

June 26, 2026
Dept. 9
Tentative Rulings

1.	24CV2404	DEMTECH SERVICES, INC. vs. DM SOLUTIONS, INC. et al
MOTION FOR TERMINATING SANCTIONS AGAINST DEF'S / REQUEST FOR MONETARY SANCTIONS FOR \$4,702.50		

On the court's own motion and for the benefit of judicial economy the court continues this matter to August 28, 2026 at 8:30am in Department 9.

TENTATIVE RULING #1: THE MATTER IS CONTINUED TO AUGUST 28, 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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2.	25CV3274	STEVE NICHOLS ET AL VS. HARVEST SMALL BUSINESS FINANCIAL LLC ET AL.
ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION		

The court directs parties to appear and intends to set a short cause hearing, asking parties to provide additional evidence and/or legal argument addressing the issues. The court will provide direction for the issues it would like addressed and parameters for the hearing when parties appear.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED ON JUNE 26, 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.

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3.	25CV2398	JEFFREY POLLOCK VS. KRIS ABRAHAM
MOTION PL. FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET ONE		

The court finds the parties meet and confer efforts to be inadequate.

Parties are to immediately begin the meet and confer process on this Motion to Compel further responses to special interrogatories filed April 27, 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 August 17, 2026 the parties shall file a JOINT status report of no more than 7 pages outlining which, if any, items remain in dispute and why, including any request for sanctions. Items/issues raised in the original motion/opposition, but NOT addressed in the joint statement will be presumed resolved. Failure to sign and participate in drafting the joint report will open each side to monetary sanctions of for failure to follow this Order pursuant to California Rules of Court 5.14 and 5.98.

The parties shall not file any further response or reply papers or any other papers in support of or opposition of this motion beyond that already filed with this court EXCEPT the joint status report. The court will only consider previous filings and 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.

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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 21, 2026, at 8:30 AM in Department 9.

TENTATIVE RULING #3: PARTIES SHALL COMPLY WITH THE COURT'S ORDER AS STATED IN THE TENTATIVE RULING. THE MATTER IS CONTINUED TO AUGUST 21, 2026, AT 8:30AM.

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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4.	24CV2236	DEDRA COX VS. KENNETH L. BAZEMORE, JR
MOTION TO OF (1) TENTATIVE RULING ON MSJ; AND (2) DENIAL OF MOTION TO CONSOLIDATE CASE NOS. 24CV2236 & 24CV2106		

In order for an interested party to obtain reconsideration of a prior ruling or order, the applicant is required to file the motion within 10 days after service upon the party of the written notice of entry of the order and the application must be based upon new or different facts, circumstances or law. (Code of Civil Procedure, § 1008(a).)

“Section 1008's purpose is “ ‘to conserve judicial resources by constraining litigants who would endlessly bring the same motions over and over, or move for reconsideration of every adverse order and then appeal the denial of the motion to reconsider.’ ” (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 1067 (2011–2012 Reg. Sess.), as amended Apr. 25, 2011, p. 4.) To state that purpose strongly, the Legislature made section 1008 expressly jurisdictional, as subdivision (e) explains: “This section specifies the court's jurisdiction with regard to applications for reconsideration of its orders and renewals of previous motions, and applies to all applications to reconsider any order of a judge or court, or for the renewal of a previous motion, whether the order deciding the previous matter or motion is interim or final. No application to reconsider any order or for the renewal of a previous motion may be considered by any judge or court unless made according to this section.” (§ 1008, subd. (e).) To deter parties from filing noncompliant renewed applications, the Legislature provided that “[a] violation of this section may be punished as a contempt and with sanctions as allowed by Section 128.7.” (§ 1008, subd. (d).) We have recognized only one exception to section 1008's “jurisdiction[al]” (*id.*, subd. (e)) exclusivity. In *Le Francois v. Goel* (2005) 35 Cal.4th 1094, 1096–1097, 29 Cal.Rptr.3d 249, 112 P.3d 636 (*Le Francois*), we held the statute “do[es] not limit a court's ability to reconsider its previous interim orders on its own motion,” even while it “prohibit[s] a party from making renewed motions not based on new facts or law....” We construed section 1008 in this manner to avoid serious doubts about its validity under the California Constitution's separation of powers clause. (Cal. Const., art. III, § 3.) “ ‘[T]he Legislature,’ ” we explained, “ ‘generally may adopt reasonable regulations affecting a court's inherent powers or functions, so long as the legislation does not “defeat” or “materially impair” a court's exercise of its constitutional power or the fulfillment of its constitutional function.’ ” (*Le Francois*, at p. 1103, 29 Cal.Rptr.3d 249, 112 P.3d 636, quoting *Superior Court v. County of Mendocino* (1996) 13 Cal.4th 45, 58–59, 51 Cal.Rptr.2d 837, 913 P.2d 1046.) “One of the core judicial functions that the Legislature may regulate but not usurp is ‘the essential power of the judiciary to resolve “specific controversies” between parties.’ ” (*Le Francois*, at p. 1103, 29 Cal.Rptr.3d 249, 112 P.3d 636, quoting *People v. Bunn* (2002) 27 Cal.4th 1, 15, 115 Cal.Rptr.2d 192, 37 P.3d 380.) To limit a court's ability to correct its own rulings, we reasoned, “ ‘would directly and materially impair and defeat’ ” that “ ‘core power.’ ” (*Le Francois*, at p. 1104, 29 Cal.Rptr.3d 249, 112 P.3d 636.)” (Even Zohar Const. & Remodeling, Inc. v. Bellaire Townhouses, LLC (2015) 61 Cal.4th 830, 839-840.)

The court finds the motion for reconsideration is untimely. Defendant was served with the ruling on March 20, 2026. Defendant had 10 days in which to file his motion for reconsideration

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of the order granting the summary judgment. Defendant filed his motion well past this time limit. As to the motion to reconsider consolidation, even were the motion timely, which it is not, it is now moot by virtue of the court granting summary judgment.

TENTATIVE RULING #4: THE MOTION FOR RECONSIDERATION IS DENIED.

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5.	25CV0901	JANEEN KIMBRIEL vs. CHELSEA M. CISCOE et al
MOTION TO SELL PROPERTY AND APPOINT A PARTITION REFEREE & FOR RECONSIDERATION OF ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION		

The court continues these matters on its own motion to August 28, 2026 at 8:30am in Department 9.

TENTATIVE RULING #5: THE MOTIONS ARE CONTINUED TO AUGUST 28, 2026 AT 8:30AM IN DEPARTMENT 9.

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6.	25CV3301	ROBERT L. RAE ET AL VS. MARIA J. DUGGAN ET AL
MOTION TO COMPEL FURTHER RESPONSES AND REQUEST FOR SANCTIONS		

Plaintiff filed this motion to compel further discovery responses and request for sanctions on April 16, 2026. Code compliant interrogatory responses are governed by the following statutes:

California Code, Code of Civil Procedure - CCP § 2030.220

- (a) Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits.
- (b) If an interrogatory cannot be answered completely, it shall be answered to the extent possible.
- (c) If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party.

California Code, Code of Civil Procedure - CCP § 2030.240

- (a) If only a part of an interrogatory is objectionable, the remainder of the interrogatory shall be answered.
- (b) If an objection is made to an interrogatory or to a part of an interrogatory, the specific ground for the objection shall be set forth clearly in the response. If an objection is based on a claim of privilege, the particular privilege invoked shall be clearly stated. If an objection is based on a claim that the information sought is protected work product under Chapter 4 (commencing with Section 2018.010), that claim shall be expressly asserted.

Plaintiff maintains the answers provided were inadequate. California Code, Code of Civil Procedure § 2030.300 provides:

- (a) On receipt of a response to interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems that any of the following apply:
 - (1) An answer to a particular interrogatory is evasive or incomplete.
 - (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate.

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(3) An objection to an interrogatory is without merit or too general.

(b)(1) A motion under subdivision (a) shall be accompanied by a meet and confer declaration under Section 2016.040.

(2) In lieu of a separate statement required under the California Rules of Court, the court may allow the moving party to submit a concise outline of the discovery request and each response in dispute.

(c) Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the propounding party and the responding party have agreed in writing, the propounding party waives any right to compel a further response to the interrogatories.

(d) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a further response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(e) If a party then fails to obey an order compelling further response to interrogatories, the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction under Chapter 7 (commencing with Section 2023.010). In lieu of, or in addition to, that sanction, the court may impose a monetary sanction under Chapter 7 (commencing with Section 2023.010).

In addition to sanctions for the discovery responses Plaintiff appears to ask the court to sanction the Defendant for other conduct relating to service in the small claims case and other issues. The Plaintiff provides no basis or code section on which the request is made. The court finds this issue is not properly before the court as it arises out of the small claims case and Plaintiff has not filed a proper motion stating a code section any law on which such a request would be based.

The court finds that each of the answers complained about in the motion is a code compliant response. Plaintiff conflates their position the answers are untruthful, with the position they are in adequate responses. The issue of the truthfulness of the answers is not an issue the court can resolve by virtue of directing a different answer via a motion to compel. Even if it is true, for example, Defendant has documents she denies having, or names of witnesses she denies having, her answers are code compliant in that she denies those things exist. If she were to produce a witness or document she denied she had knowledge or possession of later, she would be required to provide an explanation to the trier of fact, and the court may not allow such evidence at all or even if it is allowed, the trier of fact could weigh

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whether to discredit or ignore her evidence due to deceit or misrepresentation. However, answers which are complete and fully answer the question remain code compliant even if they are false and/or knowingly false. The motion to compel further responses and request for sanctions is denied.

TENTATIVE RULING #6: THE MOTION TO COMPEL IS DENIED.

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7.	26CV0606	LOWELL STEVE PRESSON VS. ANDREW KARDISH ET AL
MOTION TO TRANSFER TO ORANGE COUNTY SUPERIOR COURT		

Defendant moves for transfer of this case to Orange County on the basis the Defendant's principal place of business is there, Defendant resides there, negotiations were conducted there, and witness convenience.

California Code, Code of Civil Procedure - CCP § 395 provides:

(a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the superior court in the county where the defendants or some of them reside at the commencement of the action is the proper court for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, the superior court in either the county where the injury occurs or the injury causing death occurs or the county where the defendants, or some of them reside at the commencement of the action, is a proper court for the trial of the action. In a proceeding for dissolution of marriage, the superior court in the county where either the petitioner or respondent has been a resident for three months next preceding the commencement of the proceeding is the proper court for the trial of the proceeding. In a proceeding for nullity of marriage or legal separation of the parties, the superior court in the county where either the petitioner or the respondent resides at the commencement of the proceeding is the proper court for the trial of the proceeding. In a proceeding to enforce an obligation of support under [Section 3900 of the Family Code](#), the superior court in the county where the child resides is the proper court for the trial of the action. In a proceeding to establish and enforce a foreign judgment or court order for the support of a minor child, the superior court in the county where the child resides is the proper court for the trial of the action. Subject to subdivision (b), if a defendant has contracted to perform an obligation in a particular county, the superior court in the county where the obligation is to be performed, where the contract in fact was entered into, or where the defendant or any defendant resides at the commencement of the action is a proper court for the trial of an action founded on that obligation, and the county where the obligation is incurred is the county where it is to be performed, unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if they reside in the state and the county where they reside is unknown to the plaintiff, the action may be tried in the superior court in any county that the plaintiff may designate in his or her complaint, and, if the defendant is about to depart from the state, the action may be tried in the superior court in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in

the superior court in the county where he or she resides, his or her residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action arising from an offer or provision of goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in [Section 1812.10](#) or [Section 2984.4 of the Civil Code](#), or an action arising from a transaction consummated as a proximate result of either an unsolicited telephone call made by a seller engaged in the business of consummating transactions of that kind or a telephone call or electronic transmission made by the buyer or lessee in response to a solicitation by the seller, the superior court in the county where the buyer or lessee in fact signed the contract, where the buyer or lessee resided at the time the contract was entered into, or where the buyer or lessee resides at the commencement of the action is the proper court for the trial of the action. In the superior court designated in this subdivision as the proper court, the proper court location for trial of a case is the location where the court tries that type of case that is nearest or most accessible to where the buyer or lessee resides, where the buyer or lessee in fact signed the contract, where the buyer or lessee resided at the time the contract was entered into, or where the buyer or lessee resides at the commencement of the action. Otherwise, any location of the superior court designated as the proper court in this subdivision is a proper court location for the trial. The court may specify by local rule the nearest or most accessible court location where the court tries that type of case.

(c) Any provision of an obligation described in subdivision (b) waiving that subdivision is void and unenforceable.

Plaintiff objects stating that Plaintiff resides here, were induced to provide money and did provide money here and were harmed here. Plaintiff cites *Braunstein v. Superior Court of Monterey County* (1964) 225 Cal.App.2d 691.

The court grants the motion for change of venue. The Defendant both has his principal place of business through which the claims arise and resides in Orange County. Additionally, in person negotiations occurred in Orange County. While some parts of the transactions and actions took place while Petitioner was in El Dorado County those acts were principally phone or email or other discussions which were not in person. *Braunstein v. Superior Court of Monterey County* (1964) 225 Cal.App.2d 691 cited by Plaintiff supports this conclusion.

TENTATIVE RULING #7: MOTION FOR CHANGE OF VENUE TO ORANGE COUNTY IS GRANTED.

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8.	24CV1538	CRISTA KORNAHRENS ET AL VS. PATTY DARLENE MILLAR
TERMINATING SANCTIONS AND MONETARY SANCTIONS		

The motion for terminating sanctions was filed on May 6, 2026. The motion argues Plaintiff has violated three discovery orders from February 26, 2026 and March 9, 2026. Plaintiff has failed to appear at the Case Management Conference without explanation and failed to appear after at an Order to Show Cause for failing to appear.

CCP §§ 2032.240(d) and 2032.410 authorize a court to impose sanctions under Chapter 7 of the Discovery Act, including issue, evidence, terminating or monetary sanctions, upon a Plaintiff who (1) fails to obey a court order compelling response and compliance to a demand for physical or mental examination (CCP §2032.240(d)) or (2) fails to submit to a physical or mental examination (CCP §2032.410).

The trial court should tailor the sanction for such conduct to “fit the crime.” (Reedy v. Bussell (2007) 148 Cal.App.4th 1272, 1293.) The court cannot impose sanctions as punishment; the choice of sanctions should not give the moving party more than it would have gotten had the discovery been responded to. (Doppes v. Bentley Motors, Inc. (2009) 174 Cal.App.4th 967, 992; Caryl Richards, Inc. v. Superior Court, 188 Cal.App.2d 300, 303.) Before issuing terminating sanctions, the court should usually grant lesser sanctions....” (Doppes, supra, 174 Cal.App.4th at 99.) It is only when a party persists in disobeying the court’s orders that the ultimate sanctions of dismissing the action or entering default judgment, etc. are justified. (See Deyo v. Kilbourne (1978) 84 Cal.App.3d 771.)

The court has previously sanctioned this party for failing to comply with discovery demands on three occasions and issued monetary sanctions. The Respondent has had months to comply and has failed to do so. The court has issued an order to show cause for failure to appear at which hearing Plaintiff again failed to appear. By all accounts Plaintiff has abandoned this action. The court has utilized lesser sanctions without any effect. The court has no lesser options left to utilize at this point other than grant the motion for terminating sanctions, dismiss the action with prejudice, and order sanctions in the amount of \$550 due within 10 days.

TENTATIVE RULING #8: THE MOTION FOR TERMINATING SANCTIONS IS GRANTED. THE ACTION IS DISMISSED WITH PREJUDICE. PLAINTIFF IS ORDERED TO PAY DEFENDANT \$550 IN 10 DAYS.

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.

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9.	22CV1577	COUNTY OF EL DORADO vs. WANDA H. NAGEL
CCP 1260.040 FOR DETERMINATION OF LEGAL/EVIDENTIARY ISSUES		

For purposes of judicial economy and on the court's own motion, the motion is continued to July 17, 2026 at 1:30pm to be heard with any other motions in limine.

TENTATIVE RULING #9: MOTION 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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13.	PC20200622	BASSEM MANSOUR V. JOHN DAVID STONE
MOTION FOR JUDGEMENT ON THE PLEADINGS		

Court has signed the parties' stipulation to continue trial. The court has reset the motions in limine hearing to October 16, 2026 continues the motions to that date.

The court continues the Motion for Judgement on the Pleadings on its' own motion to September 4, 2026 at 8:30am in Department 9.

TENTATIVE RULING #13: THE MOTION IS CONTINUED TO SEPTEMBER 4, 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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14.	26CV0403	RICHARD AGUILA TAGUINOD vs. ANDREW TOWERS
MOTION FOR CHANGE OF VENUE		

Defendant moves for transfer of this case to Placer County on the basis the Defendant resides there, the properties that are the subject of the promissory notes are there, the promissory note itself was not executed in either Placer or El Dorado County, no place for payment was specifically designated.

California Code, Code of Civil Procedure - CCP § 395 provides:

(a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the superior court in the county where the defendants or some of them reside at the commencement of the action is the proper court for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, the superior court in either the county where the injury occurs or the injury causing death occurs or the county where the defendants, or some of them reside at the commencement of the action, is a proper court for the trial of the action. In a proceeding for dissolution of marriage, the superior court in the county where either the petitioner or respondent has been a resident for three months next preceding the commencement of the proceeding is the proper court for the trial of the proceeding. In a proceeding for nullity of marriage or legal separation of the parties, the superior court in the county where either the petitioner or the respondent resides at the commencement of the proceeding is the proper court for the trial of the proceeding. In a proceeding to enforce an obligation of support under [Section 3900 of the Family Code](#), the superior court in the county where the child resides is the proper court for the trial of the action. In a proceeding to establish and enforce a foreign judgment or court order for the support of a minor child, the superior court in the county where the child resides is the proper court for the trial of the action. Subject to subdivision (b), if a defendant has contracted to perform an obligation in a particular county, the superior court in the county where the obligation is to be performed, where the contract in fact was entered into, or where the defendant or any defendant resides at the commencement of the action is a proper court for the trial of an action founded on that obligation, and the county where the obligation is incurred is the county where it is to be performed, unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if they reside in the state and the county where they reside is unknown to the plaintiff, the action may be tried in the superior court in any county that the plaintiff may designate in his or her complaint, and, if the defendant is about to depart from the state, the action may be tried in the superior court in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or

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has been made a defendant solely for the purpose of having the action tried in the superior court in the county where he or she resides, his or her residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action arising from an offer or provision of goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in [Section 1812.10](#) or [Section 2984.4 of the Civil Code](#), or an action arising from a transaction consummated as a proximate result of either an unsolicited telephone call made by a seller engaged in the business of consummating transactions of that kind or a telephone call or electronic transmission made by the buyer or lessee in response to a solicitation by the seller, the superior court in the county where the buyer or lessee in fact signed the contract, where the buyer or lessee resided at the time the contract was entered into, or where the buyer or lessee resides at the commencement of the action is the proper court for the trial of the action. In the superior court designated in this subdivision as the proper court, the proper court location for trial of a case is the location where the court tries that type of case that is nearest or most accessible to where the buyer or lessee resides, where the buyer or lessee in fact signed the contract, where the buyer or lessee resided at the time the contract was entered into, or where the buyer or lessee resides at the commencement of the action. Otherwise, any location of the superior court designated as the proper court in this subdivision is a proper court location for the trial. The court may specify by local rule the nearest or most accessible court location where the court tries that type of case.

(c) Any provision of an obligation described in subdivision (b) waiving that subdivision is void and unenforceable.

Plaintiff objects to the motion stating that Plaintiff resides and does business here and the obligation was to be satisfied here. He maintains these facts make El Dorado County the appropriate venue.

The court grants the motion for change of venue. The Defendant resides in Placer County, and the properties that are the subject of the promissory note are in Placer County. The promissory note was not executed in either county. The only fact supporting El Dorado County as the appropriate venue is that the money was expected to be paid and would have been received here. However, the basis of the suit is the fact such payment was never made or received. *Braunstein v. Superior Court of Monterey County* (1964) 225 Cal.App.2d 691 supports the court's conclusion.

TENTATIVE RULING #14: MOTION FOR CHANGE OF VENUE TO PLACER COUNTY IS GRANTED.

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15.	25CV1850	JOSHUA MICHAEL MCKEAN MANZER VS. ARIANA LYNN POWELL
MOTION FOR LIS PENDENS		

Defendant filed this motion to expunge notice of lis pendens on February 26, 2026. The notice was recorded on November 11, 2025. Defendant claims as the basis for the court to expunge: 1) Plaintiff cannot show valid real property claim 2) Statute of Frauds bars the claim as a matter of law 3) Tittle presumption is dispositive 4) Other basis not identified in the statute or case law as a basis to expunge.

“A party who asserts a claim to real property can record a notice of lis pendens, which serves as notice to prospective purchasers, encumbrancers and transferees that there is litigation pending that affects the property.” (*Amalgamated Bank v. Superior Court* (2007) 149 Cal.App.4th 1003, 1011, 57 Cal.Rptr.3d 686 (*Amalgamated Bank*).) “A lis pendens acts as a cloud against the property, effectively preventing sale or encumbrance until the litigation is resolved or the lis pendens is expunged.” (*Ibid.*)

“A party to an action who asserts a real property claim may record a notice of pendency of action in which that real property claim is alleged,” commonly known as a lis pendens. (§ 405.20.) Such a party is a “[c]laimant” for purposes of the lis pendens statute. (§ 405.1.) Once recorded, any party with an interest in the property can move to expunge the lis pendens pursuant to the procedure set forth in section 405.30.

A comment to section 405.30 identifies four bases upon which expungement may be sought: (1) the lis pendens is void and invalid (§ 405.23), (2) the action as pleaded does not contain a real property claim (§ 405.31), (3) the claimant fails to establish the probable validity of the claim (§ 405.32), and (4) monetary relief provides an adequate remedy (§ 405.33). (Code com., 14A West's Ann. Code Civ. Proc. (2004 ed.) foll. § 405.30, par. 2, pp. 336–337.) *J&A Mash & Barrel, LLC v. Superior Ct. of Fresno Cnty.* (2022), 74 Cal. App. 5th 1, 15–16.

The Plaintiff has the burden of proof that the notice lis pendens is valid.

1)Plaintiff cannot show a valid real property claim

Plaintiff filed this quiet title action claiming that he provided a significant financial investment to the purchase and the parties always intended he would jointly own the property despite the title. Defendant maintains that the action is at best for money and therefore the Lis pendens is invalid.

In the instant matter Plaintiff has averred without dispute that money was provided, accepted and put toward the property. There is no direct evidence from either party regarding the nature of the transaction beyond the assertions in pleadings and motions. Plaintiff

maintains in his pleading multiple basis for claims to title and not simply money damages including: breach of implied contract, declaratory relief, constructive fraud, promissory estoppel. The court finds it likely the Plaintiff will prevail on one or more of these causes of action based on the facts averred.

2) Statute of Frauds

Civil Code 5.1624 and Code of Civil Procedure 5.1971 states:

(a) The following contracts are invalid, unless they, or some note or memorandum thereof, are in writing and subscribed by the party to be charged or by the party's agent:

(3) An agreement for the sale of real property, or of an interest therein; such an agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged.

Civil Code 5 1624.

No estate or interest in real property, other than for leases for a term not exceeding one year. . , nor any power over or concerning it, or in any manner relating thereto, can be created, granted, assigned, surrendered, or declared, otherwise than by operation of law, or a conveyance or other instrument in writing, subscribed by the party creating, granting, assigning, surrendering, or declaring the same, or by the party's lawful agent thereunto authorized by writing.

However, both case law and the Code of Civil Procedure establish multiple exceptions to the Statute of Frauds. As such an unwritten contract for real property is voidable rather than void.

Code of Civil Procedure 5.1971.

Exceptions to the Statute of Frauds Requirements

The Legislature clarified that Code of Civil Procedure 5.1972 allows for relief in some cases where the Statute of Frauds might otherwise bar an action under some circumstances, including partial performance or where an equitable trust might arise to provide a remedy:

(a) Section 1971 shall not be construed to abridge the power of any court to compel the specific performance of an agreement, in case of part performance thereof.

(b) Section 1971 does not affect the creation of a trust under Division 9 (commencing with Section 15000) of the Probate Code nor prevent any trust from arising or being extinguished by implication or operation of law. Code of Civil Procedure 5 1972 (emphasis added).

In addition to the statutory exception, case law also recognizes the partial performance exception to the Statute of Frauds:

[W]here assertion of the statute of frauds would cause unconscionable injury, part performance allows specific enforcement of a contract that lacks the requisite writing. (Earhart v. William Low co. (1979) 25 Cal.3d 503, 514, 158 Cal.Rptr. 887, 600 P.2d 1344.)

The doctrine most commonly applies in actions involving transfers of real property. (Code Civ. Proc., § 5 1972, subd. (a) [part performance available to enforce agreement to convey real property absent writing required under § 5 1971 of same code]; Paul v. Layne & Bowler corp. (1937) 9 Cal.2d 561, 564, 71 P.2d 817; Sutton v. Warner (1993) 12 Cal.App.4th 415, 422, 15 Cal.Rptr.2d 632; Trout v. Ogilvie (1919) 41 Cal.App. 167, 174, 182 P. 333.)

In this case, Plaintiff maintains he provided one hundred percent of the down payment amount for the purchase of the property, and this was pursuant to an agreement between the parties that he would have an ownership interest in the property in consideration of his contributions. Plaintiff alleges that his financial and in-kind contributions to the property were made pursuant to the alleged agreement between the parties. The court finds the evidence sufficient to determine the Plaintiff is likely to prevail in establishing one or more exception to the Statute of Frauds.

3) Title presumption is dispositive

Defendant argues the title is dispositive as a basis to expunge the lis pendens. Plaintiff maintains the parties had an agreement to purchase the property jointly. However, a quiet title action is always an action which disputes the face of the recorded title. The facts alleged based on the reasons stated previously are sufficient to support the lis pendens.

TENTATIVE RULING #15: THE MOTION TO EXPUNGE LIS PENDENS 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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16.	25CV2471	SANDRA GRANADE VS. MICHELLE STOWELL ET AL
MOTION FOR SUMMARY JUDGEMENT		

The court directs the parties to appear in this matter.

TENTATIVE RULING #16: APPEARANCES ARE REQUIRED ON JUNE 26, 2025 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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