

July 10, 2026
Dept. 9
Civil Tentative Rulings

1.	22CV1334	CHERYL BLY-CHESTER vs. EL DORADO COUNTY BOARD OF SUPERVISORS ET AL
DEMURRER TO 4 TH AMENDED COMPLAINT		

Defendant El Dorado County Board of Supervisors (“Defendant”) demurs to Plaintiff Cheryl Bly-Chester’s (“Plaintiff”) Fourth Amended Complaint (“FAC”).

The Court on February 18, 2026 issued its ruling (the “Ruling”) on the Demurrer to Third Amended Complaint which held:

1. First Cause of Action - Wrongful Termination in Violation of Public Policy: sustained demurrer without leave to amend.
2. Second Cause of Action - Retaliation in Violation of Labor Code Section 1102.5: demurrer overruled.
3. Third Cause of Action - Gender Discrimination, Based on Non-Conforming Gender Expression: sustained demurrer with leave to amend. The Court directed Plaintiff to clearly articulate the statutory basis for her claim to remove any technical defects and to ensure proper notice to Defendants.
4. Fourth Cause of Action - Disparate Treatment on the Basis of Gender Discrimination: sustained demurrer with leave to amend. The Court directed Plaintiff to clearly identify the statutory authority to ensure proper notice to Defendants.
5. Fifth Cause of Action - Due Process: sustained demurrer without leave to amend.
6. Sixth Cause of Action - Retaliation for Whistleblowing: sustained demurrer without leave to amend.
7. Seventh Cause of Action - Retaliation and Misappropriation of Public Funds per Section 424(A)(7) (In Violation of Government Code Section 815.6): sustained demurrer with leave to amend. The Court directed Plaintiff to identify the statutory basis of her claim to provide adequate notice to Defendants.
8. Eighth Cause of Action - County’s Disparate Treatment of a Volunteer in Violation of AB 1443: sustained demurrer with leave to amend.

The Demurrer is brought pursuant to Code of Civil Procedure section 430.10, subsection (e), on the grounds that the Third, Fourth, Seventh and Eighth Causes of Action in the FAC fail to state facts upon which a claim for relief may be granted.

1. Plaintiff’s Third, Fourth, and Seventh Causes of Action fail to set forth a statutory basis as required by the Government Code in order to bring the suit against Defendant, a public entity;

2. Facts alleged pursuant to Plaintiff's Eighth Cause of Action are insufficient to state a claim for gender harassment under FEHA, which requires severe or pervasive gender-based conduct sufficient to create an abusive working environment.

Meet and Confer Requirement

Code of Civil Procedure §430.41(a) provides: Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer.

Code of Civil Procedure §430.41(a)(3):

The demurring party shall file and serve with the demurrer a declaration stating either of the following:

(A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.

(B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.

Dumas v. Los Angeles County Bd. of Supervisors (2020) 45 Cal. App. 5th 348 ("If, upon review of a declaration under section 430.41, subdivision (a)(3), a court learns no meet and confer has taken place, or concludes further conferences between counsel would likely be productive, it retains discretion to order counsel to meaningfully discuss the pleadings with an eye toward reducing the number of issues or eliminating the need for a demurrer, and to continue the hearing date to facilitate that effort").

Based on the Declaration of Carolee G. Kilduff, counsel attempted to meet and confer with Plaintiff prior to filing, but the dispute could not be resolved.

Standard of Review - Demurrer

A demurrer tests the sufficiency of a complaint by raising questions of law. *Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20. In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe*, 7 Cal.4th 634, 638; *Interinsurance Exchange v. Narula*, 33 Cal.App.4th 1140, 1143. The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. *Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679.

Rodas v. Spiegel (2001) 87 Cal. App. 4th 513, 517.

Plaintiff's Third Cause of Action - Gender Discrimination, Based on Non-Conforming Gender Expression

The Ruling directed that Plaintiff's TAC failed to articulate a statutory basis for her claim and instead referenced California Fair Employment and Housing Law § 11031(i)(2), which does not exist. The Court ordered Plaintiff to clearly articulate the statutory basis for her claim to remove any technical defects and to ensure proper notice to Defendants. Despite this direction, Plaintiff failed to provide notice of the statutory basis for her claim. Instead, Plaintiff repeats the entirety of her Third Cause of Action in the TAC, including a code section that this Court has stated does not exist, and added additional factual information that does not provide a statutory basis for her claim.

Plaintiff opposes the demurrer and asserts that the reference to California Fair Employment and Housing Law § 11031(i)(2) is a scrivener error which was supposed to reference Government Code § 12940(a). Plaintiff directs that she has established a basis for her Third Cause of Action under Government Code §§ 12940(a) and 815.6, as well as the County Charter.

Despite the Court unequivocally directing Plaintiff to provide the statutory basis for her claim, Plaintiff failed to do so in her FAC. Nevertheless, the demurrer is overruled to the Third Cause of Action. The Court on its own motion will amend the FAC by lineation. The Court shall strike "California Fair Employment and Housing Law § 11031(i)(2)" at FAC 26:21 and insert Government Code §§ 12940(a) and 815.6, as well as the County Charter. Plaintiff is to file a conformed copy of the amended FAC.

Fourth Cause of Action - Disparate Treatment on the Basis of Gender Discrimination

The Ruling directed that Plaintiff's TAC failed to articulate a statutory basis for her claim. The Court ordered Plaintiff to clearly articulate the statutory basis for her claim to ensure proper notice to Defendants. Like the Third Cause of Action, Plaintiff failed to provide notice of the statutory basis of her claim and instead repeated the entirety of the TAC's Fourth Cause of Action and included additional factual information.

Plaintiff opposes the demurrer and asserts she has established a statutory basis for her Fourth Cause of Action under Government Code § 12940(a), Government Code § 815.6 and the County Charter.

Despite the Court unequivocally directing Plaintiff to provide the statutory basis for her claim, Plaintiff failed to do so in her FAC. Nevertheless, the demurrer is overruled to the Fourth Cause of Action. The Court on its own motion will amend the FAC by lineation. The Court shall insert "in violation of Government Code § 12940(a), Government Code § 815.6, and the County Charter" at FAC 29:21. Plaintiff is to file a conformed copy of the amended FAC.

Seventh Cause of Action - Retaliation and Misappropriation of Public Funds per Section 424(A)(7) (In Violation of Government Code Section 815.6)

The Ruling directed that Plaintiff's TAC failed to articulate a statutory basis for her claim and explained that while Plaintiff points to Government Code § 815.6, she failed to clearly identify the mandatory duty being invoked. The Court ordered Plaintiff to clearly articulate the statutory basis for her claim to ensure proper notice to Defendants. Plaintiff's FAC fails to state the statutory basis for her claim. Again, the entirety of the TAC's Seventh Cause of Action is included along with additional factual information, but no statutory basis has been provided.

Plaintiff claims that Defendant retaliated against her for whistleblowing by not recognizing her statutorily deemed-approved permit to build her ADU designed to meet her disability needs. Plaintiff's opposition provides that by reporting County Counsel's Brown Act violations and the "threat" of an embarrassing hearing in writing, Plaintiff triggered the statutory protection of Labor Code § 1102.5 and accordingly has established a statutory basis under Labor Code § 1102.5, Government Code § 815.6, and the County Charter.

As previously directed by the Court, Government Code § 815.6 is insufficient to provide notice of the mandatory duty being invoked. A mandatory duty under Labor Code § 1102.5 arises from the obligation of public employers not to retaliate against employees for lawful whistleblowing disclosures. However, Government Code § 818.4 provides immunity for an injury caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, etc. Government Code § 820.2 provides immunity for an injury resulting from his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused.

Despite the Court unequivocally directing Plaintiff to provide the statutory basis for her claim, Plaintiff failed to do so in her FAC. The demurrer is sustained to the Seventh Cause of Action without leave to amend, finding there is no reasonable possibility of curing the defect.

Eighth Cause of Action - County's Disparate Treatment of a Volunteer in Violation of AB 1443

The Ruling directed that the TAC did not provide details as to the nature of any alleged harassment pursuant to Government Code § 12940(j) and granted Plaintiff leave to amend.

Government Code section 12940(j)(1) expressly makes it unlawful for an employer, labor organization, employment agency, or any other person, because of a protected characteristic, to harass a volunteer. To prevail on a harassment claim under FEHA, a plaintiff must produce evidence they were **subjected to "offensive comments or other abusive conduct"** that is (1) **based on a "protected characteristic"...** and (2) **"sufficiently severe or pervasive as to alter the conditions of [his] employment."** (*Serri v. Santa Clara University* (2014) 226 Cal.App.4th 830, 871, 172 Cal.Rptr.3d 732 (Serri).) To constitute harassment, **the conduct must be so objectively severe or pervasive as "to create a hostile or abusive working environment."** (*Id.* at p. 870,

172 Cal.Rptr.3d 732.) Factors to consider in this context include the frequency of the conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with the employee's work performance. (*Ibid.*) *Doe v. Department of Corrections & Rehabilitation* (2019) 43 Cal.App.5th 721, 736 [255 Cal.Rptr.3d 910, 923] (emphasis added).

Plaintiff asserts that she was harassed based upon her gender. Plaintiff asserts she suffered from a hostile work environment and provides examples in FAC ¶¶ 58, 60, 61, 65, 138, 140, 141, and 145. Plaintiff further asserts examples of abusive comments are in FAC ¶¶ 57, 59, 64, 68, 137, 139, 144, 148. The Legislature has declared that harassment cases are rarely appropriate for early disposition, affirming that issues in hostile environment cases are “not determinable on paper.” Government Code § 12923(e). Accordingly, the demurrer is overruled to the Eighth Cause of Action.

TENTATIVE RULING #1:

DEFENDANT’S DEMURRER IS OVERRULED AS TO FAC’S THIRD, FOURTH, AND EIGHTH CAUSE OF ACTION. DEFENDANT’S DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND AS TO FAC’S SEVENTH CAUSE OF ACTION.

THE COURT ON ITS OWN MOTION WILL AMEND FAC’S THIRD AND FOURTH CAUSES OF ACTION AS DESCRIBED. PLAINTIFF IS ORDERED TO FILE A CONFORMED COPY OF THE AMENDED FAC.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING.

2.	22CV1459	SERRANO EL DORADO OWNERS' ASSOCIATION VS. JOEL SOLOMON ET AL
MOTION TO EXONERATE UNDERTAKING		

On or around December 18, 2025, Petitioner, G&P Enterprises, LLC dba Allied Trustee Services posted an Undertaking in the amount of ten thousand (\$10,000) in connection with a third-party claim of ownership filed by Free Will Foundation, Inc. pursuant to Code of Civil Procedure § 720.260.

On February 13, 2026, the Court granted Petitioner's Petition for Determination of Third-Party Claim of Ownership and denied the third-party claim.

On March 27, 2026, the Court issued an Order Granting Judgment Assignee's Petition, Denying Third-Party Claim of Ownership and Confirming Levy wherein the Court ordered the **"undertaking posted by Petitioner Allied in connection with this proceeding is exonerated and no claim may be made against the surety based on the Third-Party Claim."**

On May 20, 2026, Petitioner filed a Notice of Motion to Exonerate Undertaking; Memorandum of Points and Authorities in Support Thereof. Allied asserts that no undertaking is required as the Court has determined the third-party claim of ownership in favor of Petitioner and against the third-party claimant. Allied requests the Court issue an order exonerating the undertaking posted by Allied pursuant to CCP § 720.260 and directing the bond be released and the surety relieved of all obligations. Allied's motion is unopposed.

TENTATIVE RULING #2:

PETITIONER'S REQUEST 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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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.	24CV2136	ADREAN DILLS ET AL VS. MARYANNE LESLIE JACQUES ET AL
MOTION TO BIFURCATE		

This matter stems from Defendants, Maryanne Leslie Jacques and Steve Jacques ("Defendant Jacques"), motion to bifurcate filed on April 28, 2026. Defendant Jacques request the Court order to bifurcate trial on this case by separating 1) Plaintiffs' punitive damages determinations; and 2) the respective cross-complaints for indemnity filed by the Defendants against each other.

Plaintiffs filed an opposition to the motion to bifurcate on June 26, 2026. Plaintiffs do not oppose bifurcation of the punitive damages financial-condition phase; however, Plaintiffs oppose Defendants' request to bifurcate the competing indemnity cross-claims. A reply was filed by Defendant Jacques on July 1, 2026.

Plaintiffs' initial complaint filed on September 26, 2024 asserts claims for 1) Intentional Misrepresentation; 2) Concealment; 3) Negligent Misrepresentation; and 4) Breach of Contract. Plaintiffs seek punitive and exemplary damages for the first and second causes of action.

A Cross-Complaint for Indemnification was filed by Defendant Jacques, against Defendants, True North Consulting, LLC dba Sunbelt Business Brokers, and Brett Sargent ("Defendant Sargent"), on August 25, 2025. Defendant Sargent filed a Cross-Complaint against Defendant Jacques asserting causes of action for 1) Express Contractual Indemnity; 2) Contribution; 3) Declaratory Relief; and 4) Equitable Indemnity on September 29, 2025.

Defendant Jacques and Defendant Sargent have stipulated to bifurcate the punitive damages claim asserted in Plaintiffs' complaint and their respective cross-complaints.

Punitive Damages Claim

Code of Civil Procedure § 3295(d) provides the Court with mandatory authority upon request of any defendant to preclude the admission of evidence of that defendant's profits or financial condition until after the trier of fact returns a verdict for plaintiff awarding actual damages and finds a defendant is guilty of malice, oppression, or fraud.

As Defendant Jacques has made this request and there is no opposition, the Court grants the request to bifurcate the punitive damages determination pursuant to Code of Civil Procedure § 3295(d).

Cross-Complaints

The Court is vested with the discretion to separate issues at trial. Code of Civil Procedure § 1048(b) provides

The court, in **furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy**, may order a separate trial of any cause of action, including a cause of action asserted in a cross-complaint, or of any separate issue or of any number of causes of action or issues, preserving the right of trial by jury required by the Constitution or a statute of this state or of the United States. (emphasis added)

Similarly, Code of Civil Procedure § 598 instructs that the court may order that the trial of any issue or any part thereof shall precede the trial of any other issue or any part thereof when the **convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted**.

Defendants assert that bifurcation of the cross complaints would avoid prejudice and juror confusion. Defendants allege that bifurcation would avoid jury confusion from having three different affirmative pleadings at once, of which two are derivative. Additionally, it would avoid prejudice because the presentation of derivative cases of indemnity may improperly influence a jury by believing they must find some liability.

Defendants further assert that bifurcation promotes judicial economy by reducing the cost for all parties and the length of trial of the first phase of litigation. As the indemnity crossclaims are derivative and require a finding of liability and damages, trial has a reasonable probability of being shorter because of the possibility that Plaintiffs fail to prove their case or where the jury finds that not all defendants are liable which reduces the scope of the cross-claims.

Plaintiffs oppose such bifurcation on the basis that Defendants have failed to demonstrate that separate trials will promote convenience, judicial economy, or in the interests of justice. Plaintiffs assert all of Defendants' indemnity issues directly arise from Plaintiff's allegations and accordingly the witness testimony and evidence will be on the same issues, facts, and circumstances. Plaintiffs further allege that bifurcation would require multiple juries to decide many of the same issues thereby creating a substantial risk of inconsistent findings and conflicting rulings.

The Court finds Defendants' cross-complaint claims are contingent upon the outcome of Plaintiffs' complaint. A bifurcation is appropriate to avoid prejudice, reduce juror confusion, and promote judicial economy.

TENTATIVE RULING #3:

DEFENDANT JACQUES' REQUEST TO BIFURCATE PUNITIVE DAMAGES DETERMINATION PURSUANT TO CODE OF CIVIL PROCEDURE § 325(D) AND THE RESPECTIVE CROSS-COMPLAINTS IS GRANTED.

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4.	25CV0172	DONALD L. AUSTIN ET AL VS. GREG HANSEN ET AL
MOTION FOR CLARIFICATION AND MOTION FOR ORDER COMPELLING PLAINTIFF'S COMPLIANCE		

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

This matter stems from Defendants' two motions filed on May 11, 2026: 1) Motion for Clarification Regarding RFA/RFP Set Two with Joint Declaration for Additional Discovery; 2) Motion for Order Compelling Plaintiff's Compliance with the Court's January 27, 2026 Joinder Order; Request for Sanctions or Other Appropriate Relief.

MOTION FOR CLARIFICATION

Defendant asserts that the Court's tentative ruling dated April 24, 2026 granted relief as to multiple RFAs and RFPs and awarded Defendant costs for bringing their motion. However, the April 27, 2026 Minute Order stated the Court denied the request to deem matters admitted as to Defendant's Requests for Admission, Set Two, and declined to compel additional production of Set Two, but did not state a reason for that ruling. Defendant seeks clarification as to whether this denial was on the basis of failing to attach a declaration for additional discovery pursuant to Code of Civil Procedure § 2033.050, and if so, to request the court issue a supplemental ruling or grant Defendant leave to re-serve the Request for Admission with a declaration for additional discovery.

Plaintiff's Response to Defendant's Motion for Clarification Regarding RFA/RFP Set Two with Joint Declaration for Additional Discovery was late-filed on July 6, 2026 in violation of Code of Civil Procedure § 1005 which requires all opposing papers be filed at least nine court days before the hearing. The Court in its discretion pursuant to California Rules of Court, Rule 3.1300 has considered Plaintiff's late-filed opposition. Plaintiff asserts that Defendant's Second Set of Requests for Admission exceeded the statutory limit of 35 wherein he properly objected to the requests exceeding this limit and Defendants now seek to bypass the procedural requirements of Code of Civil Procedure § 2033.290. Plaintiff asserts the volume of discovery Defendant seeks is disproportionate to the needs of the case.

Although Defendant's motion is on its face seeking clarification, it is in substance seeking reconsideration of the Court's April 27, 2026 ruling. A motion styled as "clarification" is subject to the same requirements as a motion for reconsideration when it effectively seeks to revisit or modify a prior ruling. Code of Civil Procedure § 1008 requires there be new or different facts, circumstances, or law in order to make a request for reconsideration. Defendant has failed to do so here. The Court confirms its ruling and denies Defendant's motion for clarification.

MOTION FOR ORDER COMPELLING COMPLIANCE

Defendant alleges Plaintiff has failed to comply with the Court's January 27, 2026 joinder order. Defendant seeks orders 1) compelling Plaintiff to comply with the court's order within 10 calendar days; 2) requiring Plaintiff to file a Proof of Service and Joinder of the necessary property owners; 3) consider the effect of Plaintiff's continued noncompliance on any pending request for coercive or enforcement relief; and 4) consider sanctions or other appropriate relief based on Plaintiff's failure to comply with a direct court order, the unnecessary burden placed on Defendants, and the prejudice created by forcing Defendants to continue litigating without all necessary parties before the Court.

Defendant's request for sanctions is procedurally defective for failing to include a memorandum of point and authorities and a declaration setting forth facts supporting the amount of monetary sanctions sought. Code of Civil Procedure § 2023.040.

Plaintiff's opposition was late-filed on July 6, 2026 in violation of Code of Civil Procedure § 1005 which requires all opposing papers be filed at least nine court days before the hearing. The Court in its discretion pursuant to California Rules of Court, Rule 3.1300 has considered Plaintiff's late-filed opposition. Plaintiff asserts he has completed the court-ordered joinder by filing the Second Amended Complaint, serving two of the three parties required to be joined, and is engaged in active settlement discussions with the third party thereby rendering Defendant's motion moot.

Per the Court's order of January 27, 2026, the Court ordered Plaintiff to serve the other two property owners. Despite Plaintiff being in settlement negotiations with the third party, service is not complete and Plaintiff is not in compliance with the Court's order. The Court finds the filing of the Second Amended Complaint has rendered Defendant's request moot. Defendant's motion for an order compelling compliance is denied. Defendant's motion for sanctions is denied without prejudice. Plaintiff shall serve the remaining party within ten (10) days of the Court's order.

TENTATIVE RULING #4:

DEFENDANT'S MOTION FOR CLARIFICATION IS DENIED. DEFENDANT'S MOTION FOR ORDER COMPELLING PLAINTIFF'S COMPLIANCE IS DENIED AS MOOT. DEFENDANT'S REQUEST FOR SANCTIONS IS DENIED WITHOUT PREJUDICE.

PLAINTIFF IS ORDERED TO SERVE THE REMAINING PARTY WITHIN 10 DAYS OF THE COURT'S ORDER.

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5.	25CV0178	SASHA SHAFIKHANI ET AL VS. KENNETH LEE STEERS III
MOTION TO COMPEL AND REQUEST MONETARY SANCTIONS		

As to the Motion to Compel and Request for Monetary Sanctions filed on May 4, 2026, 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 Compel Further Discovery Responses and Request for Monetary Sanctions dated May 4, 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 14, 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.

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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 21, 2026 at 8:30 a.m. in Department 9.

TENTATIVE RULING #5:

PLAINTIFF'S MOTION TO COMPEL FURTHER DISCOVERY RESPONSES AND REQUEST FOR MONETARY SANCTIONS ARE CONTINUED TO AUGUST 21, 2026 AT 8:30 A.M. IN DEPARTMENT 9. PARTIES AND COUNSEL ARE ORDERED TO COMPLY WITH THE COURT'S ORDER TO MEET AND CONFER AS 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).

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6.	25CV1689	BANK OF AMERICA N.A. VS. MARLENE A CANELA
MOTION FOR ORDER THAT MATTERS IN REQUEST FOR ADMISSION OF TRUTH OF FACTS BE DEEMED ADMITTED		

On May 21, 2026, Plaintiff, Bank of America, N.A. ("Plaintiff") filed a Notice of Motion and Motion for Order that Matters in Request for Admission of Truth of Facts be Deemed Admitted; Memorandum in Support of Motion; Declaration in Support of Motion. Plaintiff's motion is unopposed.

According to the Proof of Service, Plaintiff served Defendant with Plaintiff's Specially Prepared Interrogatories to Defendant, Plaintiff's Requests for Admission to Defendant, and Plaintiff's Demand for Production of Documents to Defendant via mail on December 30, 2025. To date, no response has been received for Plaintiff's Requests for Admission to Defendant.

Plaintiff seeks an order that Requests for Admission No. 1, 2, 3, 4, 5, 6, 7, and 8, as well as Plaintiff's Requests for Admission of Genuineness of Documents as identified as 1) Terms and Conditions; and 2) a copy of a billing statement previously provided to Defendant by Plaintiff, be deemed admitted.

Pursuant to Code of Civil Procedure § 2033.280(b), if a party to whom requests for admission are directed fails to serve a timely response, 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. Such an order is mandatory unless the court 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 § 2033.220.

To date, no response has been received for Plaintiff's Requests for Admission to Defendant and no opposition been received by the Court to this underlying motion.

TENTATIVE RULING #6:

PLAINTIFF'S REQUEST IS GRANTED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

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7.	25CV2675	HANSEL LEASING INC., A CALIFORNIA CORPORATION VS. WINE FAMILY CELLARS LLC, A CALIFORNIA LIMITED LIABILITY CO. ET AL
MOTION FOR ORDER SETTING ASIDE AND VACATING ITS PRIOR ORDER OF DISMISSAL AAND FOR ENTRY OF JUDGMENT		

This case stems from a Complaint for Breach of Contract filed by Plaintiff on October 8, 2025. The Parties thereafter entered into a Stipulation to Dismiss Plaintiff's Complaint, Without Prejudice, and for this Court to Retain Jurisdiction to Enforce the Settlement Agreement Pursuant to CCP § 664.6, which was entered by the Court on November 3, 2025.

On May 13, 2026, Plaintiff filed the following:

1. Notice of Motion and Plaintiff Hansel Leasing, Inc.'s Motion for Order Setting Aside and Vacating its Prior Order of Dismissal, and for Entry of Judgment Pursuant to Stipulation of the Parties; Memorandum of Points and Authorities;
2. Declaration of Jeremy Wachtman in Support of Plaintiff Hansel Leasing, Inc.'s Motion for Order Setting Aside and Vacating its Prior Order of Dismissal, and for Entry of Judgment Pursuant to Stipulation of the Parties;
3. Declaration of Eric Johnson in Support of Motion for Order Setting Aside and Vacating its Prior Order of Dismissal and for Entry of Judgment Pursuant to Stipulation of the Parties; and
4. Memorandum of Costs (Summary).

Plaintiff's Motion seeks the following relief: 1)Set aside and vacate the Order of Dismissal entered on November 3, 2025; and 2) Enter judgment against Defendants, Wine Family Cellars LLC, a California Limited Liability Company, Elizabeth Patterson, an Individual, and Paul Haley, and Individual, pursuant to the stipulation of the Parties.

Per the terms of the Settlement Agreement, Defendants were to pay to Plaintiff \$240,819.55 by monthly installments in the amount of \$15,000.00 due on the 22nd day of each month, beginning on November 22, 2025, until the balance was paid in full. Plaintiff asserts Defendants have defaulted this agreement by failing to pay the monthly installment payments. The Declaration of Eric Johnson provides Defendants made a payment of \$2,000.00 on December 9, 2025 and \$13,000.00 on January 19, 2026. Defendants' payment history is included as Exhibit 4. As such, the amount remaining due and owing is \$225,819.55.

In addition, Plaintiff's attorney, Jeremy Wachtman, attests under penalty of perjury Plaintiffs have incurred costs and attorney's fees in the amount of \$1,110.00 to enforce the stipulation.

The relevant provisions of the Settlement Agreement are as follows:

5. Acceleration on Default.

a. If Defendants fails to make any monthly payment within ten (10) calendar days after its due date, Plaintiff may declare the entire unpaid balance of the Settlement Amount immediately due and payable.

b. In such event, Plaintiff may obtain a writ of execution for the full unpaid balance, less any amount previously paid, without further notice to Defendants.

6. Stipulation for Entry of Judgment. At the time of execution of this Agreement by the parties, the parties will also execute a Stipulation for Entry of Judgment, which is incorporated herein by reference. Per the Stipulation for Entry of Judgment, Defendants stipulate to have judgment entered in the Action against them and in favor of Plaintiff as prevailing party on all causes of action alleged in Plaintiff's Complaint, for the sum of Two Hundred Forty Thousand Eight Hundred Dollars and Nineteen Dollars and Fifty-Five Cents (\$240,819.55), plus any additional costs and attorney's fees incurred by Plaintiff to enforce the terms of this Agreement, and less any payments made by Defendants pursuant to Paragraph 1, above.

7. Stipulation to Dismiss the Complaint. At the time of execution of this Agreement by the parties, the parties will also execute a Stipulation to Dismiss Plaintiff's Complaint, without prejudice, and for the Court to Retain Jurisdiction to Enforce the Settlement Agreement pursuant to C.C.P. § 664.6 (the "Stipulation to Dismiss"). Plaintiff will file the stipulation to Dismiss with the Court in the Action. The Stipulation to Dismiss is incorporated herein by reference.

9. In the event Defendants default on their payment obligations pursuant to Paragraphs 1, 2, and 3, above, then Plaintiff shall be entitled, without further notice to Defendants required, to seek judgment in its favor and against Defendants in the Action pursuant to the Stipulation for Entry of Judgment, with continuing jurisdiction to the Court in the Action.

13. California Code of Civil Procedure, Section 664.6. This Agreement shall be subject to and enforceable under California Code of Civil Procedure, Section 664.6. The Parties agree that until this Agreement is satisfied in whole, the Court shall retain jurisdiction over The Parties for all purposes, including for the enforcement of this Agreement, pursuant to California Code of Civil Procedure, Section 664.6. If either party under this agreement requires judicial intervention to enforce this Agreement, that party is entitled to recover from the other reasonable attorneys' fees and costs incurred as a result therefrom. In the event a motion to enforce this Agreement pursuant to California Code of Civil Procedure,

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Section 664.6 is filed, the Parties agree that the party making the motion shall request continued jurisdiction of the Court after judgment is entered.

No response or objection has been filed by Defendants.

Code of Civil Procedure § 664.6 provides that a Court may dismiss the case without prejudice and retain jurisdiction over the parties to enforce a settlement until performance in full of the terms of the settlement. Where a Court dismisses the case without prejudice pursuant to this section, a party may file a motion pertaining to the settlement if the terms are not performed. A Court need not vacate or set aside a prior dismissal before enforcing the settlement based upon a dismissal without prejudice pursuant to § 664.6.

The Court finds that Defendants defaulted on their agreed upon payment schedule per the Stipulation to Dismiss Plaintiff's Complaint, Without Prejudice, and for this Court to Retain Jurisdiction to Enforce the Settlement Agreement Pursuant to CCP § 664.6. Plaintiff's request to enter judgment against Defendants is granted in the amount of \$226,991.55, comprised of the outstanding balance (\$225,881.55), attorney's fees (\$1,050.00), and costs (\$60.00).

TENTATIVE RULING #7:

PLAINTIFF'S REQUEST TO ENTER JUDGMENT AGAINST DEFENDANTS IS GRANTED. JUDGMENT SHALL BE ENTERED AGAINST DEFENDANTS IN THE AMOUNT OF \$226,991.55, COMPRISED OF THE OUTSTANDING BALANCE (\$225,881.55), ATTORNEY'S FEES (\$1,050.00), AND COSTS (\$60.00).

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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8.	25CV3065	AMERICAN EXPRESS NATIONAL BANK VS. MATTHEW OHANELE
MOTION HEARING/SET ASIDE DEFAULT JUDGMENT		

A Judgment by Default was entered on April 16, 2026, which ordered Defendant to pay \$5,617.05 in damages and \$297.61 in costs to Plaintiff.

On April 27, 2026, Defendant filed a Notice of Motion and Motion to Set Aside Default and Default Judgment, If Entered; Points and Authorities; Declaration. Defendant seeks relief pursuant to Code of Civil Procedure § 473(b) based upon inadvertence, surprise, or excusable neglect. Defendant argues that he was not properly served with the Summons and Complaint, nor did he receive notice of the court proceedings prior to entry of default. He contends that when the case was filed, he was traveling outside of the United States and did not receive any notice prior to entry of judgment.

On June 18, 2026, Plaintiff filed a Declaration of Plaintiff's Counsel in Opposition to Motion to Set Aside Default and Default Judgment and Memorandum of Points and Authorities in Opposition to Motion to Set Aside Default and Default Judgment. Plaintiff asserts that service of the Summons, Complaint, and Civil Case Cover Sheet were properly served via substituted service on December 2, 2025 and thereafter copies were mailed to Defendant. The Declaration of Diligence provides two attempts of personal service were made on November 26, 2026, and November 29, 2025. On December 2, 2025, Sandra Ohanele, who identified themselves as Defendant's spouse, stated Defendant resided in the home but was not available at the time. Ms. Ohanele accepted service with direct delivery.

Code of Civil Procedure § 473(b) permits a court to relieve a party from a judgment through the party's mistake, inadvertence, surprise, or excusable neglect. Application for relief must be accompanied by a copy of the answer otherwise the application shall not be granted. Defendant failed to file an Answer as required. Page 14 of his motion includes a "Proposed Answer Exhibit A;" however, **no Answer is included.**

Even if an Answer had been included, the Court is unpersuaded that Defendant is entitled to relief. Code of Civil Procedure § 415.20(b) provides a copy of the summons and complaint may be served by leaving a copy of the summons and complaint at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a competent member of the household or a person apparently in charge of their office, place of business, or usual mailing address, at least 18 years of age, who shall be informed of the contents thereof. The serving party must thereafter mail a copy of the summons and complaint by first-class mail, postage prepaid, to the person to be served at the place where the documents were left.

California courts have consistently held that two or three attempts at personal service at a proper place ordinarily satisfy the requirement of reasonable diligence and allow substituted service to be made. *See Espindola v. Nunez* (1988) 199 Cal.App.3d 1389, *Bein v. Brechtel-Jochim Group, Inc.* (1992) 6 Cal.App.4th 1387. Here, the process server made three attempts of personal service at Defendant's residence. On the third attempt, substituted service was made on Sandra Ohanele. The Summons and Complaint were thereafter mailed to Defendant's residence. The Court finds such substituted service appropriate.

Where the record supports proper substituted service, a defendant's declaration claiming lack of knowledge is insufficient to overcome the proof of service and declaration of diligence. *See First American Title Ins. Co. v. Banerjee* (2022) 87 Cal.App.5th 37. Moreover, per Defendant's declaration, he concedes he first learned about the lawsuit on or around December 15, 2025.

Defendant's request to set aside the default judgment is denied.

TENTATIVE RULING #8:

DEFENDANT'S REQUEST TO SET ASIDE THE DEFAULT JUDGMENT 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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9.	25CV3320	JP MORGAN CHASE BANK N.A. VS. GINA R SARTAIN
ENTRY OF JUDGMENT ON THE PLEADINGS		

On May 21, 2026, Plaintiff filed its Notice of Motion and Motion for Judgment on the Pleadings; Memorandum of Points and Authorities in Support of Motion and a Declaration of Eric Oyama Per CCP § 439.

This matter stems from Plaintiff's efforts to collect \$11,889.23 in credit card debt from Defendant. The Complaint was filed on December 11, 2025. Defendant filed her Answer on January 12, 2026. Defendant admits all of the statements of the complaint are true except that she "cannot pay full amount and fees on card" as she does "not make enough money." Defendant does not include any affirmative defenses.

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).

Code of Civil Procedure § 439(a) provides a meet and confer requirement in which the moving party must meet in confer in person, by telephone, or by video conference for the purpose of determining whether an agreement can be reached. A determination by the court that the meet and confer process was insufficient shall not be grounds to grant or deny the motion for judgment on the pleadings. Plaintiff acknowledges there has been no meet and confer with Defendant, as Defendant failed to provide her telephone number with her responsive pleadings. Plaintiff sent a letter to Defendant on March 20, 2026, requesting Defendant to contact Plaintiff to meet and confer. No response was received.

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.* (2006) 140 Cal. App. 4th 1395 ("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 a cause of action for breach of written contract. The Complaint alleges that Defendant failed to make payments on the contract as agreed, and despite Plaintiff's demand, Defendant continued to refuse to pay the amount owed under the

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contract. A copy of the Cardmember Agreements Rates and Fees Table is attached as Exhibit A to the Complaint.

Defendant admits all of the statements of the complaint are true. Such an admission conclusively establishes the elements needed to prove the cause of action asserted in the Complaint. The Court does not find there is a reasonable possibility that a defect in Defendant's pleading can be cured by amendment. Plaintiff's Motion for Judgment on the Pleadings is granted without leave to amend. The court will enter judgment in favor of Plaintiff, JPMorgan Chase Bank, N.A., against Defendant Gina R Sartain, in the sum of \$11,889.23.

TENTATIVE RULING #9:

PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS IS GRANTED WITHOUT LEAVE TO AMEND. THE COURT WILL ENTER JUDGMENT IN FAVOR OF PLAINTIFF, JPMORGAN CHASE BANK, N.A., AGAINST DEFENDANT GINA R SARTAIN, IN THE SUM OF \$11,889.23.

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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10.	25CV3374	EMERGENCY RESTORATION & CLEANING, INC., A CALIFORNIA CORPORATION VS. NATHAN ANDREW WRIGHT ET AL
DEMURRER; MOTION TO STRIKE – PUNITIVE DAMAGES CLAIM		

The court continues these matters on its own motion to August 7, 2026 at 8:30am in Department 9.

TENTATIVE RULING #10: THE MOTIONS ARE CONTINUED TO AUGUST 7, 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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11.	26CV0687	DAVID CRAMER VS. EL DORADO COUNTY
MOTION FOR ORDER DECLARING PLAINTIFF A VEXATIOUS LITIGANT		

This matter stems from a Complaint filed by Plaintiff, David Cramer ("Plaintiff"), on March 12, 2026. El Dorado County is named as a defendant and Londres Uso is named as a Real Party in Interest. Plaintiff asserts the following causes of action: 1) Public entity liability for failure to perform a mandatory duty; and 2) Development of a public nuisance.

On May 1, 2026, Defendant, El Dorado County, filed the following:

1. Notice of Motion and Motion for Defendant County of El Dorado for an Order: 1) Declaring Plaintiff a Vexatious Litigant; 2) Entering Prefiling Order; 3) Requiring Plaintiff to Furnish Security; 4) Staying the Case Until Security Furnished; and 5) Warning that Case will be Dismissed if Security Not Furnished (hereinafter "Motion");
2. Request for Judicial Notice in Support of Defendant County of El Dorado's Motion;
3. Declaration of Andrew T. Caulfield in Support of Motion; and
4. Memorandum of Points and Authorities in Support of Motion.

Defendant, El Dorado County ("Defendant"), asserts Plaintiff should be declared a vexatious litigant pursuant to Code of Civil Procedure § 391(b)(1) as he has commenced, prosecuted and/or maintained at least five qualifying "litigations" in pro per in the preceding seven-year period. Defendant provides seven litigations which they allege qualify as qualifying litigations, including:

1. David Cramer v. City of Auburn, et al (Placer County Superior Court, Case No. SCV-0049209);
2. David Cramer v. Auburn Lake Trails Property Owners Association (Third District Court of Appeal, Case No. C099848);
3. David Cramer v. El Dorado County (El Dorado County Superior Court, Case No. 23CV0457);
4. David Cramer v. El Dorado County (Third District Court of Appeal, Case No. C100224);
5. David Cramer v. El Dorado County (Third District Court of Appeal, Case No. C102216);
6. David Cramer v. El Dorado County Superior Court (US District Court, Eastern District of California, Case No. 2:24cv1982); and
7. David Cramer v. Rene Norton (Third District Court of Appeal, Case No. C099714).

Defendant also asserts Plaintiff may be deemed a vexatious litigant under Code of Civil Procedure § 391(b)(2) as he attempts to relitigate causes of action, claims, issues of fact and law, that were determined or concluded by final determination and in favor of the County in case number 23CV0457 and appeal case number C102216.

Defendant seeks Plaintiff furnish a \$65,000 security to compensate the County for estimated reasonable costs and attorney's fees needed to defend the action. In a previous lawsuit and appeal (23CV0457 and C102216), the County incurred and paid \$66,837.36 in attorney's fees and expenses.

An Amended Notice of Motion was filed on May 12, 2026. Plaintiff filed an Opposition on June 26, 2026 and an Amended Opposition was filed July 1, 2026. Defendant filed a Reply on July 2, 2026.

Vexatious Litigant

Code of Civil Procedure § 391(b) provides a vexatious litigant is as a person who does any of the following:

- (1) In the **immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona at least five litigations** other than in a small claims court that have been (i) **finally determined adversely to the person** or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.
- (2) **After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate**, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) **the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.** (emphasis added)

...

In support of Defendant's request for judicial notice, Defendant provides various court records pertaining to Plaintiff's previous litigation for El Dorado County Superior Court, Case No. 23CV0457, Third District Court of Appeal, Case No. C1002216, Placer County Superior Court, Case No. SCV-0049209, Third District Court of Appeal, Case No. C099848, Third District Court of Appeal, Case No. C100224, US District Court, Eastern District of California, Case No. 2:24cv1982, and Third District Court of Appeal, Case No. C099714. Evidence Code § 452(d) permits judicial notice be taken for records of any court of this state or any court of record of the United States or any state of the United States. Defendant's request for judicial notice is granted.

Plaintiff asserts he should not be considered a vexatious litigant as three of the cases provided by Defendant are appeals which should not be considered separate cases. Such an argument is directly contradictory to existing case law which provides

The term “ ‘[l]itigation’ ” is defined broadly as “any civil action or proceeding, commenced, maintained or pending in any state or federal court.” (§ 391, subd. (a).) **A litigation includes an appeal or civil writ proceeding filed in an appellate court.** (*McColm v. Westwood Park Assn.* (1998) 62 Cal.App.4th 1211, 1216, 73 Cal.Rptr.2d 288; *In re R.H.* (2009) 170 Cal.App.4th 678, 691–692, [88 Cal.Rptr.3d 650].) (emphasis added)

Garcia v. Lacey (2014) 231 Cal.App.4th 402, 406 [180 Cal.Rptr.3d 45, 49]

A litigation is finally determined adversely to a plaintiff if **he does not win the action** or proceeding he began, **including cases that are voluntarily dismissed by a plaintiff.** (*Tokerud v. Capitolbank Sacramento* (1995) 38 Cal.App.4th 775, 779, 45 Cal.Rptr.2d 345; *In re Whitaker* (1992) 6 Cal.App.4th 54, 56, [8 Cal.Rptr.2d 249].) *Id.* At 406-407 (emphasis added). The outcome of each case is below:

1. El Dorado County Superior Court, Case No. 23CV0457: Defendant’s demurrer to Plaintiff’s Fourth Amended Complaint was sustained without leave to amend.
2. Third District Court of Appeal, Case No. C100224: Plaintiff filed a premature appeal in El Dorado County Superior Court, Case No. 23CV0457 then retracted the appeal.
3. Third District Court of Appeal, Case No. C1002216: Plaintiff filed an appeal in El Dorado County Superior Court, Case No. 23CV0457 and the appellate court affirmed. Plaintiff’s petition for rehearing was denied.
4. Placer County Superior Court, Case No. SCV-0049209: Plaintiff filed a dismissal without prejudice.
5. Third District Court of Appeal, Case No. C099848: Plaintiff filed an appeal of the trial court’s order in Placer County Superior Court, Case No. SCV-0049209 and the appellate court affirmed. Plaintiff’s petition for rehearing was denied.
6. US District Court, Eastern District of California, Case No. 2:24cv1982: the Court dismissed the action.
7. Third District Court of Appeal, Case No. C099714: Plaintiff abandoned the appeal.

The Court finds that Plaintiff has commenced at least five litigations in the immediately preceding seven-year period which have had an adverse final determination against Plaintiff. The Court accordingly finds Plaintiff is a vexatious litigant under Code of Civil Procedure § 391(b)(1).

The Court further finds that Plaintiff is a vexatious litigant under Code of Civil Procedure § 391(b)(2) as he is attempting to relitigate the same cause of action for public entity liability for failure to perform a mandatory duty, which was the same cause of action and issues as in El Dorado County Superior Court, Case No. 23CV0457 and Third District Court of Appeal, Case No. C1002216. *See First Western Development Corp. v. Superior Court* (1989) 212 Cal.App.3d 860 (holding an unsuccessful defendant who filed five lawsuits, three of which attempted to

relitigate issues previously raised, was a “vexatious litigant” under the Code of Civil Procedure § 391(b)(2).).

Prefiling Order

Code of Civil Procedure § 391.7(a) provides the court the discretion to enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the court where the litigation is proposed to be filed. As Plaintiff is found to be a vexatious litigant, the Court is inclined to grant Defendant’s request for a prefiling order.

Security

At any time until final judgment is entered, a defendant may move the court for an order requiring a plaintiff to furnish security based upon the ground, and supported by a showing, that **plaintiff is a vexatious litigant** and that **there is not a reasonable probability that they will prevail in the litigation against the moving party**. Code of Civil Procedure § 391.1. If, after hearing the evidence upon motion, the court is required to order the plaintiff furnish security upon a determination that plaintiff is a vexatious litigant and that there is no reasonable probability that the plaintiff will prevail in the litigation against the moving defendant. Code of Civil Procedure § 391.3(a). When security that has been ordered furnished is not furnished as ordered, the litigation shall be dismissed as to the defendant for whose benefit it was ordered furnished. Code of Civil Procedure § 391.4.

Defendant argues that there is no reasonable probability that Plaintiff will prevail in the litigation on the following grounds:

1. The action is barred by res judicata;
2. Plaintiff’s public nuisance cause of action fails as a matter of law; and
3. Plaintiff’s action is barred because he failed to present a government claim before filing the suit.

As discussed above, Plaintiff is found to be a vexatious litigant. The Court is persuaded that there is no reasonable probability Plaintiff will prevail in the litigation on the grounds asserted by Defendant and is inclined to order Plaintiff to furnish a security. The Court finds a reasonable basis in granting Defendant’s request for a security in the amount of \$65,000 within 30 days based upon the cost of Plaintiff’s most recently failed suit and is inclined to stay proceedings pending receipt based upon the Court’s inherent power to stay proceedings. See *Bailey v. Fosca Oil Co.* (1963) 216 Cal.App.2d 813, 817 (holding that superior courts have an inherent authority to stay proceedings pending receipt of security when the relevant statutory authority is silent). Should the security not be provided within this time, the Court shall dismiss the action.

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TENTATIVE RULING #11:

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, JULY 10, 2026, IN DEPARTMENT NINE
DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IS GRANTED.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530)
621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

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12.	26CV0806	JEVAN JAMES CHRISTIANSEN V. DILLYN CHRISTINE NISBET
COMPROMISE: MINOR CLAIM		

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

* * *

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

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

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

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

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

The minor's guardian requests reimbursement of educational expenses in the form of semi-private tutoring in the amount of \$7,410.00. There are copies of bills substantiating the

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claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

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

On June 22, 2026, a Declaration of Dan L. Rainsbury, Esq. in Support of Plaintiff's Minor's Compromise Petition was filed which provided the following exhibits correcting the Petition's omissions in compliance with Local Rules of the El Dorado County Superior Court, Rule 7.10.12:

1. Amended Exhibit 18(b)(3) reflecting a revised annuity funding date of September 10, 2026;
2. Copies of all claimed costs incurred by David Allen & Associates (\$10,989.87);
3. Copies of all claimed costs incurred by Rainsbury Law Group (\$2,295.99);
4. Copies of all medical expenses and payments made by Blue Shield health insurance along with documentation of the lien reduction set forth in the Petition; and
5. Copies of the lien from UC Davis/Healthcare Advocates along with lien reduction confirmation.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED ON JULY 10, 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.

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13.	26CV0893	CASHFLOIT LLC, A FLORIDA LIMITED LIABILITY COMPANY VS. CALIBUNGA SAN JOSE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ET AL
PETITION TO COMPEL ARBITRATION AND STAY PROCEEDINGS IN LIEU OF ANSWER		

Defendant, Red Beard Holding, LLC, filed this motion to compel arbitration and stay proceedings on May 11, 2026. On June 1, 2026, Defendants, Calibunga San Jose, LLC, California Dreamin' Entertainment Holdings, LLC, and Red Beard Operation, LLC, filed a Notice of Joinder in Petition to Compel Arbitration and to Stay Action. Plaintiff filed their limited opposition on June 26, 2026 agreeing to participate in arbitration; however, Plaintiff objects to the stay of proceedings against defendants who will not be participating in arbitration and whose defaults have already been entered by the court. Plaintiff also requests that arbitration be stayed until the judgment is entered against defaulted defendants.

An Entry of Default was entered on June 12, 2026 on Steven Martin Dooner, an individual, California Dreamin' Entertainment Group, LLC, a California Limited Liability Company doing business as Calibunga San Jose Online Ticketing; California Dreamin' Entertainment, Inc., a Delaware Corporation.

On July 1, 2026, Defendants Calibunga San Jose, LLC, California Dreamin' Entertainment Holdings, LLC, Red Beard Holdings, LLC, and Red Beard Operation, LLC filed a reply wherein they do not oppose Plaintiff proceeding to enter default judgments against the three non-signatory, defaulted defendants (California Dreamin' Entertainment Group, LLC, California Dreamin' Entertainment, Inc., and Steven Dooner) (collectively the "Defaulted Defendants"). Defendants request the court confirm the following:

1. Neither res judicata (claim preclusion) nor collateral estoppel (issue preclusion) can give a default judgment against the Defaulted Defendants any binding, preclusive, or evidentiary weight against Petitioners in the arbitration; and
2. The one-satisfaction cap rule strictly caps Plaintiff's total recovery across both forums, requiring an immediate pro tanto credit against the arbitration for any amounts collected in court.

As there is no opposition to the motion to compel arbitration, Defendants' request is granted. California Code of Civil Procedure § 1281.4 mandates that the court in which the action is pending shall, upon motion of a party, stay the action or proceeding until an arbitration is had in accordance with the order to arbitrate or until such earlier time as the court specifies. "The purpose of this statutory stay is to protect the jurisdiction of the arbitrator by preserving the status quo until arbitration is resolved." *Aronow v. Superior Court* (2022) 76 Cal.App.5th 865.

Plaintiff's request to delay arbitration until the default judgment is entered conflicts with the mandatory nature of § 1281.4.

Res judicata bars a subsequent claim when “(1) the decision in the prior proceeding is final and on the merits; (2) the present proceeding is on the same cause of action as the prior proceeding; and (3) the parties in the present proceeding or parties in privity with them were parties to the prior proceeding.” [Citation.] Upon satisfaction of these conditions, claim preclusion bars ‘not only ... issues that were actually litigated but also issues that could have been litigated.’” (*Ibid.*)

“The doctrine of collateral estoppel or issue preclusion is a secondary form of res judicata. [Citation.] It prevents a party who had a full and fair opportunity to litigate a particular issue in a prior proceeding from relitigating it in a subsequent proceeding. [Citation.] ‘A prior determination by a tribunal will be given collateral estoppel effect when (1) the issue is identical to that decided in a former proceeding; (2) the issue was actually litigated and (3) necessarily decided; (4) the doctrine is asserted against a party to the former action or one who was in privity with such a party; and (5) the former decision is final and was made on the merits.’ ” (*McCutchen v. City of Montclair* (1999) 73 Cal.App.4th 1138, 1144, 87 Cal.Rptr.2d 95.)

Colombo v. Kinkle, Rodiger & Spriggs, 35 Cal. App. 5th 407, 416 (2019).

Defendants are distinct legal entities not in privity with Defaulted Defendants. Additionally, a default judgment by its very nature is not actually litigated. As such, the Court finds res judicata and collateral estoppel inapplicable and shall not bind Defendants in arbitration. Upon the collection of actual full payment, the one satisfaction doctrine applies.

TENTATIVE RULING #13:

DEFENDANTS’ PETITION TO COMPEL ARBITRATION AND TO STAY PROCEEDINGS 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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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.

14.	25CV0475	DISCOVER BANK VS. AMELIA GUTILLA
MOTION FOR SUMMARY JUDGMENT /SUMMARY ADJUDICATION		

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

Plaintiff filed this Motion for Summary Judgment or in the Alternative Summary Adjudication on November 17, 2025. 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).)

Likewise, any adverse party may oppose the motion, and, “where appropriate,” must present evidence including “affidavits, declarations, admissions, answers to interrogatories, depositions, and matters of which judicial notice” must or may “be taken.” (*Ibid.*) An adverse party who chooses to oppose the motion must be allowed a reasonable opportunity to do so. (*Id.*, § 437c, subd. (h).) In ruling on the motion, the court must “consider all of the evidence” and “all” of the “inferences” reasonably drawn therefrom (*id.*, § 437c, subd. (c)), and must view such evidence (e.g., *Molko v. Holy Spirit Assn.*, *supra*, 46 Cal.3d at p. 1107; *Stationers Corp. v. Dun & Bradstreet, Inc.* (1965) 62 Cal.2d 412, 417 [42 Cal.Rptr. 449, 398 P.2d 785]) and such inferences (see, e.g., *Crouse v. Brobeck, Phleger & Harrison* (1998) 67 Cal.App.4th 1509, 1520 [80 Cal.Rptr.2d 94] [review on appeal]; *Ales-Peratis Foods Internat., Inc. v. American Can Co.* (1985) 164 Cal.App.3d 277, 280, fn. * [209 Cal.Rptr. 917] [same]), in the light most favorable to the opposing party. *Aguilar v. Atl. Richfield Co.*, 25 Cal. 4th 826, 843, 24 P.3d 493 (2001), as modified (July 11, 2001)

The elements of an open book account cause of action are: “1. That [plaintiff] and [defendant] had financial transactions ... ; 2. That [plaintiff] ... kept [an] account of the debits and credits involved in the transactions; 3. That [defendant] owes [plaintiff] money on the account; and 4. The amount of money that [defendant] owes [plaintiff].” *State Comp. Ins. Fund v. ReadyLink Healthcare, Inc.* (2020) 50 Cal.App.5th 422, 449 [264 Cal.Rptr.3d 68, 89].

The essential elements of an account stated are: (1) previous transactions between the parties establishing the relationship of debtor and creditor; (2) an agreement between the parties, express or implied, on the amount due from the debtor to the creditor; (3) a promise by the debtor, express or implied, to pay the amount due. *Zinn v. Fred R. Bright Co.* (1969) 271 Cal.App.2d 597, 600 [76 Cal.Rptr. 663, 665–666].

Plaintiff has established the elements of Open Book Account and Action-Account Stated. Plaintiff has provided documents establishing personal loan account records, terms and conditions of the loan, monthly account statements, and an account history of payments, fees, interest, and a total outstanding balance. The evidence indicates that Plaintiff and Defendant engaged in financial transactions in which Plaintiff kept an account of the debits and credits involved in the transactions, and Defendant owes money in the amount of \$20,532.03.

The transactions between the Parties establish an existing relationship, there was an express agreement on the amount due, and a promise by Plaintiff was express or implied as

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indicated by the payments made from Defendant to Plaintiff. Plaintiff made payments from June 14, 2023 until August 31, 2024. The outstanding balance remains unpaid and continues to remain unpaid. No evidence was offered to rebut the evidence presented. The Court intends to grant Plaintiff's Motion; however, appearances are required since Plaintiff failed to provide Defendant notice of the tentative ruling system.

TENTATIVE RULING #14:

APPEARANCES ARE REQUIRED, PURSUANT TO PLAINTIFF'S FAILURE TO COMPLY WITH LOCAL RULES.

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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18.	PC20200294	STEVEN P. VIANI ET AL VS. ROGER LEASURE ET AL
DEMURRER TO PLAINTIFFS' FIRST AMENDED COMPLAINT		

This matter arises from Defendant's demurrer to Plaintiffs' first amended verified complaint filed on February 17, 2026. The Court ordered the parties to engage in meaningful meet and confer efforts to discuss Defendant's eleven arguments in an effort to minimize the issues before using judicial resources on May 8, 2026.

The Court is in receipt of the status reports filed by Plaintiffs and Defendant, Roger Leasure ("Defendant"), on June 26, 2026. The Parties indicate that meet and confer efforts have been made but were unsuccessful. The Parties are in agreement to engage in another meet and confer in early July to discuss further.

Parties are to immediately begin the meet and confer process on this demurrer filed February 17, 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 28, 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 of 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

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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 September 4, 2026 at 8:35 AM in Department 9.

TENTATIVE RULING #18:

DEFENDANT'S DEMURRER TO PLAINTIFFS' FIRST AMENDED COMPLAINT IS CONTINUED TO SEPTEMBER 4, 2026 AT 8:35 A.M. IN DEPARTMENT 9. PARTIES AND COUNSEL ARE ORDERED TO COMPLY WITH THE COURT'S ORDER TO MEET AND CONFER AS 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).

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