

September 11, 2026
Dept. 9
Civil Tentative Rulings

1.	25CV0066	ERIK FARAHMAND VS. SUNRUN INC ET AL
ATTORNEY WITHDRAWAL		

Counsel for Defendant, Freedom Forever LLC, has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362.

A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating the client has not consented to counsel's request to withdraw, the client has filed a Chapter 11 bankruptcy petition and a Notice of Stay of Proceedings was filed in this matter on May 26, 2026.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Proof of service of the motion on Defendant at their last known was filed on July 17, 2026. A Supplemental Proof of Service was filed on July 24, 2026.

On September 3, 2026, Counsel filed a Notice of Non-Opposition and Supplemental Brief in Support of Unopposed Motion to Withdraw as Counsel. Counsel advises that Defendant's Chapter 11 bankruptcy has converted to a Chapter 7. Despite the automatic stay in place, the Court has the discretion to grant the request to be relieved as counsel as the motion is not a "proceeding against the debtor."

TENTATIVE RULING #1:

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

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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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2.	25CV2710	L.A. COMMERCIAL GROUP, INC., A CORPORATION VS. HANGTOWN BODY SHOP LLC, A LIMITED LIABILITY COMPANY ET AL
MOTION TO ENFORCE SETTLEMENT AGREEMENT		

This matter was continued from August 14, 2026. The tentative ruling issued on August 14, 2026, remains in effect.

TENTATIVE RULING #2:

THE TENTATIVE RULING ISSUED ON AUGUST 14, 2026, REMAINS IN EFFECT.

3.	25CV3075	DEEPAK PATEL ET AL VS. ARVO SOLAR, A BUSINESS ENTITY FORM UNKNOWN ET AL
MOTION TO COMPEL / DEEM REQUESTS FOR ADMISSIONS AS ADMITTED		

Before the Court are three motions: 1) Plaintiffs/Cross-Defendants' Motion to Deem Requests for Admissions as Admitted; 2) Plaintiffs/Cross-Defendants' Motion to Compel Responses to Document Requests and for Monetary Sanctions; and 3) Plaintiffs/Cross-Defendants' Motion to Compel Responses to Form Interrogatories to Arvo Solar and Jon Horton (collectively the "Discovery Motions").

On June 19, 2026 Plaintiffs/Cross-Defendants, Deepak Patel and Divya Patel (collectively "Plaintiffs"), electronically served the following on Defendants/Cross-Complainants, Arvo Solar and Jon Phillip Horton (collectively "Defendants"): 1) Request for Production of Documents, Set Two, to Defendant Horton; 2) Request for Production of Documents, Set One, to Defendant Arvo Solar; 3) Requests for Admission, Set One, to Defendant Arvo Solar; 4) Requests for Admission, Set Two, to Defendant Horton; 5) Form Interrogatories, Set One, to Defendant Arvo Solar; and 6) Form Interrogatories, Set Two, to Defendant Horton (collectively the "Discovery Requests"). Plaintiffs request sanctions in the amount of \$547.50 (Form Interrogatories), \$547.50 (Request for Production of Documents), and \$900 (Request for Admissions).

Plaintiffs allege Defendants failed to serve timely responses to the Discovery Requests by the July 21, 2026, deadline. On July 23, 2026, Plaintiffs' counsel asserts that Defendants' counsel requested a three-week extension and referred to potential new counsel. Plaintiffs offered a conditional extension through September 13, 2026, but Defendants' counsel did not agree to the conditions.

The Declaration of Richard F. Weiner provides that he requested a few days extension which Plaintiff's counsel would not provide unless objections were waived. Defendants' counsel advised Plaintiff's counsel would receive the responses as soon as possible but Plaintiffs' counsel proceeded in filing the underlying motion. As for the second set, Defendants' counsel did not realize they had been served, as they were attached in an email which included other papers from Plaintiffs' counsel and he did not realize they were included.

On July 30, 2026, Defendant Arvo Solar's Response to Form Interrogatories, Set One, and Response to Request for Admissions, Set One, were served. On August 6, 2026, Defendant Arvo Solar's Response to Request for Production of Documents, Set One, was served. Defendant Horton's Response to Request for Production of Documents, Set Two, Response to Form Interrogatories, Set Two, and Response to Request for Admissions, Set Two, were served on August 24, 2026. A subsequent response with new verifications was served on August 27, 2026.

As Defendants served verified responses to the Request for Admissions, Plaintiffs do not press the request for an order deeming the matters admitted but maintain their request for sanctions. Plaintiffs argue that the late responses to Defendant Horton's Form Interrogatories do not restore the objections waived by operation of law and the substantive responses to Form Interrogatory No. 17.1 remain materially incomplete. Regarding the Request for Production of Documents, Plaintiffs assert that the late responses do not restore objections that were waived by operation of law and the responses remain deficient.

Code of Civil Procedure § 2030.290 provides if a party to whom interrogatories are directed fails to serve a timely response, the following rules apply:

(a) The party to whom the interrogatories are directed waives any right to exercise the option to produce writings under Section 2030.230, as well as any objection to the interrogatories, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

(1) The party has subsequently served a response that is in substantial compliance with Sections 2030.210, 2030.220, 2030.230, and 2030.240.

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

Answers must be complete and responsive. Thus, it is not proper to answer by stating, "See my deposition", "See my pleading", or "See the financial statement". Indeed, **if a question does require the responding party to make reference to a pleading or document, the pleading or document should be identified and summarized so the answer is fully responsive to the question.** (See California Civil Discovery Practice, Section 8.55 (C.E.B.1975); 4A Moore's Federal Practice (2d Ed. 1975), Section 33.25(1), pp. 33-131 to 33-132; State Road Dept. v. Florida East Coast Ry., 212 So.2d 315, 317(1) (Fla.App.1968).) See also Propriety of Answer to Interrogatory Merely Referring to Other Documents or Sources of Information. 96 A.L.R.2d 598...**A broad statement that the information is available from a mass of documents is insufficient.** (See California Civil Discovery Practice, Section 3.49 (C.E.B.1975); Daiflon v. Allied Chemical Corporation, supra, 534 F.2d 221, 226; Flour Mills of America v. Pace, 75 F.R.D. 676, 681-682 (E.D.Okl.1977); Harlem River Consumers Co-op v. Associated Growers of Harlem, supra, 64 F.R.D. 459, 463; Budget Rent-A-Car of Missouri, Inc. v. Hertz Corp., 55 F.R.D. 354, 356-357 (W.D.Mo.1972).) *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783-785 [149 Cal.Rptr. 499, 510] (emphasis added).

The Court finds that Defendant Horton did not substantially comply with Code of Civil Procedure § 2030.290(a)(1). Defendant Horton failed to provide witness contact information for Golden Gate Electrical Service Partnership and City of Placerville personnel and did not identify

the documents with the specificity required. Plaintiffs' motion to compel responses to Form Interrogatories, Set Two, as to Defendant Horton is granted. Defendant Horton is ordered to serve verified, code-compliant responses without objections to all requests, within ten (10) days of the Court's Order.

Code of Civil Procedure § 2031.300 provides if a party to whom a demand for inspection, copying, testing, or sampling is directed fails to serve a timely response to it, the following rules shall apply:

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

(1) The party has subsequently served a response that is in substantial compliance with Sections 2031.210, 2031.220, 2031.230, 2031.240, and 2031.280.

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

The Court finds that Defendant Horton failed to provide a response to Request for Production of Documents, Set Two, request number 83. Additionally, the responses are not in substantial compliance pursuant to Code of Civil Procedure § 2031.300(a)(1). Plaintiffs' motion to compel responses to Request for Production of Documents, Set Two, as to Defendant Horton is granted. Defendant Horton is ordered to serve verified, code-compliant responses without objections to all requests, within ten (10) days of the Court's Order.

Regarding the request for monetary sanctions, sanctions are mandatory for one who "unsuccessfully makes or opposes a motion to compel a response...unless [the court] finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust" Cal. Civ. Pro. §2030.290 (interrogatories), § 2031.300(c)(requests for production) & § 2033.280(c)(requests for admission). In all other circumstances, the imposition of discovery sanctions is permissive. This includes instances where there has been no opposition and discovery responses were served after the filing of the motion. Cal. Rule of Ct., Rule 3.1348(a).

Here, while responses to the discovery requests have been served, it remains that they were not served until after Plaintiffs were forced to incur the time and expense associated with preparing and filing its motion to compel. Moreover, the responses to Defendant Horton's Form Interrogatories, Set Two, and Request for Production of Documents, Set Two were not substantially compliant with Code of Civil Procedure §§ 2030.290 and 2031.300. Defendants have not provided any substantial justification for the failure to timely serve the responses, nor

have they provided the Court with any reason why the imposition of sanctions would be unjust. Accordingly, Plaintiffs are awarded \$1,995.00 in monetary sanctions payable by Defendants, jointly and severally, within thirty (30) days of the Court's order.

TENTATIVE RULING #3:

PLAINTIFFS' REQUEST TO COMPEL RESPONSES TO FORM INTERROGATORIES, SET TWO, AND REQUEST FOR PRODUCTION OF DOCUMENTS, SET TWO, AS TO DEFENDANT HORTON IS GRANTED. DEFENDANT HORTON IS ORDERED TO SERVE VERIFIED, CODE-COMPLIANT RESPONSES WITHOUT OBJECTIONS TO ALL REQUESTS WITHIN TEN (10) DAYS OF THE COURT'S ORDER.

PLAINTIFFS' REQUEST FOR SANCTIONS IS GRANTED IN THE AMOUNT OF \$1,995.00 PAYABLE BY DEFENDANTS, JOINTLY AND SEVERALLY, WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

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4.	26CV0230	ROBERT RUSSELL VS. MONSANTO COMPANY, A CORPORATION ET AL
PRO HAC VICE		

Before the Court are two motions: 1) Pro Hac Vice of Abigail Brawner; and 2) Pro Hac Vice of Kimberly Spangler-Loutey.

PRO HAC VICE OF ABIGAIL BRAWNER

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

Attorney Abigail Brawner applies to the Court, pursuant to California Rules of Court, Rule 9.40, to appear as counsel *pro hac vice* on behalf of Plaintiff Robert Russell in this action. Abigail Brawner is associated with California attorney C. Brooks Cutter. The requirements of California Rule of Court, Rule 9.40(d) have been met. However, there is no proof of service by mail indicating service was effectuated on all parties who have appeared in the cause and on the State Bar at its San Francisco office as required by California Rule of Court, Rule 9.40(c).

The Court continues the matter to October 2, 2026, to allow for proper service.

PRO HAC VICE OF KIMBERLY SPANGLER-LOUTEY

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

Attorney Kimberly Spangler-Loutey applies to the Court, pursuant to California Rules of Court, Rule 9.40, to appear as counsel *pro hac vice* on behalf of Plaintiff Robert Russell in this action. Kimberly Spangler-Loutey is associated with California attorney C. Brooks Cutter. The requirements of California Rule of Court, Rule 9.40(d) have been met. However, there is no proof of service by mail indicating service was effectuated on all parties who have appeared in the cause and on the State Bar at its San Francisco office as required by California Rule of Court, Rule 9.40(c).

The Court continues the matter to October 2, 2026, to allow for proper service.

TENTATIVE RULING #4:

PRO HAC VICE MATTERS ARE CONTINUED TO OCTOBER 2, 2026, AT 8:30 A.M. IN DEPARTMENT NINE TO ALLOW FOR PROPER SERVICE.

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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5.	26CV1756	JASON A BOSTON VS. EDCA LIFE SKILLS ET AL
MOTION TO COMPEL		

Petitioner, Jason Andrew Boston ("Petitioner"), moves for an order compelling Real Party in Interest, EDCA Lifeskills, to produce the complete administrative record and all documents responsive to Petitioner's duly-served Civil Subpoena for Production of Documents.

On August 7, 2026, the Court found the underlying Writ of Mandate procedurally defective and denied the Petition for Writ of Mandate, rendering Petitioner's Motion to Compel moot.

TENTATIVE RULING #5:

PETITIONER'S MOTION TO COMPEL IS DENIED AS MOOT.

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6.	26CV1824	MARY WHITEHEAD VS. ROSEBUD HOLDINGS, LLC DBA WESTERN SLOPE HEALTH CENTER
MOTION FOR TRIAL PREFERENCE		

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

On July 22, 2026, Plaintiff, Mary Whitehead ("Plaintiff"), filed a Motion for Trial Preference. No opposition has been filed.

Plaintiff filed a Complaint against Defendants, Rosebud Holdings, LLC dba Western Slope Health Center and Bret Morschauser, individually (collectively "Defendants"), on June 30, 2026, alleging causes of action for 1) Statutory Elder Abuse/Neglect; 2) Negligence; and 3) Violation of Health and Safety Code § 1430.

On August 24, 2026, an Order was entered wherein Plaintiff and Defendant Rosebud Holdings, LLC dba Western Slope Health Center were ordered to adjudicate all causes of action, all claims, and all prayers for relief asserted in this action by Plaintiff in binding arbitration. Defendant Bret Morschauser was not included in the Order.

Legal Principles:

Code of Civil Procedure § 36 provides, in part:

(a) A party to a civil action who is over 70 years of age may petition the court for a preference, which the court shall grant if the court makes both of the following findings:

(1) The party has a substantial interest in the action as a whole.

(2) The health of the party is such that a preference is necessary to prevent prejudicing the party's interest in the litigation.

Discussion:

Plaintiff requests the Court grant trial preference pursuant to Code of Civil Procedure § 36(a) and set the action for trial on a date not more than 120 days from the date of the order.

Plaintiff was born on September 10, 1932, and is currently 93 years old. Plaintiff has a substantial interest in the case, as the monies obtained from a judgment would go directly to her, including for in home care, as well as future health care to assist with her rehabilitation, and to compensate for her for the injuries she experienced.

The Declaration of Plaintiff's counsel provides that Plaintiff has several medical conditions which warrant the granting of preference including, but are not limited to, left ventricle failure, neoplasm of cerebral meninges, atrial fibrillation, stage 3 kidney disease,

Alzheimer's disease, atherosclerosis of aorta, MRSA, neoplasm of brain, and muscle wasting and atrophy. Plaintiff's counsel attests that Plaintiff will not survive to be alive for trial if this case is not granted preference.

The Court finds that Plaintiff's health is such that preference is necessary to prevent prejudicing her interest in the litigation. Plaintiff's request for trial preference as to Defendant Morschauser is granted.

TENTATIVE RULING #6:

PLAINTIFF'S REQUEST FOR TRIAL PREFERENCE AS TO DEFENDANT MORSCHAUSER IS GRANTED.

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7.	22CV0225	RUBEN PEREZ VS. STRATTON GREGORY AZEVEDO
WITHDRAW GUARDIAN AD LITEM		

On July 21, 2026, Plaintiff, Sarah Perez ("Plaintiff"), filed a Petition to withdraw Massiel Perez ("Ms. Perez") as guardian ad litem. Plaintiff advises that this Court previously granted Ms. Perez's request to serve as her guardian ad litem for purposes of this litigation as she was a minor when the matter was filed. As she has now reached the age of majority, Plaintiff requests the Court withdraw Ms. Perez as guardian ad litem to allow her to move forward as an individual Plaintiff in the case. The Declaration of Ms. Perez consents to Plaintiff's request.

TENTATIVE RULING #7:

PLAINTIFF'S PETITION TO WITHDRAW MASSIEL PEREZ AS GUARDIAN AD LITEM DUE TO PLAINTIFF REACHING AGE OF MAJORITY IS GRANTED.

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8.	25CV0172	DONALD L. AUSTIN ET AL VS. GREG HANSEN ET AL
OSC HEARING		

On August 28, 2026, the Court continued the matter to September 11, 2026.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED FRIDAY, SEPTEMBER 11, 2026, AT 8:30 A.M. IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

9.	24CV1592	PATRICK J. MAIER ET AL VS. TERRENCE SPRINGER ET AL
GOOD FAITH SETTLEMENT		

Defendant, Norcal Gold Inc. (“Defendant”), has agreed to pay \$22,500 in settlement of claims brought by Plaintiffs, Patrick J. Maier, Tina C. Maier, Vivian C. Maier, and Connor W. Clark. Defendant now moves for a determination of good faith settlement and requests that any future claims by any other defendant for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault be barred pursuant to Code of Civil Procedure Section 877.6. According to the proof of service, all parties were served electronically on July 7, 2026. The motion is not opposed.

Any party to an action in which it is alleged that two or more parties are joint tortfeasors is entitled to a court hearing on the issue of the good faith of a settlement between the plaintiff and one or more of the alleged tortfeasors. Cal. Civ. Pro. § 877.6(a)(1). A determination by the court that the settlement was made in good faith bars any other joint tortfeasor from bringing any further claims against the settling tortfeasor for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault. Cal. Civ. Pro. § 877.6(c).

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

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

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

TENTATIVE RULING #9:

DEFENDANT'S MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT IS GRANTED.

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10.	24CV0034	SONIA TAPIA VS. SANTIAGO TAPIA ET AL
ATTORNEYS' FEES AND COSTS		

Defendant, Sandra Villaseñor ("Defendant"), seeks a reimbursement of attorneys' fees and court costs from Plaintiff, Sonia Tapia ("Plaintiff"), in the amount of \$47,799.42. An Opposition and Request for Judicial Notice were filed by Plaintiff on August 21, 2026. Defendant's Reply was filed on September 3, 2026.

Request for Judicial Notice

Plaintiff seeks judicial notice of 1) the Court's April 10, 2026, Tentative Ruling; and 2) the Court's April 13, 2026, Order.

Judicial notice is a mechanism which allows the Court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 govern the circumstances in which judicial notice of a matter may be taken. While Section 451 provides a comprehensive list of matters that must be judicially noticed, Section 452 sets forth matters which *may* be judicially noticed, including, but not limited to, "[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States."

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

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

Background

On December 8, 2025, Defendant filed a Motion for Attorneys' Fees and Costs, which was granted on January 16, 2026, in the amount of \$27,715.13. On February 4, 2026, Plaintiff filed a Motion to Set Aside Default Judgment. On March 6, 2026, Plaintiff filed a Motion for Attorneys' Fees and Costs, seeking \$68,714.50 in attorneys' fees and costs. On March 20, 2026, the Court granted Plaintiff's Motion to Set Aside Default and set aside the January 16, 2026, Order after finding there was no evidence Plaintiff herself ever received the motion documents.

The Court continued the matter to May 8, 2026, and allowed the Parties to file additional briefings. The hearing was thereafter vacated.

On April 13, 2026, the Court entered an Order granting Plaintiff's request for attorneys' fees and costs in the amount of \$68,714.50. The Court determined that the circumstances of the action warrant allocation of the entirety of the awarded attorney's fees and costs against Defendant. On July 24, 2026, Defendant filed a new Motion for Attorneys' Fees and Costs, requesting \$45,814.42 in attorneys' fees and costs.

Legal Principles

Code of Civil Procedure § 874.010 instructs that the costs of partition include:

- (a) Reasonable attorney's fees incurred or paid by a party for the common benefit.
- (b) The fee and expenses of the referee.
- (c) The compensation provided by contract for services of a surveyor or other person employed by the referee in the action.
- (d) The reasonable costs of a title report procured pursuant to Section 872.220 with interest thereon at the legal rate from the time of payment or, if paid before commencement of the action, from the time of commencement of the action.
- (e) Other disbursements or expenses determined by the court to have been incurred or paid for the common benefit.

Except as otherwise provided in this article, the court shall apportion the costs of partition among the parties in proportion to their interests or make such other apportionment as may be equitable. Code of Civil Procedure § 874.040.

In an action for partition of property, the court may apportion the costs of partition, including an appraisal fee, pursuant to Section 874.040, except that the court shall not apportion the costs of partition to any party that opposes the partition unless doing so is equitable and consistent with the purposes of this chapter. Code of Civil Procedure § 874.321.5.

Code of Civil Procedure § 2033.420 provides:

- (a) If a party fails to admit the genuineness of any document or the truth of any matter when requested to do so under this chapter, and if the party requesting that admission thereafter proves the genuineness of that document or the truth of that matter, the party requesting the admission may move the court for an order requiring the party to whom the request was directed to pay the

reasonable expenses incurred in making that proof, including reasonable attorney's fees.

(b) The court shall make this order unless it finds any of the following:

- (1) An objection to the request was sustained or a response to it was waived under Section 2033.290.
- (2) The admission sought was of no substantial importance.
- (3) The party failing to make the admission had reasonable ground to believe that that party would prevail on the matter.
- (4) There was other good reason for the failure to admit.

Discussion

1. Attorney's Fees Under the Partition Statutes

Defendant argues that although Plaintiff filed the underlying litigation, it was Defendant who moved the matter to its conclusion which caused her to incur fees to prove her ownership and buy out her interest in the property, both of which could have been achieved without the need for litigation. Defendant's counsel's fees were incurred for the "common benefit" of the Parties, as they were incurred to ultimately accomplish the partition buyout. As Defendant would have never incurred these fees if Plaintiff hadn't sued her needlessly for partition, Defendant is entitled to reimbursement as a matter of law.

Plaintiff opposes the motion on the grounds that she made repeated efforts over several years to obtain a voluntary buyout of her interest prior to filing the underlying partition action. Plaintiff contends the litigation became necessary to obtain payment for her ownership interest and that equity does not support shifting Defendant's claimed attorney's fees to Plaintiff. Plaintiff asserts that the information concerning an alleged transfer of Santiago Tapia Campo's one-third interest was not disclosed until after the partition litigation had begun and after his death.

The court may apportion the fees and costs based on the parties' respective interests in the property, or it may apportion the costs and fees based on some other equitable apportionment." (*Finney, supra*, 111 Cal.App.4th at p. 545, 3 Cal.Rptr.3d 604.) *Lin v. Jeng* (2012) 203 Cal.App.4th 1008, 1023 [138 Cal.Rptr.3d 84, 95] (finding the trial court did not err in granting defendants' motion for attorneys' fees and costs and denying plaintiffs' motion in the entirety due to equitable considerations).

The Court does not find Defendant is entitled to a reimbursement of her fees due to equitable considerations. The Order entered on April 13, 2026, expressly found that the circumstances of the action warrant allocation of the entirety of the awarded attorney's fees

and costs against Defendant. The record further establishes that Plaintiff attempted to avoid litigation by engaging in a voluntary buyout over the course of several years with Defendant to no avail. It was only after Plaintiff brought forth the underlying partition action that it was discovered Santiago deeded his interest to Defendant, and upon this discovery, Plaintiff acted prudently to enter into an agreement. Had Defendant provided such information during Plaintiff's attempts to negotiate a voluntary buyout, litigation and attorney fees could have been avoided in the entirety. Defendant's request for attorneys' fees and costs pursuant to the partition statutes is denied.

2. Attorney's Fees Under the Civil Discovery Act

Defendant also seeks attorney's fees pursuant to the Civil Discovery Act for conclusively proving matters contained in her Requests for Admission sent to Plaintiff, which requests Plaintiff denied. As Defendant was forced to expend fees to prove these matters true, she is entitled to reimbursement.

Upon review of the Requests for Admission at issue and Plaintiff's responses, the Court does not believe attorney's fees are warranted, as there was other good reason for the failure to admit pursuant to Code of Civil Procedure § 2033.420(b)(4). The record indicates that Plaintiff was not aware of the content of the request at the time, and for those reasons, could neither admit or deny the request, and therefore denied the requests. Defendant's request for attorneys' fees and costs pursuant to the Civil Discovery Act is denied.

TENTATIVE RULING #10:

DEFENDANT'S MOTION FOR ATTORNEYS' FEES AND COSTS IS DENIED.

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September 11, 2026
Dept. 9
Civil Tentative Rulings

**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.**

September 11, 2026
Dept. 9
Civil Tentative Rulings

11.	23CV1771	MADRONA VINEYARDS L.P. ET AL VS. JERRY VISMAN, AN INDIVIDUAL ET AL
MOTION TO COMPEL FURTHER RESPONSES		

Pursuant to the Order entered on September 9, 2026, the hearing on Plaintiffs' motions are continued to September 25, 2026.

TENTATIVE RULING #11:

PLAINTIFFS' MOTIONS TO COMPEL FURTHER RESPONSES IS CONTINUED TO SEPTEMBER 25, 2026.

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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September 11, 2026
Dept. 9
Civil Tentative Rulings

12.	PC20210083	THOMAS STINSON VS DAVID WEINER, ET AL
ATTORNEY'S FEES / TAX COSTS		

This matter was continued from August 14, 2026. The tentative ruling issued on August 14, 2026, remains in effect.

TENTATIVE RULING #12:

THE TENTATIVE RULING ISSUED ON AUGUST 14, 2026, REMAINS IN EFFECT.

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Civil Tentative Rulings

13.	26CV0764	MARY ASTOR SMITHE VS. EDIB ZILDZO ET AL
MOTION FOR REFUND OF FILING FEES AND SANCTIONS		

This matter was continued from August 21, 2026. The tentative ruling issued on August 21, 2026, remains in effect.

TENTATIVE RULING #13:

THE TENTATIVE RULING ISSUED ON AUGUST 21, 2026, REMAINS IN EFFECT.

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Civil Tentative Rulings

14.	25CV2822	YOSEF ZAGHI VS. EVOLVE MANAGEMENT EXPERTS, LLC
DEMURRER		

This matter was continued from August 14, 2026. The tentative ruling issued on August 14, 2026, remains in effect.

TENTATIVE RULING #14:

THE TENTATIVE RULING ISSUED ON AUGUST 14, 2026, REMAINS IN EFFECT.