant Hermelinda Pena, in the sum of \$5,951.93 plus court costs in the sum of \$285.00, for a total judgment of \$6,236.93.

TENTATIVE RULING #9: PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IS GRANTED IN ITS ENTIRETY. PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS IS GRANTED WITHOUT LEAVE TO AMEND. THE COURT WILL ENTER JUDGMENT IN FAVOR OF PLAINTIFF, WELLS FARGO BANK, N.A., AGAINST DEFENDANT HERMELINDA PENA, IN THE SUM OF \$5,951.93 PLUS COURT COSTS IN THE SUM OF \$285.00, FOR A TOTAL JUDGMENT OF \$6,236.93.

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.

10.	23CV1771	MADRONA VINEYARDS L.P. ET AL VS. JERRY VISMAN, AN INDIVIDUAL ET AL
MOTION TO COMPEL FURTHER RESPONSES FROM DEFENDANT AND CROSS COMPLAINANT HIGH HILL RANCH, LLC SET ONE; REQUEST FOR SANCTIONS		

Motion for Reconsideration:

This motion has been withdrawn.

Motions to Compel

The court finds the meet and confer efforts of both parties as to both requests to be inadequate. The court therefore orders the following:

Parties are to immediately begin the meet and confer process on these Motions to Compel and Request for Sanctions filed on April 21, 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 referred to standards of professionalism and civility as discussed in *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 31, 2026 the parties shall file a JOINT status report of no more than 10 pages (five for each motion) 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 of for failure to follow this order.

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

June 12, 2026
Dept. 9
Tentative Rulings

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 August 7, 2026 at 8:30AM in Department 9.

TENTATIVE RULING #10: BOTH MOTIONS ARE CONTINUED TO AUGUST 7, 2026 AT 8:30AM IN DEPARTMENT 9. PARTIES AND CONUNSEL ARE ORDERED TO COMPLY WITH TH COURT'S ORDER TO MEET AND CONFER IS OUTLINED IN THE TENTATIVE 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.

11.	26CV0193	CHRISHANA FIELDS VS. EL DORADO
MOTION TO STRIKE FIRST AMENDED COMPLAINT		

On April 27, 2026, Defendants filed a Demurrer to Plaintiff's First Amended Complaint and a Motion to Strike the same. Both motions were set to be heard on June 5, 2026, however prior to the hearing the court issued its tentative ruling finding that the notice did not comply with Local Rule 7.10.05. As such, the matter was continued to July 17, 2026 at 8:30am in Department 9.

In the interest of judicial economy, this matter is continued to join with the currently scheduled hearing on July 17, 2026 at 8:30am in Department 9.

TENTATIVE RULING #11: IN THE INTEREST OF JUDICIAL ECONOMY, THIS MATTER IS CONTINUED TO JOIN WITH THE CURRENTLY SCHEDULED HEARING ON 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).

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.

12.	23CV1771	RANDY MICKELSON VS. MELODY BYERS ET AL
MOTION FOR SUMMARY JUDGEMENT		

TENTATIVE RULING #12: MOTION IS CONTINUED TO JULY 31, 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).

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.

13.	24CV0902	WELLS FARGO BANK, NA vs. AMANDA FOGELMAN, an individual
MOTION FOR JUDGEMENT ON THE PLEADINGS		

Plaintiff filed this Motion for Judgement on the Pleadings on April 23, 2026. The motion requests the court take notice of admitted matters based on the court's order deeming admissions admitted from August 25, 2025.

The court grants the request for judicial notice.

A plaintiff may move for judgment on the pleadings if the complaint states facts sufficient to constitute a cause of action against that defendant and the answer fails to state facts sufficient to constitute a defense to the complaint. Code Civ. Pro. § 438 (c)(1)(A). The standard for granting a motion for judgment on the pleadings is essentially the same as that applicable to a general demurrer, Burnett v. Chimney Sweep (2004) 123 Cal.App.4th 1057, 1064.

"A plaintiff's motion for judgment on the pleadings is analogous to a plaintiff's demurrer to an answer and is evaluated by the same standards. (See Hardy v. Admiral Oil Co. (1961) 56 Cal.2d 836, 840-842, 16 Cal.Rptr. 894, 366 P.2d 310; 4 Witkin, Cal. Procedure (1971) Proceedings Without Trial, § 165, pp. 2819- 2820.) The motion should be denied if the defendant's pleadings raise a material issue or set up an affirmative matter constituting a defense; for purposes of ruling on the motion, the trial court must treat all of the defendant's allegations as being true. (MacIsaac v. Pozzo (1945) 26 Cal.2d 809, 813, 161 P.2d 449.)" Allstate Ins. Co. v. Kim W. (1984) 160 Cal.App.3d 326, 330-331. However, where the defendant's pleadings show no defense to the action, then judgment on the pleadings in favor of the plaintiff is proper. See Knoff v. City etc. of San Francisco (1969) 1 Cal.App.3d 184, 200.

Courts may consider judicially noticeable matters in the motion as well. Kapsimallis v. Allstate Ins. Co. (2002) 104 Cal.App.4th 667, 672; People ex rel. Harris v. Pac Anchor Transp., Inc. (2014) 59 Cal.4th 772, 777. "The court will take judicial notice of records such as admissions, answers to interrogatories, affidavits, and the like, when considering a demurrer, only where they contain statements of the plaintiff or his agent which are inconsistent with the allegations of the pleading before the court. The hearing on demurrer may not be turned into a contested evidentiary hearing through the guise of having the court take judicial notice of affidavits, declarations, depositions, and other such material which was filed on behalf of the adverse party and which purports to contradict the allegations and contentions of the plaintiff. (Tyree v. Epstein, 99 Cal.App.2d 361, 221 P.2d 1002.) [Footnote omitted.]" (Emphasis added.) Del E. Webb Corp. v. Structural Materials Co. (1981) 123 Cal.App.3d 593, 604-605. Therefore, only the opposing defendants' discovery responses may be considered in ruling on a motion for judgment on the pleadings on those defendants' answer and affirmative defenses.

Court finds the evidence supports the Motion for Judgement on the pleadings based on the exhibits and admitted matters. Motion for Judgement on the Pleadings is granted.

TENTATIVE RULING #13: THE MOTION FOR JUDGEMENT ON THE PLEADINGS 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).

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.