

September 18, 2026
Dept. 9
Civil Tentative Rulings

1.	22CV1082	MOHAMMED NAJAFPIR VS. VISIONARY REALTY GROUP INC ET AL
MOTION TO LIFT STAY OF PROCEEDINGS		

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

TENTATIVE RULING #1:

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

2.	25CV2982	CHRISTINA I. ANDERSON VS. EL DORADO HILLS BOAT, WINE & SELF STORAGE, LLC ET AL
MOTION TO COMPEL ARBITRATION AND STAY CIVIL ACTION		

This matter was continued from August 21, 2026, wherein the Court issued its tentative ruling.

On September 1, 2026, the Stipulation and Order to Stay Action Pending Mediation was entered, wherein the Parties agreed to stay all proceedings in the action pending completion of mediation on October 14, 2026. Within fourteen calendar days following mediation, the Parties are to file a Joint Status Report. The stay shall remain in effect through and including October 28, 2026.

As a stay is in effect, the hearing on Defendants' motion to compel arbitration is continued to November 6, 2026. The Parties are ordered to provide an update to the Court within the Joint Status Report as to whether Defendants intend to further pursue the motion to compel arbitration or whether the motion is vacated.

TENTATIVE RULING #2:

THE HEARING ON DEFENDANTS' MOTION TO COMPEL ARBITRATION IS CONTINUED TO NOVEMBER 6, 2026. THE PARTIES ARE ORDERED TO COMPLY WITH THE JOINT STATUS REPORT REQUIREMENTS AS INSTRUCTED 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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3.	26CV0328	ARYANNA ANTON VS. EL DORADO UNION HIGH SCHOOL DISTRICT ET AL
MOTION TO COMPEL		

Before the Court are the following motions filed by Defendants, El Dorado Union High School District and Hadisa Saedy (collectively "Defendants"): 1) Motion to Compel Responses to Form Interrogatories, Set One; 2) Motion to Compel Responses to Request for Production of Documents, Set One; and 3) Motion to Compel Responses to Special Interrogatories, Set One (collectively the "Discovery Motions").

Defendants assert that on March 30, 2026, Defendants served Form Interrogatories, Set One, Request for Production of Documents, Set One, and Special Interrogatories, Set One, on Plaintiff Aryanna Anton by and through her Guardian Ad Litem Eloina Brambila ("Plaintiff"). To date, Plaintiff has not served verified responses.

On September 4, 2026, Plaintiff filed a Non-Opposition to Defendant's Motion to Compel Discovery Responses, wherein Plaintiff advises that the responses to Defendant's Form Interrogatories, Special Interrogatories, and Request for Production of Documents were not provided within the time limit prescribed under the Code. Plaintiff requests the Court grant Defendants' Motion to Compel.

Defendants' Discovery Motions are granted as requested. Plaintiff is ordered to serve verified, code-compliant responses to Form Interrogatories, Set One, Request for Production of Documents, Set One, and Special Interrogatories, Set One without objections within ten (10) days of the Court's order.

TENTATIVE RULING #3:

DEFENDANTS' DISCOVERY MOTIONS ARE GRANTED AS REQUESTED. PLAINTIFF IS ORDERED TO SERVE VERIFIED, CODE-COMPLIANT RESPONSES TO FORM INTERROGATORIES, SET ONE, REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE, AND SPECIAL INTERROGATORIES, SET ONE, WITHOUT OBJECTIONS WITHIN TEN (10) DAYS OF THE COURT'S ORDER.

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4.	26CV0566	BENJAMIN CROCKER VS. CITY OF SOUTH LAKE TAHOE
DEMURRER		

Defendants, City of South Lake Tahoe and Doug Sentell (collectively “Defendants”), demurrer to Plaintiff’s, Benjamin Crocker (“Plaintiff”), Complaint. On September 9, 2026, Plaintiff filed an Opposition. Defendants’ Reply was filed September 10, 2026.

Request for Judicial Notice

Defendants seek judicial notice of the following: 1) *The People of the State of California v. Benjamin David Crocker*, Case No. 22CR0245, Criminal Complaint filed February 17, 2022; 2) *The People of the State of California v. Benjamin David Crocker*, Case No. 22CR0245, Amended Criminal Complaint filed March 4, 2025; 3) *The People of the State of California v. Benjamin David Crocker*, Case No. 22CR0245, Jury Verdict Minutes and Sentencing Order; 4) *The People of the State of California v. Benjamin David Crocker*, Case No. 22CR0245, Order on Probation; and 5) Plaintiff’s November 18, 2025 Government Claim stamped as received November 25, 2025.

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

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 Matthew W. Gross, counsel attempted to meet and confer with Plaintiff prior to filing, but Plaintiff did not respond.

Background

On March 3, 2026, Plaintiff filed a Complaint alleging causes of action for 1) Unreasonable Search and Seizure – Excessive Force (42 U.S.C. § 1983); 2) Bane Act (Cal. Civ. Code § 52.1) California Tort Claims Act, Cal. Gov’t Code §§ 815.2, 820; 3) Article 1, § 13 of the California Constitution; 4) Negligence Cal. Govt. Code § 820 and California Common Law; 5) Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983); and 6) Battery (Cal. Govt. Code § 820 and California Common Law).

Legal Principles

[A] demurrer challenges only the legal sufficiency of the complaint, not the truth or the accuracy of its factual allegations or the plaintiff’s ability to prove those allegations.” (*Amarel v. Connell* (1998) 202 Cal.App.3d 137, 140.) A demurrer is directed at the face of the complaint and to matters subject to judicial notice. (Code Civ. Proc., § 430.30, subd. (a).) All properly pleaded allegations of fact in the complaint are accepted as true, however improbable they may be, but not the contentions, deductions or conclusions of facts or law. (*Blank v. Kirwan* (1985) 39 Cal.3d gives “the complaint a reasonable interpretation, reading it as a whole and its parts in their context.” (Blank, *supra*, 39 Cal.3d at p. 318.)

Discussion

Defendants argue that Plaintiff's claim accrued on December 3, 2021, and did not file the Complaint until March 3, 2026. Therefore, the state common law claims for negligence, CA Constitution, Bane Act, and the federal law claims are all untimely.

A claim relating to a cause of action for death or for injury to person...shall be presented as provided in Article 2 (commencing with Section 915) not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) not later than one year after the accrual of the cause of action. Government Code § 911.2.

Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division. Government Code § 945.4.

Reading the Complaint as a whole, the Court finds that Plaintiff's causes of action all stem from either the alleged use of force by South Lake Tahoe Police Officers on December 3, 2021, or the alleged use of force by Amador County Sheriff Deputies on October 29, 2025, which does not relate to a claim against Defendants.

Plaintiff's Second, Third, Fourth, and Sixth Causes of Action all require compliance with Government Code § 911.2 prior to bringing suit. Plaintiff's allegations against Defendants stem from an incident on December 3, 2021. Plaintiff's Government Claim was not received until November 25, 2025, well after the time period required. As such, Plaintiff's claims are time barred.

Plaintiff's First and Fifth Causes of Action are subject to a two-year statute of limitations and are accordingly time barred, as the Complaint was not filed until over four years after the alleged incident.

Defendants' demurrer as to all causes of action is sustained without leave to amend, finding no reasonable possibility to cure the defect.

TENTATIVE RULING #4:

DEFENDANTS' DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND.

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5.	26CV0723	JONATHAN EFRIN GALLEGOS VS. PARK PLACE FINANCE, LLC ET AL
VACATE ENTRY OF DEFAULT / ATTORNEY DISQUALIFICATION		

Before the Court are two motions: 1) Motion to Vacate Entry of Default; and 2) Motion to Disqualify Counsel Susanne George.

VACATE ENTRY OF DEFAULT

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 August 5, 2026, Defendant, RJ Realty, LLC ("Defendant"), filed a Motion to Vacate Entry of Default. The Proof of Service filed on the same date indicates Plaintiff was served, but no service was effectuated on any co-defendant.

California Code of Civil Procedure § 1005(b) requires that all moving and supporting papers shall be served and filed at least 16 court days before the hearing, which includes service on counsel for all parties who have appeared in the action, whether or not the motion seeks relief against such parties. *Alford v. Superior Court* (2003) 29 Cal.4th 1033, 1048 [130 Cal.Rptr.2d 672, 683, 63 P.3d 228, 238].

As Defendant failed to serve all other co-defendants, service is deemed defective. The Court continues the matter to November 6, 2026, to allow for proper service.

ATTORNEY DISQUALIFICATION

This matter was continued from August 21, 2026, wherein the Court denied Plaintiff's motion for lack of service.

On August 21, 2026, Plaintiff, Jonathan Efrin Gallegos ("Plaintiff"), filed a Supplemental Declaration of Jonathan Efrin Gallegos Regarding Omitted File-Stamped Proof of Service, Address and Plaintiff's Notice of Errata and Submission of Omitted File-Stamped Proof of Service wherein Plaintiff notes the Proof of Service for the underlying motion on Defendants Maxton Builders and Valentin Razumovsky was filed on June 15, 2026. Plaintiff further advises he is arranging service of the original motion papers on all other Defendants.

The Court is not in receipt of the Proof of Service indicating all other Defendants were served. Plaintiff's motion is continued to November 6, 2026, to allow for proper service.

TENTATIVE RULING #5:

DEFENDANT'S MOTION TO VACATE ENTRY OF DEFAULT IS CONTINUED TO NOVEMBER 6, 2026, TO ALLOW FOR PROPER SERVICE.

PLAINTIFF'S MOTION TO DISQUALIFY COUNSEL SUSANNE GEORGE IS CONTINUED TO NOVEMBER 6, 2026, TO ALLOW FOR PROPER SERVICE.

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6.	26CV1695	DEBRA K ISAACS VS. FCA US LLC ET AL
TRANSFER IN		

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

TENTATIVE RULING #6:

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

7.	PC20180406	OTTIST FLOURNOY VS. CJS SOLUTIONS GROUP LLC ETAL
REVIEW HEARING – FINAL APPROVAL TO RELEASE FUNDS		

On January 30, 2026, the Court approved the application for final settlement. The Court ordered a declaration regarding the distribution be filed and served on or before September 11, 2026, and set a (nonappearance) hearing.

The Declaration of Mayra Gonzalez filed on September 9, 2026, advises that all disbursements were completed in compliance with the Joint Stipulations of Class and Representative Action Settlement and Release and the Final Approval Order and Judgment. A total of ninety-eight (98) checks to the Participating Class Members and fifty-one (51) Aggrieved Employees, totaling \$562,913.17 were mailed on March 9, 2026. The average amount of each check was \$5,744.01.

Of the checks dispersed, twenty-six (26) checks, totaling \$115,737.58, remain uncashed and were transmitted to the California State Controller's Office in the Class Member's names. The average value of the uncashed checks was \$4,451.45. As of the date of filing, the balance of the Qualified Settlement Fund is zero, and the administration is fully completed.

Finding compliance with the Court's order, the hearing is vacated and dropped from calendar.

TENTATIVE RULING #7:

HEARING IS VACATED AND DROPPED FROM CALENDAR.

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8.	25CV2140	LIBERTY MUTUAL FIRE INSURANCE COMPANY, A CORPORATION VS. ROBERT JOSEPH AICHELE
MOTION TO ENFORCE SETTLEMENT AGREEMENT AND ENFORCE JUDGMENT		

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, Liberty Mutual Fire Insurance Company ("Plaintiff"), seeks to enforce the settlement agreement pursuant to CCP §§ 664.6 and 187. Defendant, Robert Joseph Aichele ("Defendant"), filed an Opposition on August 31, 2026. Plaintiff's Reply was filed on September 3, 2026.

The Parties entered into a Stipulation for Entry of Judgment and Installment Payments ("Stipulation") on March 3, 2026, which provided Judgment was stayed and Defendant agreed to make installment payments to Plaintiff in the amount of \$10,000.00 on or before March 2, 2026, \$140.00 on or before the 21st of each month from March 21, 2026, to January 21, 2029, and \$100.00 on or before February 21, 2029, totaling \$15,000.00 in payments.

Plaintiff alleges that Defendant's insurance carrier paid the \$10,000.00 required by the Stipulation, but Defendant has made no further payments. Plaintiff argues pursuant to paragraphs 1, 5, 6, 7, and 8 of the Stipulation, Plaintiff is entitled to cause judgment to be entered in the amount of \$23,080.67 in principal, plus interest (\$1,049.70) at the rate of 5% per annum on said principal sum from August 18, 2025, through July 16, 2026, less credit for all payments made prior to default (\$10,000.00), plus court costs of \$435.00, for a total of \$14,565.37, with interest continuing to accrue thereafter at the rate of \$3.16 per day.

Defendant asserts that upon learning of the underlying motion, he paid \$940.00 to Plaintiffs which represented \$100.00 over the amount owed for the 6 months between March 21, 2026, and August 31, 2026. Defendant relies upon Code of Civil Procedure § 3275 and requests the Court relieve him of forfeiture, as the breach was due to a misunderstanding, and not due to a grossly negligent, willful, or fraudulent breach of duty. Defendant contends that due to inadvertent misunderstanding and mistake, he was under the belief that Plaintiff's attorney of record, Todd Haines, would be issuing a bill for the installment payments which would provide the correct address to mail payments to. Defendant believed the lack of billing statements was due to a delay in getting the payment account set up, as is customary with setting up installment payments. Defendant requests the Court permit the Stipulation to proceed under the same terms.

Defendant argues that Plaintiff is a multi-billion dollar company who cannot show any actual harm for his inadvertent breach, totaling \$840.00. On the other hand, Defendant is on permanent disability with limited income that relies on Social Security Disability. A grant of Plaintiff's Judgment would push him into financial ruin and likely homelessness.

Plaintiff argues that if the Court is inclined to relieve Defendant of the forfeiture he otherwise incurred under paragraph 5 and permit him to continue on the original discounted installment schedule, Defendant should be required to reimburse Plaintiff the \$510.00 in attorney's fees and costs Plaintiff would not have incurred but for Defendant's default in addition to Defendant's continued, timely performance of the installment schedule set forth in the Stipulation.

Whenever, by the terms of an obligation, a party thereto incurs a forfeiture, or a loss in the nature of a forfeiture, by reason of his failure to comply with its provisions, he may be relieved therefrom, upon making full compensation to the other party, except in case of a grossly negligent, willful, or fraudulent breach of duty. Code of Civil Procedure § 3275.

The Court finds that as Defendant has remitted payment of the outstanding installment payments due, relief is available pursuant to Code of Civil Procedure § 3275 contingent upon the payment of the \$510.00 incurred in preparing and filing the underlying motion due to Defendant's breach. Defendant is ordered to remit to Plaintiff \$510.00 within thirty (30) days of the Court's order and to make timely payments consistent with the Stipulation. Plaintiff's motion is denied without prejudice to any future breach or failure to comply with the Court's Order.

TENTATIVE RULING #8:

PLAINTIFF'S MOTION IS DENIED WITHOUT PREJUDICE TO ANY FUTURE BREACH OR FAILURE TO COMPLY WITH THE COURT'S ORDER. DEFENDANT IS ORDERED TO PAY TO PLAINTIFF THE TOTAL OF \$510.00 WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER AND TO MAKE TIMELY PAYMENTS CONSISTENT WITH THE STIPULATION.

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9.	25CV3297	TODD MOORE ET AL VS. JOSEPH BARNES
MOTION TO SET ASIDE DEFAULT JUDGMENT		

On August 7, 2026, Defendant, Joseph Barnes ("Defendant"), filed a Motion to Set Aside Default and Default Judgment, if Entered. No proof of service has been filed. Plaintiffs, Todd Moore and Margarete Moore ("Plaintiffs"), oppose the motion, in part, due to lack of service.

Defendant's motion is denied without prejudice for lack of service.

TENTATIVE RULING #9:

DEFENDANT'S MOTION IS DENIED WITHOUT PREJUDICE FOR LACK OF 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. 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.	24CV0456	DEAN C. KEHLER VS. JOSEPH A. DINNAN ET AL
MOTION TO COMPEL		

Before the Court are the following motions filed by Plaintiff, Dean C. Kehler (“Plaintiff”): 1) Motion to Compel Supplemental Responses from Defendant Joseph A. Dinnan to Requests for Admission, Sets One and Two; 2) Motion to Compel Supplemental Responses from Defendant Joseph A. Dinnan to Special Interrogatories, Set One; 3) Motion to Compel Supplemental Responses from Defendant Joseph A. Dinnan to Requests for Production of Documents, Set One; and 4) Motion to Compel Supplemental Responses from Defendant Joseph A. Dinnan to Form Interrogatories, Set One (collectively the “Discovery Motions”).

Plaintiff propounded Request for Admissions, Set One, Form Interrogatories, Set One, and Request for Production of Documents, Set One, on Defendant, Joseph A. Dinnan (“Defendant”), on or about January 15, 2025. Unverified responses were served on or about March 24, 2025, and supplemental verified responses were served on or about February 24, 2026; however, Plaintiff alleges that deficiencies remain. Plaintiff then propounded Requests for Admissions, Set Two, and Special Interrogatories, Set One, on Defendant on or about February 3, 2026. Defendant served unverified responses on or about March 16, 2026.

Plaintiff seeks sanctions in the amount of \$4,584.00 (Request for Admissions), \$6,672.00 (Request for Production of Documents), \$4,366.50 (Form Interrogatories), and \$3,975.00 (Special Interrogatories), for a total of \$19,597.50.

An Opposition was filed by Defendant on September 4, 2026. The Declaration of Vicky Boladin provides Defendant’s medical history/records and ongoing health issues which deprive Defendant of the physical strength and stamina to devote sustained attention to litigation. Defendant requests the Court deny Plaintiff’s request for sanctions, defer enforcement of any order compelling further responses, and allow him approximately 90 days from the hearing on the motions to serve supplemental discovery responses due to his ongoing medical condition. Ms. Boladin anticipates that Defendant should be able to resume meaningful participation in the litigation within approximately 30 days after his bypass surgery. The Supplemental Declaration of Vikram Sohal advises that Defendant’s bypass surgery is scheduled for September 29, 2026.

In reply, Plaintiff requests the Court set firm and non-extendable deadlines consistent with the corrected timeline established by the supplemental declaration and award monetary sanctions against Defendant as requested.

As to Requests for Admissions, Set Two, and Special Interrogatories, Set One, the Court finds the lack of verification is tantamount to no response at all. *Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636 [253 Cal.Rptr. 762, 764]. The Court orders Defendant to serve verified code-compliant responses on Plaintiff no later than November 30, 2026. Defendant is further ordered to serve verified code-compliant supplemental responses to Request for

Admissions, Set One, Form Interrogatories, Set One, and Request for Production of Documents, Set One, on Plaintiff no later than November 30, 2026.

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. §2030.300(d) (interrogatories), § 2031.310(h) (requests for production) & § 2033.290(d) (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, the Court finds that although Defendant was suffering from ongoing medical complications which may provide a basis for substantial justification or circumstances that make the imposition of the sanction unjust, this information was not sufficiently provided to Plaintiff, no motions were filed with the Court requesting to stay the proceedings, nor did Defendant seek a protective order. Due to this failure, Plaintiff was forced to incur unnecessary fees after granting numerous extensions. The Court grants Plaintiff's request for sanctions in the amount of \$19,597.50.

TENTATIVE RULING #10:

DEFENDANT IS ORDERED TO SERVE VERIFIED CODE-COMPLIANT RESPONSES TO REQUESTS FOR ADMISSIONS, SET TWO, AND SPECIAL INTERROGATORIES, SET ONE, ON PLAINTIFF NO LATER THAN NOVEMBER 30, 2026. DEFENDANT IS FURTHER ORDERED TO SERVE VERIFIED CODE-COMPLIANT SUPPLEMENTAL RESPONSES TO REQUEST FOR ADMISSIONS, SET ONE, FORM INTERROGATORIES, SET ONE, AND REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE, ON PLAINTIFF NO LATER THAN NOVEMBER 30, 2026.

PLAINTIFF'S REQUEST FOR SANCTIONS IS GRANTED IN THE AMOUNT OF \$19,597.50.

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

September 18, 2026
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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.

11.	26CV1535	SAN XIN YAN ET AL VS. VIVIAN FANG LI
ATTORNEY DISQUALIFICATION		

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.

On July 31, 2026, Plaintiffs, Gold Mountain Winery, Inc., Xiao Ying Zhang, and San Xin Yan (collectively "Plaintiffs"), filed a Motion to Disqualify Counsel for Defendant. Plaintiffs allege that Defendant's counsel, X. Young Lai, entered his appearance as counsel of record for Plaintiff Gold Mountain Winery, Inc. in a Santa Clara action, and by his entry of appearance, created a substantial relationship between the former and current representation where the acquisition of confidential information was presumed. As a result, Mr. Lai is not qualified to represent Defendant against Plaintiff Gold Mountain Winery Inc.

On the same date, the Court entered an Order Appointing Receiver, wherein the Court appointed Susan M. Didriksen ("Receiver"). Plaintiff San Xin Yan's reply acknowledges that the Receiver appointed is the authorized person to represent Plaintiff Gold Mountain Winery, Inc., and it is the decision of the Receiver on whether to continue to pursue the underlying Motion to Disqualify Counsel.

The Court orders the Receiver to review the pending Motion to Disqualify Counsel and file a Status Report on or before October 15, 2026, advising the Court whether the corporation elects to continue pursuing the motion. Plaintiffs' motion is continued to October 23, 2026.

TENTATIVE RULING #11:

PLAINTIFFS' MOTION TO DISQUALIFY COUNSEL FOR DEFENDANT IS CONTINUED TO OCTOBER 23, 2026, AT 8:30 A.M. IN DEPARTMENT NINE. THE RECEIVER IS ORDERED TO COMPLY WITH THE FILING OF THE STATUS REPORT AS DESCRIBED 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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Civil Tentative Rulings

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12.	25CV3010	WELLS FARGO BANK, N.A. VS. ROSEMARY L NAKAMIYO, AN INDIVIDUAL
MOTION FOR ORDER DEEMING THE TRUTH OF THE MATTERS AS ADMITTED		

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.

13.	25CV2902	CAPITAL ONE, N.A., SUCCESSOR BY MERGER TO DISCOVER BANK VS. RENEE M ROMANKO
MOTION FOR JUDGMENT ON THE PLEADINGS		

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 21, 2026, Plaintiff, Capital One, N.A., Successor by Merger to Discover Bank ("Plaintiff"), filed a Motion for Judgment on the Pleadings. No opposition has been filed.

Background

This matter stems from Plaintiff's efforts to collect \$7,054.49 in credit card debt from Defendant, Renee M Romanko ("Defendant"). The Complaint asserting a cause of action for Breach of Contract (written) was filed on October 30, 2025.

Defendant filed an Answer on December 19, 2025, wherein Defendant admitted all of the statements in the Complaint were true, except Defendant requested a validation of debt, with a chain of title and proof of ownership, as well as the original credit card agreement with her signature and proof of dollar figure. Defendant also asserted the same as an affirmative defense.

Legal Principles

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

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

Courts may consider judicially noticeable matters in the motion as well. *Kapsimallis v. Allstate Ins. Co.* (2002) 104 Cal.App.4th 667, 672; *People ex rel. Harris v. Pac Anchor Transp., Inc.*

(2014) 59 Cal.4th 772, 777. “The court will take judicial notice of records such as admissions, answers to interrogatories, affidavits, and the like, when considering a demurrer, only where they contain statements of the plaintiff or his agent which are inconsistent with the allegations of the pleading before the court. The hearing on demurrer may not be turned into a contested evidentiary hearing through the guise of having the court take judicial notice of affidavits, declarations, depositions, and other such material which was filed on behalf of the adverse party and which purports to contradict the allegations and contentions of the plaintiff. (*Tyree v. Epstein*, 99 Cal.App.2d 361, 221 P.2d 1002.) [Footnote omitted.]” (emphasis added.) *Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604-605.

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).

Meet and Confer

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’s Counsel’s Meet and Confer Declaration provides a letter was mailed to Defendant on June 24, 2026, regarding resolution of the matter and to discuss the claims contained in Plaintiff’s underlying motion. Defendant has failed to respond to the meet and confer attempt and therefore has been unable to resolve the claims raised by the motion for judgment on the pleadings.

Discussion

The Complaint asserts a cause of action for Breach of Contract (written). Plaintiff alleges that Defendant defaulted on the Agreement between Plaintiff and Defendant by failing to make payments required by the Agreement when due. Because the Defendant was in default under the Agreement, Plaintiff declared Defendant’s entire account balance of \$7,054.49 immediately due and payable. Defendant continues to fail to pay Plaintiff for all amounts due. As Defendant

admits in their Answer that all the statements are true, Plaintiff argues they are entitled to judgment on the pleadings.

Motions by a plaintiff for judgment on the pleadings, which are less common, are the equivalent of a demurrer to an answer, and the standard of review is obverse: the appellate court will assume the truth of all facts properly pleaded in the answer and will disregard the controverted allegations of the complaint. [Citations.]” (*Sebago, Inc. v. City of Alameda* (1989) 211 Cal.App.3d 1372, 1379–1380, [259 Cal.Rptr. 918] (*Sebago*).) Such a motion “must be denied if the defendant's pleadings raise a material issue or set up affirmative matter constituting a defense.” (*MacIsaac v. Pozzo* (1945) 26 Cal.2d 809, 812–813, [161 P.2d 449].) Stated differently, “[w]here the answer, fairly construed, suggests that the defendant may have a good defense, a motion for judgment on the pleadings should not be granted.” (*Barasch v. Epstein* (1957) 147 Cal.App.2d 439, 443, [305 P.2d 283].) *Engine Manufacturers Assn. v. State Air Resources Bd.* (2014) 231 Cal.App.4th 1022, 1034 [180 Cal.Rptr.3d 667, 676–677].

Plaintiff misconstrues Defendant’s Answer. Defendant did not simply admit all allegations. Defendant expressly requested a validation of the debt, a chain of title, proof of ownership, the original credit card agreement with her signature, and proof of the dollar figure claimed, which, if fairly construed, dispute the elements of Plaintiff’s breach of contract claim.

As a material issue of fact exists, Plaintiff’s Motion for Judgment on the Pleadings is denied.

TENTATIVE RULING #13:

PLAINTIFF’S MOTION FOR JUDGMENT ON THE PLEADINGS 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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**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.	25PR0363	ESTATE OF THOMAS ANDREW SALATA
PRELIMINARY INJUNCTION		

Petitioner, Pamela Salata ("Petitioner"), filed a Motion for Preliminary Injunction on September 1, 2026. An Opposition was filed by Respondents, Jonathan Salata and Miaroby Salata (collectively "Respondents"), on September 4, 2026. Petitioner's Reply was filed on September 11, 2026.

Request for Judicial Notice

Respondents seeks judicial notice of 1) Amended Petition of Surviving Spouse for Order Confirming Community Property Interests; For Recovery and Set Aside of Unauthorized Transfers; For Injunctive Relief; For Accounting; and For Related Relief Pursuant to Probate Code §§ 850-859, 5020, 5021; Family Code §§ 26 1100(b), 1102; and, Civil Code § 682,1, filed on January 15, 2026; and 2) Objection of Jonathan Salata to Amended Petition of Surviving Spouse for Order Confirming Community Property Interests; For Recovery and Set Aside of Unauthorized Transfers; For Injunctive Relief; For Accounting; and For Related Relief Pursuant to Probate Code §§ 850-859, 5020, 5021; Family Code §§ 1100(b), 1102; and, Civil Code § 682,1, filed on March 26, 2026.

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 Respondents fall within the purview of Section 452, matters which *may* be judicially noticed, the Court does find that Respondents provided Petitioner and the Court sufficient notice of the request and copies of the documents requested to be noticed. As such, Respondents have satisfied the requirements of Evidence Code § 453 and the request for judicial notice is granted.

//

Legal Principles

“As its name suggests, a preliminary injunction is an order that is sought by a plaintiff prior to a full adjudication of the merits of its claim. [Citation.]” (*White v. Davis* (2003) 30 Cal.3d 528, 554.) The purpose of such an order is to preserve the status quo pending a determination on the merits of the action. (*Id.*, at p. 553; *Continental Baking Co. v. Katz* (1968) 68 Cal.2d 512, 528.)

Code of Civil Procedure section 526 provides for an injunction in the following cases: “(1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually. [¶] (2) When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action. [¶] (3) When it appears, during the litigation, that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action, and tending to render the judgment ineffectual. [¶] (4) When pecuniary compensation would not afford adequate relief. [¶] (5) Where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief. [¶] (6) Where the restraint is necessary to prevent a multiplicity of judicial proceedings. [¶] (7) Where the obligation arises from a trust.” (*Id.*, subd. (a).)

A ruling on an application for a preliminary injunction is not an adjudication of the ultimate rights in the controversy. It merely represents the trial court’s discretionary decision whether the defendant should be restrained from exercising a claimed right pending trial. (*Cohen v. Bd. of Supervisors* (1985) 40 Cal.3d 277, 286.) “In deciding whether to issue a preliminary injunction, a trial court must evaluate two interrelated factors: (i) the likelihood that the party seeking the injunction will ultimately prevail on the merits of [their] claim, and (ii) the balance of the harm presented, i.e., the comparative consequences of the issuance and nonissuance of the injunction.” (*Common Cause v. Bd. of Supervisors* (1989) 49 Cal.3d 432, 441–442 [fn. omitted].) “The trial court’s determination must be guided by a ‘mix’ of the potential-merit and interim-harm factors; the greater the plaintiff’s showing on one, the less must be shown on the other to support an injunction. [Citation.]” (*Butt v. State of Cal.* (1992) 4 Cal.4th 668, 678.) However, “[a] trial court may not grant a preliminary injunction, regardless of the balance of interim harm, unless there is some possibility that the plaintiff would ultimately prevail on the merits of the claim.” (*Ibid.*)

Background

Petitioner asserts that she and Decedent, Thomas Salata (“Decedent”), acquired the real property and residence at 2745 Dove Meadow Court, Cameron Park, California (the “Subject Property”) during marriage, taking title as community property with right of survivorship. Prior

to Decedent's death, Decedent asked her to dismiss the ongoing dissolution proceedings and represented that she would be better protected financially by remaining married and taking as his surviving spouse. Shortly thereafter, Decedent allegedly deeded his community property interest in the home to Respondent Jonathan without Petitioner's knowledge or participation.

Respondents moved into the Subject Property in late May or early June 2025, prior to the Gift Deed being executed, without Petitioner's permission, and have continued to reside in the home while Petitioner lives temporarily as a guest in a friend's home due to the hostile atmosphere amongst the Parties.

Petitioner further claims direct ownership of one-half of the presumptively community property portion of all funds from every account or financial interest Decedent held, funded, controlled, or beneficially owned at any time from June 18, 2024, through death. Petitioner contends that Decedent transferred substantial funds into an account involving Respondent Jonathan before Decedent's death.

Discussion

Merits of the Claim

1. Subject Property

Petitioner asserts that her ownership floor of the Subject Property is undisputed. The only disputed ownership question is whether she owns one-half or the entire Subject Property, as there is a likelihood of establishing the concealed Gift Deed is invalid, ineffective, or insufficient to defeat her present ownership and possessory rights.

Respondents argue that Decedent's conduct prior to death, including changing beneficiary designations, executing estate-planning documents, executing an instrument intended to sever survivorship, and recording that instrument, evidences his intent to terminate the survivorship of the Subject Property. Decedent acted with the assistance of legal counsel and financial professionals, and his conduct remained consistent across multiple instruments. Such conduct demonstrates that Respondents will prevail on the merits.

The Court finds Petitioner has established the requisite likelihood of prevailing on the merits.

Family Code § 1102 expressly prohibits the gift deed executed by the Decedent stating:

(a) Except as provided in Sections 761 and 1103, either spouse has the management and control of the community real property, whether acquired prior to, or on or after January 1, 1975, but both spouses, either personally or by a duly authorized agent, are required to join in executing an instrument by which that community real property or an interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered.

It is undisputed the Petitioner had neither knowledge of the gift and certainly did not join in executing the deed. Any facts surrounding the intent of the Decedent or implied or actual knowledge of the Petitioner if they exist are all irrelevant. The deed is voidable as a matter of law. The cases cited by Respondents are inapplicable as they address community property which is NOT real property. Respondents conflate the ability of a spouse to terminate the right of survivorship pursuant to Civil Code § 682.1 which is authorized by law, with the unlawful act of executing a gift deed, as was the case here. The intent or mistake of the Decedent, if it existed, in conflating the two is of no consequence. The conveyance was unlawful as a matter of law. As such, the outcome regarding the title to the Subject Property is determinable and will ultimately be confirmed as Petitioner's sole property.

2. Covered Funds

Petitioner argues that the present record establishes a substantial probability that the Covered Funds include community property belonging directly to Petitioner. Petitioner requests an immediate provisional release of her presumptive one-half community property share in Covered Funds shown to have been acquired during marriage or derived from community sources.

Respondents argue the Court should first determine characterization and ownership before using preliminary relief to redistribute control of Covered Funds by the Special Administrator. The fact Petitioner asserts an interest in an asset does not transform the entire asset into Estate property nor does existence of a community property claim entitle Petitioner to provisional distribution of an entire account.

Except as otherwise provided by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property. Family Code § 760.

Upon the death of a person who is married or in a registered domestic partnership, one-half of the community property belongs to the surviving spouse, and the other one-half belongs to the decedent. Probate Code § 100.

The Court finds that the Covered Funds are presumptively community property. As such, Petitioner has established a likelihood of success on the merits.

Balance of Hardships

1. Subject Property

Petitioner argues that her ownership in the Subject Property is undisputed. As she is an owner paying the mortgage, taxes, insurance, utilities, and preservation expenses, the equities weigh in favor of her maintaining exclusive possession of the Subject Property. Prior to Respondents moving into the Subject Property, it was her and Decedent's marital home. Since

this time, Petitioner has lived temporarily as a guest in a friend's home as Respondents' occupancy has made it a hostile environment.

Respondents argue that the balance of interim harms favors denial, as Petitioner's requests would exclude Respondents from the home they presently reside in. Such a result would not preserve existing circumstances but would give Petitioner a substantial portion of the practical benefit she would obtain if she ultimately prevailed on her ownership claims.

As stated above, the Court concludes the gift deed to Respondents is voidable as a matter of law. There are no facts which Respondents could present which will alter the fact the deed was executed in violation of Family Code § 1102. Petitioner is also solely bearing the mortgage, taxes, insurance, utilities, and preservation expenses, while being deprived of possession of her marital home. The hardship to Petitioner from continued exclusion therefore outweighs the hardship to Respondents. Whether Respondents assisted Decedent in executing a deed in their favor they knew was unlawful or were completely innocent in the transaction is irrelevant to the validity of the deed. While there is certainly hardship to Respondents, there is no likelihood they have any entitlement to occupy or possess the property which is cognizable under any facts they could present. The Court therefore finds that the balance of hardships weighs in Petitioner's favor.

2. Covered Funds

Petitioner is retired and lives on a fixed income. Depriving Petitioner access to the funds presumptively belonging to her materially affects her ability to secure stable housing, pay expenses for the Subject Property, meet ordinary living needs, and protect her rights. Petitioner asserts that no evidence has been produced in the record showing Respondent Jonathan contributed independently owned funds to the account or otherwise held a beneficial ownership interest in the transferred money before the transfer.

Respondents argue that Petitioner's financial claims concerning the Subject Property expenses and disputed funds can be later addressed through an accounting and appropriate final orders and the distribution of funds prior to ownership is established is not preservation.

The Court finds the balance of hardships weighs in Petitioner's favor.

As Petitioner has established a likelihood of success on the merits and the balance of hardships weigh in her favor, Petitioner's request for a preliminary injunction is granted as follows:

1. Special Administrator shall have the authority to receive, review, and analyze the verified accounting, records, and funds ordered produced in this matter; identify, investigate, and marshal Estate and recoverable assets; obtain and review account-opening, beneficiary, ownership, and transaction records voluntarily produced or produced pursuant to subpoena, court order, or other authorized process; trace predeath and post-death

transfers; demand and receive Estate property; receive disputed property for neutral custody; establish and maintain segregated fiduciary accounts; retain expressly approved professional assistance; report obstruction or noncompliance; and seek further instructions;

2. Respondent shall, within five court days after service of the Court's order, provide a verified identification and accounting of every account or financial interest Thomas Andrew Salata held, funded, controlled, or beneficially owned from June 18, 2024 through death, and to produce all account-opening documents, beneficiary designations, ownership records, statements, transaction histories, transfer records, withdrawal records, and related financial records in his possession, custody, or control to Petitioner and Special Administrator;
3. All Covered Funds shall be preserved by Special Administrator regardless of registration, beneficiary designation, claimed survivorship status, or present characterization;
4. Special Administrator shall provisionally release to Petitioner one-half of all Covered Funds and traceable proceeds subject to the community-property presumption, absent competent separate-property tracing;
5. The remaining presumptive one-half share shall be held by Special Administrator for neutral safekeeping pending adjudication, without determining final ownership; and continued preservation of any amount subject to competent competing tracing pending agreement or further order;
6. Special Administrator's reasonable court-approved fees and expenses shall be paid from the Estate assets she marshals or from the Estate's ultimately determined share of disputed funds, and not from Petitioner's community-property share, together with a provisional reimbursement of \$7,459.78 paid directly to Petitioner for documented Property expenses she paid from June 1 through August 31, 2026, a \$3,000 payment to Special Administrator due within ten (10) days of the Court's Order for September 2026, and \$3,000 deposited with Special Administrator beginning October 1, 2026 and on or before the first day of each month thereafter while Respondents or anyone occupying through Respondents remain anywhere on the Property; if Special Administrator's fiduciary account is not yet available by an applicable deadline, Respondent Jonathan shall deliver a cashier's check to Special Administrator made payable to the Estate, and the funds shall not be used except as further ordered by the Court;
7. Respondents are ordered to cooperate as necessary to preserve the Property, maintain insurance, prevent waste, preserve records, and preserve and account for any rents, rental income, license payments, or other income actually received from the use or occupancy of any portion of the Property after Thomas's death;
8. Petitioner is granted exclusive possession and control of the property located at 2745 Dove Meadow Court, Cameron Park, California. Respondents are ordered to vacate the residence no later than September 23, 2026, at 5:00 p.m.;

9. Respondents and all persons acting under their direction or control shall not interfere with Petitioner's use and access of the Property. Respondents shall promptly provide Petitioner with all keys, codes, remotes, passwords, and other access credentials reasonably necessary for her access to the main residence and shall not change or disable such credentials without prior Court approval. Respondents are ordered to comply with the Court's June 1, 2026, order concerning their preservation, access, removal and/or placement. Respondents shall not interfere with Petitioner's animals. Respondents shall preserve Petitioner's personal property and shall not remove, conceal, damage, dispose of, or materially alter such property except by agreement or further Court order.

TENTATIVE RULING #14:

PETITIONER'S PRELIMINARY INJUNCTION IS GRANTED 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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15.	24CV0034	SONIA TAPIA VS. SANTIAGO TAPIA ET AL
ORDER OF EXAMINATION HEARING		

Before the Court is an Order to Appear for Examination requested by Plaintiff, Sonia Tapia ("Plaintiff"). Defendant, Sandra Villasenor ("Defendant") filed an Opposition on July 24, 2026.

At the hearing on July 31, 2026, the Court continued the matter to September 18, 2026, after finding there is no judgment on file and accordingly appeal time has not occurred due to no judgment on file.

To date, no judgment has been entered. The examination hearing is vacated and removed from calendar.

TENTATIVE RULING #15:

EXAMINATION HEARING IS VACATED AND REMOVED FROM CALENDAR.

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

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16.	23CV1771	MADRONA VINEYARDS L.P. ET AL VS. JERRY VISMAN, AN INDIVIDUAL ET AL
ATTORNEY FEES		

Plaintiffs, Madrona Vineyards L.P. and Leslie Bush as Trustee of the Bush Living Trust (collectively "Plaintiffs"), seek an order awarding attorney fees in the amount of \$29,261.25 and \$4,408.30 in costs incurred in connection with the preparation, service, and filing of a motion to hold Defendant, High Hill Ranch, LLC ("Defendant"), in contempt, and for the short-cause trial preparation and costs arising from the contempt hearing. Defendant's Opposition was filed on September 10, 2026. Plaintiff's Reply was filed on September 11, 2026.

JUDICIAL NOTICE

Plaintiffs seek judicial notice of the Declaration of Eric C. Miller in Support of Plaintiff's Ex Parte Application for Order to Show Cause for Why Defendant High Hill Ranch, L.P. Should Not be Held in Contempt for Violation of Preliminary Injunction filed October 15, 2025.

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

ATTORNEY'S FEES AND COSTS

On June 30, 2026, the Court entered an Order of Contempt finding Defendant in contempt of the Court's preliminary injunction. Plaintiffs accordingly seek to recover their reasonable attorneys' fees and costs pursuant to Code of Civil Procedure § 1218(a). Plaintiffs

seek an award of \$29,261.25 in attorneys' fees, \$4,408.30 in costs, for a total of \$33,669.55. The amounts claimed include:

- \$11,314 incurred in preparing the initial ex parte application for an order to show cause regarding contempt and arguing the application at the hearing
- \$910 in coordination of service of the Court's order and related work
- \$772.50 for responding to Defendant's informal discovery request related to the contempt hearing
- \$866.25 in preparation for the initial evidentiary hearing
- \$12,020 preparing for the June 2026 evidentiary hearing and for conducting the actual hearing which took place over two days

Defendant argues that as the Court acknowledged ambiguity in the Preliminary Injunction and Plaintiffs' failure to meet and confer prior to initiating the contempt proceedings, attorney fees are not warranted. Should the Court find a fee award is appropriate, Defendant argues the amount requested is excessive because Plaintiffs sought four contempt findings but only resulted in two contempt findings. As these are unrelated incidents which occurred on different days, Plaintiffs should not be awarded fees on the unsuccessful September 27, 2025, Exit Road incident. Defendant requests the motion be denied in the entirety for lack of apportionment, or in the alternative, significantly reduced to reflect Plaintiffs' actual, limited success.

Plaintiffs argue that the alleged violations arose from the same Preliminary Injunction, involved the same parties, and were litigated at the same contempt proceeding. It is therefore impossible to segregate the time spent on one incident from another, as they are inextricably intertwined.

A person who is subject to a court order as a party to the action, or any agent of this person, who is adjudged guilty of contempt for violating that court order may be ordered to pay to the party initiating the contempt proceeding the reasonable attorney's fees and costs incurred by this party in connection with the contempt proceeding. Code of Civil Procedure § 1218(a).

" 'Attorney's fees need not be apportioned when incurred for representation on an issue common to both a cause of action in which fees are proper and one in which they are not allowed.' [Citation.] 'Attorneys fees need not be apportioned between distinct causes of action where plaintiff's various claims involve a common core of facts or are based on related legal theories.' [Citation.] Apportionment is not required when the issues in the fee and nonfee claims are so inextricably intertwined that it would be impractical or impossible to separate the attorney's time into compensable and noncompensable units." (*Graciano v. Robinson Ford Sales, Inc.*, *supra*, 144 Cal.App.4th 140, 158–159, 50 Cal.Rptr.3d 273.)

“ ‘Where a lawsuit consists of related claims, and the plaintiff has won substantial relief, a trial court has discretion to award all or substantially all of the plaintiff's fees even if the court did not adopt each contention raised.’ [Citation.]” (*Greene v. Dillingham Construction, N.A., Inc.*, *supra*, 101 Cal.App.4th at p. 423, 124 Cal.Rptr.2d 250.) “ ‘Attorneys fees need not be apportioned between distinct causes of action where plaintiff's various claims involve a common core of facts or are based on related legal theories.’ [Citation.]” (*Graciano v. Robinson Ford Sales, Inc.* (2006) 144 Cal.App.4th 140, 158–159, 50 Cal.Rptr.3d 273.) *Taylor v. Nabors Drilling USA, LP* (2014) 222 Cal.App.4th 1228, 1251 [166 Cal.Rptr.3d 676, 695].

The Order of Contempt entered on June 30, 2026, found Defendant in contempt for the incident involving the closure of High Hill Road on September 12, 2025, and the incident involving interference and removal of Madrona Vineyards’ signs on September 13, 2025. The Court found that although presented as two separate violations – one for each sign – the September 13, 2025, incident constituted a single incident for purposes of calculating fines. The Court did not find the incident on September 27, 2025, when Defendant turned cars away from using Exit Road, was a violation of the Preliminary Injunction.

The Court finds the violations of the Preliminary Injunction are based on a common core of facts arising from the same Preliminary Injunction, the work performed by Plaintiffs’ counsel is inextricably intertwined where it would be impractical or impossible to separate the attorney’s time.

Reasonable Rate

The Declaration of Eric C. Miller provides that he was licensed in Washinton in 2008 and California in 2015 and had an hourly rate of \$450 in 2025 which increased to \$495 in 2026. Associate Attorney John P. Gutierrez was licensed in 2023 and had an hourly rate of \$310 in 2025 which increased to \$335 in 2026. Associate Attorney Francesca C. Torres was licensed in 2022 and has an hourly rate of \$355. Paralegal Samina Asgur has over 20 years’ experience and an hourly rate of \$285.

The Court finds that the hourly fee rates are reasonable.

Number of Hours Claimed

The Declaration of Eric C. Miller provides that he performed 25.90 hours of work for a total of \$13,443.75. Attorney John P. Gutierrez performed 29.90 hours of work for a total of \$9,306.50. Attorney Francesca C. Torres performed 6.7 hours of work solely in connection with the preparation of the underlying motion, including reviewing all the billing entries, for a total of \$2,378.50. Paralegal Samina Asgur performed 14.50 hours of work for a total of \$4,132.50.

Counsel advises that the actual amount incurred was \$33,938.75 but the billings were reduced by \$4,642 to account for any redundancies in work and in exercising overall billing

judgment. Reductions were further made in reviewing the invoices while preparing the underlying motion.

The Court finds that the number of hours claimed are reasonable.

Costs

The Declaration of Eric C. Miller provides Plaintiffs have incurred recoverable costs, including the fee for filing the OSC (\$60.00) and the underlying motion (\$60.00), along with transcript and court reporter costs (\$4,228.30), for a total of \$4,408.30.

The Court finds that the costs incurred are reasonable.

TENTATIVE RULING #16:

PLAINTIFFS' MOTION FOR ATTORNEY'S FEES IS GRANTED AS REQUESTED.

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

On September 11, 2026, the Court continued the matter to September 18, 2026. To date, nothing further has been filed.

TENTATIVE RULING #17:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, SEPTEMBER 18, 2026, IN DEPARTMENT NINE.

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

18.	25CV3256	WELLS FARGO BANK, N.A. VS. STEVE ECKLAND, AN INDIVIDUAL
SUMMARY JUDGMENT		

Plaintiff, Wells Fargo Bank, N.A. (“Plaintiff”), filed this Motion for Summary Judgment on April 15, 2026. No opposition has been filed.

Legal Principles

[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).

Background

On December 9, 2025, Plaintiff filed a Complaint for Breach of Contract (written) and Breach of Contract (implied in fact). Defendant, Steve Eckland (“Defendant”), filed an Answer on January 5, 2026.

Discussion

Defendant applied for and was issued a Wells Fargo credit card ending in 2869. Plaintiff sent Defendant the credit card along with the written Customer Agreement associated with the credit card. Pursuant to the terms of the written Customer Agreement, Defendant accepted the terms of the written agreement when they used the Wells Fargo Credit Card.

Pursuant to the terms of the Customer Agreement associated with the card, Plaintiff would extend credit to Defendant whereby Defendant could charge goods, services, or obtain cash advances on the credit line. In exchange, Defendant was to repay the principal amount lent plus applicable interest and finance charges. In accordance with the Customer Agreement, Defendant used the account, and made payments, charges, and incurred a balance thereon. Plaintiff sent Defendant monthly statements of the Subject Account each and every billing period. Defendant’s last payment on the Subject Account was on April 9, 2025. The balance due on Defendant’s Subject Account is \$24,510.81.

The elements of a breach of a written contract are 1) existence of the contract; 2) plaintiff's performance or excuse for nonperformance; 3) defendant's breach; and (4) damages to plaintiff as a result of the breach. *Aton Center, Inc. v. United Healthcare Ins. Co.* (2023) 93

Cal.App.5th 1214, 1230. A cause of action for breach of implied contract has the same elements as does a cause of action for breach of contract, except that the promise is not expressed in words but is implied from the promisor's conduct." *Id.*

Plaintiff has established the elements of breach of written contract and implied contract. Plaintiff provided documents establishing Defendant applied for and was issued a Wells Fargo Credit Card, a Customer Agreement that incorporated the terms and conditions of the card, and monthly account statements reflecting a history of purchase and payments on the account. The evidence indicates that Plaintiff lent credit and Defendant stopped making payments on April 9, 2025, leaving a balance owed of \$24,510.81. No evidence was offered to rebut the evidence presented.

Plaintiff's Motion for Summary Judgment is granted. Judgment is entered for the Plaintiff in the amount of \$24,510.81, plus costs in the amount of \$870.00, for a total judgment of \$25,380.81.

TENTATIVE RULING #18:

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. JUDGMENT IS ENTERED FOR THE PLAINTIFF IN THE AMOUNT OF \$24,510.81, PLUS COSTS IN THE AMOUNT OF \$870.00, FOR A TOTAL JUDGMENT OF \$25,380.81.

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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19.	23CV0518	MICHELLE LE ET AL VS. RAVITESH RAM ET AL
SUMMARY JUDGMENT		

Defendant, Ravitesh Ram (“Defendant”), moves for summary judgment, or in the alternative, summary adjudication.

On August 11, 2026, the Court entered a Stipulation and Order Extending Page Limit and Time to File Opposition to Defendant’s Motion for Summary Judgment, as the deposition of Gurjot Johl (“Mr. Johl”) was scheduled to take place on August 17, 2026. The Parties agreed that either may use the deposition testimony of Mr. Johl in the Opposition and Reply to the Motion for Summary Judgment.

On September 9, 2026, Plaintiffs, Michelle Le and Tuan Pham (“Plaintiffs”), filed an Ex Parte Application for an Order Shortening Time for Hearing on Plaintiffs’ Motion to Compel the Deposition Attendance of Non-Party Witness Gurjot Johl, or, in the Alternative, His Attendance at Trial, as Mr. Johl failed to appear for his deposition. The hearing on Plaintiffs’ motion to compel is September 28, 2026.

On the Court’s own motion and for the benefit of judicial economy, the Court continues Defendant’s Motion for Summary Judgment to September 28, 2026.

TENTATIVE RULING #19:

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT IS CONTINUED TO SEPTEMBER 28, 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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20.	25CV0597	AMERICAN EXPRESS NATIONAL BANK VS. MICHAEL RIVERS
SUMMARY JUDGMENT		

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, American Express National Bank ("Plaintiff"), filed this Motion for Summary Judgment or in the Alternative Summary Adjudication on February 2, 2026. No opposition has been filed.

On March 6, 2025, Plaintiff filed a Complaint for Breach of Contract. Defendant, Michael Rivers AKA Michael D. Rivers ("Defendant"), did not file an Answer and has not made a general appearance.

Code of Civil Procedure § 437c(a)(1) provides a motion for summary judgment may be made at any time after 60 days have elapsed since the general appearance in the action or proceeding of each party against whom the motion is directed or at any earlier time after the general appearance that the court, with or without notice and upon good cause shown, may direct.

As Defendant has never made a general appearance, the 60-day period required pursuant to Code of Civil Procedure § 437c(a)(1) has never commenced. Plaintiff's Motion for Summary Judgment is denied without prejudice.

TENTATIVE RULING #20:

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS DENIED WITHOUT PREJUDICE.

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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**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**