

1.	24CV0574	T.O. ET AL VS. EL DORADO COUNTY OFFICE OF EDUCATION ET AL
TRIAL PREFERENCE		

On August 28, 2026, Plaintiffs, T.O. a minor, by and through his guardian ad litem, Sara O'Malley, and J.N., a minor, by and through his guardian ad litem, Kaitlyn Neumann (collectively "Plaintiffs"), filed a Motion for Trial Preference Pursuant to Code of Civil Procedure § 36(b). Oppositions were filed by Defendant, Buckeye Union School District ("Defendant BUSD"), and Defendant, El Dorado County Office of Education ("Defendant EDCOE"), on October 5, 2026. Plaintiff's Reply was filed October 9, 2026.

Legal Principles

Code of Civil Procedure § 36 provides, in part:

(b) A civil action to recover damages for wrongful death or personal injury shall be entitled to preference upon the motion of any party to the action who is under 14 years of age unless the court finds that the party does not have a substantial interest in the case as a whole. A civil action subject to subdivision (a) shall be given preference over a case subject to this subdivision.

(f) Upon the granting of such a motion for preference, the court shall set the matter for trial not more than 120 days from that date and there shall be no continuance beyond 120 days from the granting of the motion for preference except for physical disability of a party or a party's attorney, or upon a showing of good cause stated in the record. Any continuance shall be for no more than 15 days and no more than one continuance for physical disability may be granted to any party.

Discussion

Plaintiffs request the Court grant trial preference pursuant to Code of Civil Procedure § 36(b), as they are minor children under 14 years of age and have a substantial interest in the action as direct victims of the sexual abuse alleged in the operative complaint. Trial is currently set for February 16, 2027.

Defendant BUSD requests the Court refuse to consider the motion, as Plaintiffs failed to provide proper notice of the date and time of the hearing in violation of Local Rule 4.00.06. Moreover, Defendant BUSD argues that should the Court grant Plaintiff's motion, trial would be scheduled on or before February 15, 2027, one day before the date trial is currently set. Defendant BUSD further asserts that a related pending criminal trial is set to begin October 13, 2026, against the school bus driver, Tarik Manasrah, who is the subject of Plaintiffs' claims. Defendant BUSD issued a Subpoena to the El Dorado County Sheriff's Department in early 2025

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which was denied based upon the criminal investigation. Such evidence will provide significant information in order to properly defend against Plaintiffs' claims. Additionally, upon completion of the criminal trial, the Parties will need time to file and serve the required subpoenas and time to meet and confer regarding any necessary Protective Orders, which will likely not be received prior to late December or January. Should the Court grant Plaintiffs' request, Defendant BUSD requests the Court utilize Code of Civil Procedure § 36(f) to set the trial date and then continue the trial date to the date currently set.

Defendant EDCOE argues Plaintiffs' motion is procedurally defective because they have failed to provide admissible evidence of their age, as Plaintiffs' counsel's Declaration is hearsay and lacks foundation. Similarly, Defendant EDCOE emphasizes they will be denied access to critical evidence relevant to the underlying matter while the criminal trial is ongoing and cannot defend itself properly.

In reply, Plaintiff confirms the current trial date falls within the 120-day period required and requests only that the Court grant preference and confirm that date so that trial cannot be continued again except as permitted by § 36(f).

The Court finds that Plaintiffs have met the requirements of Code of Civil Procedure § 36(b) and trial preference is mandatory. The Court confirms trial is set for February 16, 2027. No further continuances shall be permitted except those pursuant to Code of Civil Procedure § 36(f).

TENTATIVE RULING #1:

PLAINTIFF'S MOTION FOR TRIAL PREFERENCE PURSUANT TO CODE OF CIVIL PROCEDURE § 36(B) IS GRANTED. TRIAL IS CONFIRMED FOR FEBRUARY 16, 2027. NO FURTHER CONTINUANCES SHALL BE PERMITTED EXCEPT THOSE PURSUANT TO CODE OF CIVIL PROCEDURE § 36(F).

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

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

LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT

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

2.	24CV2592	HEATHER KAUFMAN-SHARP VS. FARMERS INSURANCE EXCHANGE
MOTION TO COMPEL		

Defendant, Farmers Insurance Exchange (“Defendant”), moves for an order compelling Plaintiff, Heather Kaufman-Sharp (“Plaintiff”), to serve verified, code-compliant responses without objection, to Defendant’s Request for Production of Documents, Set Two, and for sanctions in the amount of \$210.00. No opposition has been filed.

On March 26, 2026, Defendant propounded Request for Production of Documents, Set Two. Despite Defendant’s attempts to meet and confer, no response has been received by Plaintiff.

Code of Civil Procedure § 2031.300 provides:

(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.

(b) The party making the demand may move for an order compelling response to the demand.

Code of Civil Procedure § 2023.030 authorizes the Court to impose a monetary sanction against parties engaged in misuse of the discovery process, to pay the reasonable expenses including attorney’s fees, incurred by anyone as a result of that conduct.

Code of Civil Procedure § 2023.010 defines “misuse of the discovery process” to include “failing to respond or to submit to an authorized method of discovery.”

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. § 2031.300(c) (requests for production). In all other circumstances, the imposition of discovery sanctions is permissive.

The Court finds that Plaintiff failed to provide a response to Defendant's Request for Production of Documents, Set Two, which constitutes a misuse of the discovery process. Defendant's motion to compel responses to Request for Production of Documents, Set Two, with production of all responsive documents, and request for sanctions is granted. Plaintiff is ordered to serve verified, code-compliant responses without objections to Defendant within ten (10) days of the Court's Order. Plaintiff is ordered to remit payment to Defendant in the amount of \$210.00 within thirty (30) days of the Court's Order.

TENTATIVE RULING #2:

DEFENDANT'S MOTION TO COMPEL RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET TWO, AND REQUEST FOR SANCTIONS IS GRANTED AS REQUESTED. PLAINTIFF IS ORDERED TO SERVE VERIFIED CODE-COMPLIANT RESPONSES WITHOUT OBJECTIONS TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET TWO, WITH PRODUCTION OF ALL RESPONSIVE DOCUMENTS ON DEFENDANT WITHIN TEN (10) DAYS OF THE COURT'S ORDER. PLAINTIFF IS ORDERED TO PAY TO DEFENANT \$210.00 WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

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3.	25CV1880	KELLY WILSON VS. TESLA, INC.
MOTION TO COMPEL FURTHER RESPONSES		

On September 1, 2026, Plaintiff, Kelly Wilson ("Plaintiff"), filed a Motion to Compel Further Responses to Plaintiff's Special Interrogatories, Sets One, Two, and Three, and Request for Production of Documents, Set One. Defendant, Tesla, Inc. ("Defendant") filed its Opposition on October 5, 2026. Plaintiff's Reply was filed on October 7, 2026, which narrowed the requests.

SPECIAL INTEROGATORY, SET ONE

Special Interrogatory Nos. 1-10: The Court finds Defendant's supplemental responses are incomplete, nonresponsive and evasive. Each of Defendant's responses fails to answer the call of the question. Defendant's responses referring to documents being produced within the Request for Production of Documents are improper, as is Defendant's use of the same responses repeatedly throughout without providing a complete and straightforward response as required by Code of Civil Procedure § 2030.220. Plaintiff's motion to compel further responses is granted.

SPECIAL INTEROGATORY, SET TWO

Special Interrogatory Nos. 1-2, 6: The Court finds Defendant's responses are proper. Plaintiff's motion to compel further responses is denied.

Special Interrogatory No. 3-5, 7-8: The Court Finds Defendant's supplemental responses are incomplete, nonresponsive, and evasive. Each of Defendant's responses fails to provide a complete answer to the call of the question and/or provides incorrect information relating to the question. Defendant has failed to provide complete and straightforward responses as required by Code of Civil Procedure § 2030.220. Plaintiff's motion to compel further responses is granted.

SPECIAL INTEROGATORY, SET THREE

Special Interrogatory Nos. 1-12: The Court finds Defendant's supplemental responses are incomplete, nonresponsive and evasive. Each of Defendant's responses fails to answer the call of the question. Defendant's responses referring to documents being produced within the Request for Production of Documents are improper, as is Defendant's use of the same responses repeatedly throughout without providing a complete and straightforward response as required by Code of Civil Procedure § 2030.220. Plaintiff's motion to compel further responses is granted.

REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE

Request for Production Nos. 1, 2, 3, 6, 9, 10, 11, 14, 17, 18: The Court finds that Defendant's supplemental written response is ambiguous to the extent of compliance. Defendant asserts it has produced documents deemed to be "relevant" to the request but does not comply with the requirements of Code of Civil Procedure § 2031.220. Defendant's production of "Exhibit A" fails

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to comply with the requirements of Code of Civil Procedure section 2031.280(a). Defendant's production of documents is incomplete, nonresponsive and evasive, as it failed provide a complete response of the documents requested. Plaintiff's motion to compel as to Request for Production Nos. 1, 2, 3, 6, 9, 10, 14, 17, and 18 further responses is granted. Plaintiff's motion to compel as to Request for Production No. 11 is granted subject to a protective order limiting the use of the disclosed materials to this litigation and related court proceedings.

Request for Production No. 4: The Court finds the requested records are necessary and relevant. Plaintiff's motion to compel further responses is granted subject to a protective order limiting the use of the disclosed materials to this litigation and related court proceedings.

Request for Production No. 5: The Court finds the request overbroad as to time. Defendant's supplemental written response fails to comply with Code of Civil Procedure § 2031.230. Plaintiff's motion to compel further responses is granted, limited to documents from January 20, 2020, through and including March 7, 2024, subject to a protective order limiting the use of the disclosed materials to this litigation and related court proceedings.

Request for Production No. 7: The Court finds the request overbroad as to time. Defendant's supplemental written response fails to comply with Code of Civil Procedure § 2031.230. Plaintiff's motion to compel further responses is granted, limited to documents from January 20, 2020, through and including February 3, 2024, subject to a protective order limiting the use of the disclosed materials to this litigation and related court proceedings.

Request for Production No. 8: The Court finds that Defendant's supplemental written response is ambiguous to the extent of compliance. Defendant's production of documents is incomplete, nonresponsive and evasive, as it failed provide a complete response of the documents requested. Plaintiff's motion to compel further responses is granted.

Request for Production Nos. 12, 19, 20: The Court finds Defendant's supplemental written responses fail to comply with Code of Civil Procedure § 2031.230. Plaintiff's motion to compel further responses is granted as to Request for Production Nos. 19 and 20. Plaintiff's motion to compel further responses as to Request for Production No. 12 is granted subject to a protective order limiting the use of the disclosed materials to this litigation and related court proceedings.

Request for Production No. 13: The Court finds that Defendant's supplemental written response is ambiguous to the extent of compliance. Defendant's production of "Exhibit A" fails to comply with the requirements of Code of Civil Procedure section 2031.280(a). Defendant's production of documents is incomplete, nonresponsive and evasive, as it failed provide a complete response of the documents requested. Plaintiff's motion to compel further responses is granted.

Request for Production No. 15: The Court finds Defendant's response consisting of only objections without merit. Plaintiff's motion to compel further responses is granted.

Request for Production No. 16: The Court finds Defendant's supplemental response failed to provide the documents sought. Plaintiff's motion to compel further responses is granted.

Request for Production No. 21: Plaintiff's request for further response has been withdrawn.

SANCTIONS

Plaintiff requests sanctions in the amount of \$80.55, for the costs incurred in filing the underlying motions to compel. Defendant opposes the request asserting substantial justification.

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).

The Court does not find Defendant acted with substantial justification. Plaintiff's request for sanctions from Defendant to Plaintiff is granted in the amount of \$80.55. Defendant's request for sanctions from Defendant's counsel to Plaintiff is denied. Defendant is ordered to pay to Plaintiff the amount of \$80.55 within thirty (30) days of the Court's order.

TENTATIVE RULING #3:

PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET ONE, NOS. 1-10 IS GRANTED. DEFENDANT SHALL SERVE A VERIFIED CODE-COMPLIANT SUPPLEMENTAL RESPONSE TO PLAINTIFF WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET TWO, NOS. 3-5 AND 7-8 IS GRANTED. DEFENDANT SHALL SERVE A VERIFIED CODE-COMPLIANT SUPPLEMENTAL RESPONSE TO PLAINTIFF WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER. PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET TWO, NOS. 1-2 AND 6 IS DENIED.

PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET THREE, NOS. 1-12 IS GRANTED. DEFENDANT SHALL SERVE A VERIFIED CODE-COMPLIANT SUPPLEMENTAL RESPONSE TO PLAINTIFF WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION, SET ONE, NOS. 1-3, 6, 8-11, 13-20 IS GRANTED. PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION, SET ONE, NOS. 4 AND 12 IS GRANTED SUBJECT TO A PROTECTIVE ORDER LIMITING THE USE OF THE DISCLOSED MATERIALS TO THIS LITIGATION AND RELATED COURT PROCEEDINGS. PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION, SET ONE, NO. 5 IS GRANTED, LIMITED TO

DOCUMENTS FROM JANUARY 20, 2020, THROUGH AND INCLUDING MARCH 7, 2024, SUBJECT TO A PROTECTIVE ORDER LIMITING THE USE OF THE DISCLOSED MATERIALS TO THIS LITIGATION AND RELATED COURT PROCEEDINGS. PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION, SET ONE, NO. 7 IS GRANTED, LIMITED TO DOCUMENTS FROM JANUARY 20, 2020, THROUGH AND INCLUDING FEBRUARY 3, 2024, SUBJECT TO A PROTECTIVE ORDER LIMITING THE USE OF THE DISCLOSED MATERIALS TO THIS LITIGATION AND RELATED COURT PROCEEDINGS. DEFENDANT SHALL SERVE A VERIFIED CODE-COMPLIANT SUPPLEMENTAL RESPONSE TO PLAINTIFF WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

PLAINTIFF'S REQUEST FOR SANCTIONS IS GRANTED IN THE AMOUNT OF \$80.55. DEFENDANT IS ORDERED TO REMIT TO PLAINTIFF THE AMOUNT OF \$80.55 WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

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

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4.	PC20170113	DEAN GETZ V SERRANO EL DORADO OWNER'S ASSOCIATION
RE-OPEN DISCOVERY / INTERLOCUTORY ORDER		

Before the Court are the following motions: 1) Motion to Re-Open Discovery for Limited Purposes; and 2) Motion for Interlocutory Order to Compel Compliance with Appellate Ruling Regarding Assessments to Members.

MOTION TO RE-OPEN DISCOVERY

On August 31, 2026, Plaintiff, Dean Getz ("Plaintiff"), filed a Motion to Re-Open Discovery for Limited Purposes. Defendant, Serrano Associates, LLC ("Defendant LLC"), and Defendant, Serrano El Dorado Owner's Association ("Defendant HOA"), filed Oppositions on October 5, 2026. Plaintiff's Reply was filed on October 7, 2026.

Plaintiff brings this motion following the appellate court's reversal, seeking to re-open discovery as to Defendant HOA for the limited purposes of 1) obtaining recent HOA budget documents and year-end financials so that Plaintiff's expert may conclude the damages calculation and bring the calculations current; 2) continue the deposition of Defendant HOA's damages expert since she had not yet completed her analysis; and 3) obtain indemnity agreement(s) by and between Defendant HOA and Defendant LLC with regard to outcomes in this litigation and responsibility for any judgment therein as directly relevant to Plaintiff's claims for Declaratory Relief and Breach of Fiduciary Duty.

Non-expert discovery closed on October 10, 2022, and expert discovery closed on October 24, 2022. Plaintiff argues that Plaintiff's expert must continue his analysis of damages for the time periods after discovery was closed to bring his damages opinion current, which requires Defendant HOA's budgets and year-end financials, and to complete the deposition of Defendant HOA's damages expert, Jolene Fraser.

Defendants object to Plaintiff's motion to the extent discovery only be re-opened for Plaintiff's limited purpose and request discovery be reopened for all purposes, as the appellate court's reversal revived issues which had been put to rest since the grant of summary adjudication in August 2022.

Code of Civil Procedure § 2024.050 provides:

(a) On motion of any party, the court may grant leave to complete discovery proceedings, or to have a motion concerning discovery heard, closer to the initial trial date, or to reopen discovery after a new trial date has been set. This motion shall be accompanied by a meet and confer declaration under Section 2016.040.

(b) In exercising its discretion to grant or deny this motion, the court shall take into consideration any matter relevant to the leave requested, including, but not limited to, the following:

- (1) The necessity and the reasons for the discovery.
- (2) The diligence or lack of diligence of the party seeking the discovery or the hearing of a discovery motion, and the reasons that the discovery was not completed or that the discovery motion was not heard earlier.
- (3) Any likelihood that permitting the discovery or hearing the discovery motion will prevent the case from going to trial on the date set, or otherwise interfere with the trial calendar, or result in prejudice to any other party.
- (4) The length of time that has elapsed between any date previously set, and the date presently set, for the trial of the action.

The Court finds that Plaintiff has met the requirements of Code of Civil Procedure § 2024.050 and the request to re-open limited discovery is granted. As Defendants have not complied with § 2024.050(a), the Court denies Defendants' requests without prejudice to filing a motion that is code compliant.

MOTION FOR INTERLOCUTORY ORDER

On September 3, 2026, Plaintiff, Dean Getz ("Plaintiff"), filed a Motion for Interlocutory Order to Compel Compliance with Appellate Ruling Regarding Assessments to Members. On October 5, 2025, Defendant, Serrano Associates ("Defendant LLC"), and Defendant, Serrano El Dorado Owners' Association ("Defendant HOA"), filed Oppositions. Plaintiff's Reply was filed on October 8, 2026.

Request for Judicial Notice

Defendant LLC seeks judicial notice of 1) Answer of Serrano Associates, LLC to Plaintiff's Third Amended Complaint, filed on September 28, 2018; 2) Answer of Serrano El Dorado Owner's Association to Plaintiff's Third Amended Complaint, filed on September 28, 2018; 3) Plaintiff's Memorandum of Points and Authorities in Support of Motion for Summary Adjudication, filed on December 30, 2021; 4) Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication filed on April 29, 2022; 5) Declaration of William R. Parker in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 6) Declaration of Kathryn Henriksen in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 7) Declaration of Andrea Howard in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 8) Declaration of F. Scott Jackson in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication,

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filed on April 29, 2022; 9) Declaration of Kirk Bone in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 10) Declaration of Dale C. Campbell in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 11) Declaration of Anders Bostrom in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 12) Request for Judicial Notice in support of Serrano Associates, LLC's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 13) Serrano Associates, LLC's Response to Plaintiff's Separate Statement of Material Facts RE Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 14) Serrano El Dorado Owners' Association's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 15) Declaration of Kathryn Henricksen in support of Serrano El Dorado Owners' Association's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 16) Declaration of Heather Barnes in support of Serrano El Dorado Owners' Association's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 17) Request for Judicial Notice in Support of Serrano El Dorado Owners' Association's Opposition to Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 18) Serrano El Dorado Owners' Association's Response to Plaintiff's Separate Statement of Material Facts RE Plaintiff's Motion for Summary Adjudication, filed on April 29, 2022; 19) Serrano Associates, LLC's Notice of Entry of Order After Motions for Summary Adjudication, filed on August 2, 2022; 20) Appellant's Chronological Index of Appellant's Appendix, dated June 18, 2025, filed by Plaintiff/Appellant Dean Getz in Third District Court of Appeal case no. C101412; 21) Appellant's Opening Brief, dated June 18, 2025, filed by Plaintiff/Appellant Dean Getz in Third District Court of Appeal case no. C101412; and 22) Unpublished Decision of Third District Court of Appeal, dated April 30, 2026, in Third District Court of Appeal case no. C101412.

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

Background

In March 2017, Plaintiff brought forth the underlying action against Defendants. The operative (third amended) Complaint asserts causes of action for Declaratory Relief, Breach of Fiduciary Duty, and Breach of the CC&Rs. Plaintiff's cause of action for Declaratory Relief seeks a declaratory judgment that, until the Property is fully developed, the HOA must calculate developed Property assessments by applying the CPI Rate and assessing undeveloped Property for any shortfall in the HOA's annual budget.

On July 8, 2022, this Court granted Summary Adjudication in Defendants' favor on Plaintiff's First Cause of Action for Declaratory Relief. In September 2023, Plaintiff moved for Summary Adjudication on the cause of action for Breach of Fiduciary Duty. Defendants also moved for Summary Judgment, asserting Plaintiff's claims were barred by the statute of limitations. On March 4, 2024, the Court granted Defendants' Motion for Summary Judgment and rendered Plaintiff's Motion for Summary Adjudication moot.

Plaintiff thereafter appealed to the Third Appellate District. Plaintiff argued that the trial court erred in granting Defendants' Motions for Summary Adjudication of the first cause of action for Declaratory Relief because the court misconstrued the language in the CC&Rs related to Common Assessments, which the appellate court agreed. Plaintiff further argued that the trial court erred in granting Defendants' Motions for Summary Judgment, as his claims were not barred by the statute of limitations. The appellate court agreed that the trial court erred in refusing to apply the continuous accrual doctrine, and while portions of his action may be time-barred, his action is timely as to the breaches occurring within the four-year limitations period preceding the filing of his lawsuit.

On April 30, 2026, the Third Appellate District reversed the trial court's granting of Defendants' Motions for Summary Judgment. The case was remanded with directions to 1) deny Defendants' Motions for Summary Adjudication of the First Cause of Action for Declaratory Relief; 2) rule on the merits of Plaintiff's Motion for Summary Adjudication on the issue of whether the HOA had a duty to demand that Serrano Associates pay its "fair share of the costs for maintaining improvements to public property"; and 3) conduct further proceedings as are appropriate and not inconsistent with the opinion. Remittitur was issued on August 14, 2026.

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Discussion

Plaintiff seeks an interlocutory order that Defendant HOA is required to comply with the Third District Court of Appeal's ruling regarding assessments to the HOA's members under the CC&Rs. Plaintiff points to the appellate decision to establish the Third District agreed with Plaintiff regarding his interpretation of the CC&Rs, which provided, in part:

Getz argues that the trial court erred in granting defendants' motions for summary adjudication of the first cause of action for declaratory relief because the trial court misconstrued the language in the CC&Rs related to Common Assessments. We agree.

...

In contrast, Getz argues that undeveloped Property becomes subject to assessment upon annexation and continues to be subject to assessment as undeveloped Property until it is developed, at which point it is assessed as developed Property. Thus, according to Getz, the plain meaning of the CC&Rs is that the HOA is bound by the CPI Rate when fixing assessments for Owners of developed Property so long as undeveloped Property exists within the HOA. It follows that, so long as undeveloped Property exists, the HOA must assess Owners of undeveloped Property whenever the CPI Rate is not sufficient to meet a given cost center's budgeted expenses.

...

As we explain, we are not persuaded by the trial court's reasoning. Instead, we agree with Getz that the plain language of the CC&Rs establishes that the HOA is required to apply Exhibit D's cap and subsidy arrangement for so long as there are undeveloped Lots and Parcels within the HOA.

Plaintiff argues that despite the appellate decision, Defendant HOA has not taken any action to change its assessment methods to comply with the ruling and it is unclear if or when that will occur.

Defendant LLC argues Plaintiff's request is substantively a request for a preliminary, mandatory injunction, as it seeks an order prior to a trial on the merits and entry of judgment, without providing any citation to and discussion of relevant facts and law. Defendant LLC contends that Plaintiff is not entitled to a preliminary injunction because Plaintiff and the class have an adequate remedy at law by way of damages. Additionally, Defendant LLC asserts the appellate decision does not amount to law of the case as to the CC&Rs interpretation, as the Court of Appeal did not consider several related issues bearing on the interpretation of the

CC&Rs and the merits of the Complaint, including issues concerning latent ambiguity or affirmative defenses.

Likewise, Defendant HOA argues Plaintiff's request is a request for a mandatory injunction in substance. Defendant HOA asserts the Court of Appeal did not enter a final declaratory judgment, did not render an adjudication on Plaintiff's dispositive motion against Defendant HOA, did not issue an order specifying how Defendant HOA must calculate future or past assessments, nor did it order Defendant HOA to immediately overhaul how it assesses its members.

Defendant HOA contends the appellate decision is not law of the case as to the remedial legal and factual issues and affirmative defenses reserved for remand. The appellate decision did not decide whether Plaintiff is entitled to affirmative relief or declaratory relief, nor which portions of Plaintiff's claims are timely or time-barred, which was expressly left open by the Court of Appeal. Further, the appellate decision left unresolved many implementation issues which must be resolved by this Court before implementation can be issued.

Alternatively, Defendant HOA requests that should the Court conclude any direction regarding Defendant HOA's compliance with the appellate decision is warranted, implementation be deferred and the existing methodology be preserved pending the further proceedings the remittitur contemplates.

In reply, Plaintiff argues the motion does not seek a preliminary injunction, but rather a request for an order that Defendant HOA complies with the appellate decision, which is law of the case, regarding assessments to its members.

"A reviewing court has authority to 'affirm, reverse, or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had.' (Code Civ. Proc., § 43.) The order of the reviewing court is contained in its remittitur, which defines the scope of the jurisdiction of the court to which the matter is returned." (*Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 701, 107 Cal.Rptr.2d 149, 23 P.3d 43 (*Griset*)); accord, *Snukal v. Flightways Manufacturing, Inc.* (2000) 23 Cal.4th 754, 774, fn. 5, 98 Cal.Rptr.2d 1, 3 P.3d 286 ["the terms of the remittitur define the trial court's jurisdiction to act"].) "The trial court is empowered to act only in accordance with the direction of the reviewing court; action which does not conform to those directions is void." (*Hampton v. Superior Court* (1952) 38 Cal.2d 652, 655, 242 P.2d 1.) *Ayyad v. Sprint Spectrum, L.P.* (2012) 210 Cal.App.4th 851, 859 [148 Cal.Rptr.3d 709, 715–716]

The Court recognizes that the Court of Appeal's decision, interpretation of the CC&Rs, and remittitur are binding; however, the appellate court did not include a directive that Defendant HOA immediately change its assessment methodology. The Court finds Plaintiff's request is premature. Compliance with the Court of Appeal's remittitur is necessary prior to

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implementing the relief Plaintiff seeks. To that extent, Plaintiff's motion is denied without prejudice.

TENTATIVE RULING #4:

PLAINTIFF'S MOTION TO RE-OPEN DISCOVERY FOR LIMITED PURPOSES IS GRANTED.

PLAINTIFF'S MOTION FOR INTERLOCUTORY ORDER TO COMPEL COMPLIANCE WITH APPELLATE RULING REGARDING ASSESSMENTS TO MEMBERS 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).

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

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

5.	PC20210419	JENNIFER MISZKEWYCZ V. COUNTY OF PLACER
PROTECTIVE ORDER		

Defendant, County of Placer (“Defendant”), moves for a protective order to preclude depositions of witnesses previously deposed and Supervisors of the Placer County Board of Supervisors, pursuant to Code of Civil Procedure §§ 2025.610 and 2025.420. Plaintiff’s, Jennifer Miskewycz (“Plaintiff”), filed an Opposition on October 5, 2026. Defendant’s Reply was filed on October 9, 2026.

Request for Judicial Notice

Defendant asks the Court to take judicial notice of the following: 1) First Amended Complaint for Damages of Plaintiff Charles J. Wilson, case no. PC20210420 filed on May 20, 2021; 2) First Amended Complaint for Damages of Plaintiff Charles J. Wilson, case no. S-CV-0047387 filed in Placer County Superior Court on January 11, 2022; 3) Defendant’s Motion for Summary Judgment as to the First Amended Complaint of Plaintiff Charles J. Wilson (case no. S-CV-0046396) and pleadings and exhibits attached thereto, filed on June 10, 2026; 4) First Amended Complaint for Damages of Plaintiff Jennifer Miskewycz, case no. PC20210419 filed on May 20, 2021; 5) First Amended Complaint for Damages of Plaintiff Jennifer Miskewycz, case no. S-CV-0047521, filed in Placer County Superior Court on January 11, 2022; and 6) Defendant’s Motion for Summary Judgment as to the First Amended Complaint of Plaintiff Jennifer Miskewycz, case no. S-CV-0047521.

Judicial notice is a mechanism which allows the Court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 govern the circumstances in which judicial notice of a matter may be taken. While Section 451 provides a comprehensive list of matters that must be judicially noticed, Section 452 sets forth matters which *may* be judicially noticed, including “[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.”

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

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

Discussion

Defendant requests the Court grant its Motion for Protective Order to preclude the depositions of 1) witnesses previously deposed; and 2) Supervisors of the Placer County Board of Supervisors.

1. Witnesses Previously Deposed

The depositions of Kate Sampson, Mary Green, Tamara Uhler, Kirk Uhler, and Morgan Gire were previously noticed and proceeded as noticed. Counsel for both Plaintiff Charles Wilson and Plaintiff Jennifer Miskewycz attended, participated, and asked questions in each deposition. The depositions concluded after all counsel had asked their questions. Since completion of the depositions, Plaintiffs' counsel seeks to depose these same witnesses.

Defendant argues that pursuant to Code of Civil Procedure § 2025.610(a), Plaintiffs cannot retake the depositions of those witnesses because Defendant timely objected to Plaintiffs' notices and Plaintiffs do not have the consent of the deponents for a subsequent deposition. Despite meet and confer attempts, Plaintiffs' counsel could not demonstrate good cause to take subsequent depositions.

Plaintiff maintains that as these were Defendant's witnesses, Plaintiffs were only permitted to examine them after Defense counsel had exhausted his questions. Accordingly, Plaintiffs did not have a full and fair opportunity to examine each witness. Plaintiff further asserts that at the time of the depositions, the discovery tolling period caused by Defendant's Anti-SLAPP actions had just ended, forcing Plaintiffs' counsel to enter the depositions with a limited discovery record. Since this time, Plaintiffs have become aware of new case-related facts relevant to proving their respective cases which necessitates the deposition of the witnesses regarding these facts.

Code of Civil Procedure § 2025.610 dictates:

(a) Once any party has taken the deposition of any natural person, including that of a party to the action, neither the party who gave, nor any other party who has been served with a deposition notice pursuant to Section 2025.240 may take a subsequent deposition of that deponent.

(b) Notwithstanding subdivision (a), for good cause shown, the court may grant leave to take a subsequent deposition, and the parties, with the consent of any deponent who is not a party, may stipulate that a subsequent deposition be taken.

The Court finds the restrictions of § 2025.610(a) applicable. Plaintiff seeks to take a subsequent deposition of witnesses who have been previously deposed without seeking leave. Defendant's motion for a protective order as to the depositions of Kate Sampson, Mary Green,

Tamara Uhler, Kirk Uhler, and Morgan Gire is granted without prejudice to Plaintiff seeking leave pursuant to Code of Civil Procedure § 2025.610(b).

2. Supervisors of the Placer County Board of Supervisors

Plaintiff has noticed the depositions of County Supervisors Cindy Gustafson and Bonnie Gore. Defendant argues there is good cause for a protective order precluding Plaintiff from taking Supervisor depositions because the information sought is protected by the Apex Doctrine, Legislative Privilege, and Closed Session Privilege, and to proceed with those depositions serves no purpose but to subject elected officials to unwarranted annoyance or embarrassment.

Plaintiff provides that Defendant cannot claim all the information sought by Plaintiffs is protected when they do not know all of the information sought.

A. Apex Doctrine

Defendant asserts that Plaintiffs' counsel indicated that the basis for seeking the Supervisors' depositions was the fact that Plaintiff met with the Supervisors in one-on-one meetings to voice her support for Plaintiff Wilson. Defendant contends the information sought is available from another source, Plaintiff herself, and the depositions of the Supervisors are not necessary to obtain information because Plaintiffs have personal knowledge of the information sought.

Plaintiff argues the Apex Doctrine does not apply, as the Board of Supervisors actually made the decision, and have personal knowledge of the events which led to the termination of one of the Plaintiffs. The witness may provide contradictory information to information currently in Plaintiffs' position regarding the decision not to hire Plaintiff Wilson and subsequently hire an individual that did not meet the minimum qualifications of the position, which is relevant and appropriate to obtain by way of deposition.

Despite the otherwise broad availability of discovery, "[t]he general rule in California and federal court is that agency heads and other top governmental executives are not subject to deposition absent compelling reasons." (*Westly, supra*, 125 Cal.App.4th at p. 910, 23 Cal.Rptr.3d 154; see *Nagle v. Superior Court* (1994) 28 Cal.App.4th 1465, 1467–1468 [34 Cal.Rptr.2d 281] (*Nagle*); *Contractors' State License Bd. v. Superior Court* (2018) 23 Cal.App.5th 125, 131 [232 Cal.Rptr.3d 558] (*Contractors' State License Bd.*)). "The general rule is based upon the recognition that '... an official's time and the exigencies of his everyday business would be severely impeded if every plaintiff filing a complaint against an agency head, in his official capacity, were allowed to take his oral deposition. Such procedure would be contrary to the public interest, plus the fact that ordinarily the head of an agency has little or no knowledge of the facts of the case.' " (*Nagle*, at p. 1468, 34 Cal.Rptr.2d 281; see *Westly*, at p. 911, 23 Cal.Rptr.3d 154; *Contractors' State License Bd.*, at p. 131, 232

Cal.Rptr.3d 558.) *Ross v. Superior Court of Riverside County* (2022) 77 Cal.App.5th 667, 679–680 [292 Cal.Rptr.3d 663, 672].

“An exception will be made to this rule only when the deposing party makes two showings. First, the deposing party must show that the government official ‘has direct personal *factual*’ ”—as opposed to *legal*—“ ‘information pertaining to material issues in the action.’ ” (*Contractors' State License Bd.*, *supra*, 23 Cal.App.5th at p. 132, 232 Cal.Rptr.3d 558, quoting *Westly*, *supra*, 125 Cal.App.4th at p. 911, 23 Cal.Rptr.3d 154.) “Second, the deposing party must also show ‘the information to be gained from the deposition is not available through any other source.’ ” (*Contractors' State License Bd.*, at p. 132, 232 Cal.Rptr.3d 558, quoting *Westly*, at p. 911, 23 Cal.Rptr.3d 154; see *Nagle*, *supra*, 28 Cal.App.4th at p. 1468, 34 Cal.Rptr.2d 281.). *Id.* at 680.

The Court finds that Plaintiff has established an exception to the Apex Rule. The Supervisors have direct personal factual knowledge of information pertaining to material issues and such information cannot be gained through other sources.

B. Legislative and Deliberative Process Privilege and Closed Session Privilege

Defendant argues that any information gathered during the one-on-one meetings which informed or influenced the Supervisors’ motivations and decision-making are privileged. Defendant maintains the only reason Plaintiff would seek to inquire as to the subject matter of the one-on-one meetings would be to uncover the subjective motivations of the Supervisors.

Additionally, Defendant alleges that any information available to the Supervisors relating to the appointment process for the District Attorney position and associated alleged violations of the Labor Code were obtained in closed session and the Supervisors will not waive the Closed Session Privilege.

Plaintiff asserts that although some of the Supervisors’ testimony may be subject to some kind of protection, is not absolutely privileged, and it is not grounds to deny the depositions entirely. Plaintiff indicates that the Supervisors can provide unique insight into meetings with County employees and each District Attorney candidate before and after the decision was made to open the 2020 District Attorney appointment process, awareness of Plaintiff’s complaints, whether they knew about and accessed a relevant political blog during case events, County parliamentary procedures, and personal relationships with certain individuals. Plaintiff proposes Defendant object to the questions it finds objectionable, and if the Parties cannot resolve the dispute, then the Court should render a determination if the information sought cannot be disclosed.

It is fundamental that (1) the power to make laws is vested in the legislative department (*Schaezlein v. Cabaniss* (1902) 135 Cal. 466, 67 P. 755) and (2) the courts cannot interfere with

the legislative process (*O'Donoghue v. United States* (1933) 289 U.S. 516, 530, 53 S.Ct. 740, 743, 77 L.Ed. 1356 ["If it be important thus to separate the several departments of government and restrict them to the exercise of their appointed powers, it follows, as a logical corollary, equally important, that each department should be kept completely independent of the others— independent ... in the sense that the acts of each shall never be controlled by, or subjected, directly or indirectly, to, the coercive influence of either of the other departments."]); see also *Santa Clara County v. Superior Court* (1949) 33 Cal.2d 552, 559, 203 P.2d 1; *Johnston v. Board of Supervisors* (1947) 31 Cal.2d 66, 70, 187 P.2d 686). Ancillary to this separation of powers deference is the proposition that **a court may not inquire into the motives of the Legislature in making its laws**. *City of Santa Cruz v. Superior Court* (1995) 40 Cal.App.4th 1146, 1150–1151 [48 Cal.Rptr.2d 216, 219] (emphasis added).

"Under the deliberative process privilege, senior officials of all three branches of government enjoy a qualified, limited privilege not to disclose or to be examined concerning not only the mental processes by which a given decision was reached, but the substance of conversations, discussions, debates, deliberations and like materials reflecting advice, opinions, and recommendations by which government policy is processed and formulated." (*Regents of University of California v. Superior Court* (1999) 20 Cal.4th 509, 540, 85 Cal.Rptr.2d 257, 976 P.2d 808.) The privilege rests on the policy of protecting the " 'decision making processes of government agencies [.]' " (*Id.* at p. 541, 85 Cal.Rptr.2d 257, 976 P.2d 808.) "The key question in every case is 'whether the disclosure of materials would expose an agency's decision making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions.' [Citation.]" (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1342, 283 Cal.Rptr. 893, 813 P.2d 240.) *San Joaquin County Local Agency Formation Commission v. Superior Court* (2008) 162 Cal.App.4th 159, 170–171 [76 Cal.Rptr.3d 93, 102–103].

Disclosure of closed session proceedings by the members of a legislative body necessarily destroys the closed session confidentiality which is inherent in the Brown Act. *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334 [87 Cal.Rptr.2d 813, 820], as modified (Sept. 9, 1999)...Had the Legislature intended that members of a legislative body be required, upon court order, to disclose their personal recollections of unrecorded closed sessions during discovery in Brown Act litigation, we are confident that such intention would have been made express in the Act. *Id.*

The Court finds that Plaintiff has identified relevant categories of non-privileged inquiry which fall outside of the Supervisors' subjective motivations or closed session communications. Defendant's request for a protective order is granted in part and denied in part. Plaintiff shall be permitted to depose County Supervisors Cindy Gustafson and Bonnie Gore. Plaintiff is prohibited from inquiring into their subjective motivations, predecisional deliberations, and closed session communications.

TENTATIVE RULING #5:

DEFENDANT’S MOTION FOR A PROTECTIVE ORDER AS TO THE DEPOSITIONS OF KATE SAMPSON, MARY GREEN, TAMARA UHLER, KIRK UHLER, AND MORGAN GIRE IS GRANTED WITHOUT PREJUDICE TO PLAINTIFF SEEKING LEAVE PURSUANT TO CODE OF CIVIL PROCEDURE § 2025.610(B). DEFENDANT’S MOTION FOR A PROTECTIVE ORDER AS TO COUNTY SUPERVISORS CINDY GUSTAFSON AND BONNIE GORE IS GRANTED IN PART AND DENIED IN PART. PLAINTIFF SHALL BE PERMITTED TO DEPOSE COUNTY SUPERVISORS CINDY GUSTAFSON AND BONNIE GORE. PLAINTIFF IS PROHIBITED FROM INQUIRING INTO THEIR SUBJECTIVE MOTIVATIONS, PREDECISIONAL DELIBERATIONS, AND CLOSED SESSION COMMUNICATIONS.

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

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6.	26CV0980	JPMORGAN CHASE BANK, N.A. VS. SERGIO ESCALANTE
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 August 24, 2026, Plaintiff, JPMorgan Chase Bank, N.A. ("Plaintiff"), filed a Motion for Judgment on the Pleadings. No opposition has been filed.

Background

This matter stems from Plaintiff's efforts to collect \$7,947.32 in credit card debt from Defendant, Sergio Escalante ("Defendant"). The Complaint asserting a cause of action for Breach of Contract (written) was filed on August 8, 2026.

Defendant filed an Answer on May 1, 2026, wherein Defendant admitted all of the statements in the Complaint were true, except Defendant asserted the outstanding balance stated in the Complaint was incorrect and does not account fully for payments already made. Defendant claims access to the account with all current and past statements, as well as payment history, has been removed from Plaintiff's website and the amount stated in the Complaint cannot be verified.

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.

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 22, 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 became indebted to Plaintiff for money, services, or merchandise obtained from Plaintiff, as a result of a line of credit obtained at Defendant’s request. Defendant defaulted by failing to make payments on the account as they became due and currently owes a principal sum of \$7,947.32. Plaintiff argues that Defendant’s Answer does not state facts sufficient to constitute a defense to the complaint, but rather admits to all material allegations of the Complaint, therefore entitling Plaintiff 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 disputed the amount of the outstanding balance, which, if fairly construed, disputes 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 #6:

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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7.	24CV2778	JEFFERSON CAPITAL SYSTEMS LLC VS. KRISTA HILDEBRAND
JUDGMENT ON THE PLEADINGS		

On August 28, 2026, Plaintiff, Jefferson Capital Systems LLC ("Plaintiff"), filed a Motion for Judgment on the Pleadings. No opposition has been filed.

Background

This matter stems from Plaintiff's efforts to collect \$5,047.78 in credit card debt from Defendant, Krista Hildebrand ("Defendant"). The Complaint asserting causes of action for Breach of Contract and Money Lent, Paid or Expended was filed on December 13, 2024.

Defendant filed an Answer on February 11, 2025, wherein Defendant denied the allegations within the Complaint and demanded strict proof from Plaintiff that Defendant is indebted to Plaintiff in the amount of \$5,047.48 and proof that Defendant entered into a contractual agreement with Plaintiff and/or Plaintiff's predecessor. Defendant asserted eleven affirmative defenses.

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.

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 April 10, 2026, attempting to meet and confer regarding the merits of the underlying motion. On August 25, 2026, Plaintiff called Defendant’s counsel’s office wherein a message was left regarding the underlying motion. Defendant failed to respond to Plaintiff’s meet and confer attempts.

Discussion

The Complaint asserts causes of action for 1) Breach of Contract; and 2) Money Lent, Paid, or Expended. On January 2, 2026, the Court ordered the Requests for Admissions served on Defendant deemed admitted. The Request for Admissions deemed admitted are as follows:

1. Admit that ORIGINAL CREDITOR (for purposes of these Requests for Admissions, "ORIGINAL CREDITOR" means Lendmark Financial Services LLC) issued to YOU (for purposes of these Requests for Admissions, "YOU" and "YOUR" mean and refer to Krista Hildebrand, borrowers, co-borrowers, co-signers, your agents, attorneys, representatives or anyone acting on your behalf) the LOAN (for purposes of these Requests for Admissions, "LOAN" means the funds lent to you and disbursed to you pursuant to the application/promissory note/agreement ("Agreement"), a true and correct copy of which is attached hereto as "Exhibit 1").
2. Admit that YOU received the proceeds of the LOAN.
3. Admit that YOU and ORIGINAL CREDITOR entered into the AGREEMENT regarding the LOAN.
4. Admit that YOU have not paid the outstanding balance on the LOAN.
5. Admit that YOU owe a balance of \$5,047.48 on the LOAN.
6. Admit that YOU have no facts which would vary the amounts owed by you for the LOAN.

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7. Admit that YOU have no affirmative defenses against Plaintiff's Complaint.
8. Admit that the loan application attached hereto as Exhibit is a true and correct copy of the AGREEMENT between YOU and ORIGINAL CREDITOR regarding the LOAN.

Such admissions conclusively establish the elements needed to prove the causes of action asserted in the Complaint. Plaintiff's Motion for Judgment on the Pleadings is granted. The Court will enter judgment in favor of Plaintiff against Defendant in the amount of \$5,047.48, plus costs in the amount of \$120.00, for a total judgment of \$5,167.48.

TENTATIVE RULING #7:

PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS IS GRANTED. THE COURT WILL ENTER JUDGMENT IN FAVOR OF PLAINTIFF AGAINST DEFENDANT IN THE AMOUNT OF \$5,047.48, PLUS COSTS IN THE AMOUNT OF \$120.00, FOR A TOTAL JUDGMENT OF \$5,167.48.

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8.	24CV2746	YOLANDA NARANJO ET AL VS. WILLIAM C. LADLEY ET AL
MOTION FOR PUBLICATION		

On September 4, 2026, Plaintiffs, Yolanda Naranjo and Gustavo Naranjo (collectively "Plaintiffs"), filed a Motion for Service by Publication of Summons and Verified Complaint. No opposition has been filed.

Plaintiffs move for an order directing the Summons and Complaint be served on Defendants all persons unknown claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to Plaintiff's title thereto ("Unknown Defendants") by publication in the Mountain Democrat or any other newspaper of general circulation in the state that is most likely to give the Unknown Defendants actual notice of pendency of the action.

Plaintiffs assert the Unknown Defendants are a necessary/proper party and have an interest in the real property that forms the basis for the quiet title cause of action. Plaintiffs have been unsuccessful in exercising reasonable diligence to locate the identities and addresses of the Unknown Defendants. Plaintiffs have performed a title search on the Subject Property and only the Plaintiffs are listed as having an interest in the property. As Plaintiffs do not know who else might claim an interest in the Subject Property, they are unable to proceed with service on Unknown Defendants.

Code of Civil Procedure § 763.010 provides, in part, if upon affidavit it appears to the satisfaction of the court that the plaintiff has used reasonable diligence to ascertain the identity and residence of and to serve summons on the persons named as unknown defendants and persons joined as testate or intestate successors of a person known or believed to be dead, the court shall order service by publication pursuant to Section 415.50 and the provisions of this article.

Code of Civil Procedure § 415.50 instructs:

(a) A summons may be served by publication if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in another manner specified in this article and that either:

(1) A cause of action exists against the party upon whom service is to be made or he or she is a necessary or proper party to the action.

(2) The party to be served has or claims an interest in real or personal property in this state that is subject to the jurisdiction of the court or the relief demanded in the action consists wholly or in part in excluding the party from any interest in the property.

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The Court finds Plaintiffs have met the requirements of Code of Civil Procedure §§ 763.010 and 415.50. Plaintiffs' request to serve the Summons and Complaint on Unknown Defendants by publication in the Mountain Democrat is granted. Plaintiffs are ordered to comply with the service requirements as outlined in Code of Civil Procedure §§ 763.010 and 415.50

TENTATIVE RULING #8:

PLAINTIFFS' MOTION FOR SERVICE BY PUBLICATION OF SUMMONS AND VERIFIED COMPLAINT IS GRANTED AS REQUESTED. PLAINTIFFS ARE ORDERED TO COMPLY WITH THE SERVICE REQUIREMENTS AS OUTLINED IN CODE OF CIVIL PROCEDURE §§ 763.010 AND 415.50.

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9.	26CV1183	DIOS AZUL TEQUILA LLC, A WYOMING LIMITED LIABILITY COMPANY VS. ROBERT STEVENSON LAIRD, III ET AL
PRO HAC VICE		

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 Sydney Rochelle Harville applies to the Court, pursuant to California Rules of Court, Rule 9.40, to appear as counsel *pro hac vice* on behalf of Defendant/Cross-Complainant, Robert S. Laird III, in this action. Sydney Rochelle Harville is associated with California attorney Jennifer M. Oliver. The requirements of California Rule of Court, Rule 9.40(d) have been met. Ms. Oliver asserts the application has been served upon the State Bar of California and all parties who have appeared in the matter; however, there is no proof of service by mail indicating service was effectuated on the State Bar at its San Francisco office as required by California Rule of Court, Rule 9.40(c).

Contingent upon the filing of the proof of service by mail demonstrating service of the application on the State Bar of California pursuant to Rule 9.40(c), Defendant's Application for Pro Hac Vice Admission of Sydney Rochelle Harville is granted.

TENTATIVE RULING #9:

CONTINGENT UPON THE FILING OF THE PROOF OF SERVICE BY MAIL DEMONSTRATING SERVICE OF THE APPLICATION ON THE STATE BAR OF CALIFORNIA PURSUANT TO CALIFORNIA RULES OF COURT, RULE 9.40(C), DEFENDANT'S APPLICATION FOR PRO HAC VICE ADMISSION OF SYDNEY ROCHELLE HARVILLE IS GRANTED.

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

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**CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED.
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10.	25CV3416	MICHAEL GONZALEZ VS. NOELLE MILLER ET AL
ATTORNEY WITHDRAWAL		

Counsel for Plaintiff, Michael Gonzalez, 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 that the client did not voluntarily consent to counsel's request to be relieved and a conflict exists between attorney/client.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Counsel has indicated the client has been served by mail; however, counsel has been unable to confirm the address is current or to locate a more current address for the client after calling the client's last known telephone number and repeated emails. Proof of service of the motion on Plaintiff at their last known was filed on September 22, 2026.

TENTATIVE RULING #10:

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).

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

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11.	24CV0753	JILLIAN BECKER VS. DAWN MARIE MUZYKA
WITHDRAWAL FUNDS FROM BLOCKED ACCOUNT		

On August 27, 2026, Petitioner, Dawn E. Hubbard ("Petitioner"), filed a Petition to Withdraw Funds from Blocked Account. The amount to be disbursed in section 7(b) is blank. However, Petitioner requests reimbursements in the amount of \$1,449.00 for expenses paid by Petitioner for medical premiums, food, Lyft charges to medical facilities and other locations, as well as \$650.00 for Jillian R. Becker for money for her and her child, school clothes, and supplies, etc.

The Court requires confirmation of the amount requested to be disbursed and information to determine if the request is appropriate.

TENTATIVE RULING #11:

APPEARANCES ARE REQUIRED FRIDAY, OCTOBER 16, 2026, AT 8:30 A.M. IN DEPARTMENT NINE.

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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12.	25CV2442	ELIJAH CARON ET AL VS. DOMINICK SAGER ET AL
MOTION TO COMPEL FURTHER RESPONSES		

On September 4, 2026, the Court ordered the Parties to meet and confer as to Defendants' Motion to Compel Further Discovery Responses to Form Interrogatories, Set Two and Defendant's Motion to Compel Further Responses to Demand for Production of Documents, Set Two to Elijah Caron. In compliance with the Court's Order, the Parties filed a Joint Status Report on October 9, 2026.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request for Production No. 26, 27, 34: As Plaintiffs contend the amended response contains all responsive documents, the Court considers the request moot.

Request for Production No. 35-36: Plaintiffs contend the 2024 and 2025 tax returns have not yet been filed but agree to provide them to Defendants once filed. Upon filing of the 2024 and 2025 tax returns, the Court orders Plaintiffs to serve a copy on Defendants within five (5) days.

FORM INTERROGATORIES

Form Interrogatory 17.1 (RFA 47 and 48): Defendants do not seek to compel a different answer and accept the other amended responses, rendering the requests moot.

SANCTIONS

Defendants seek sanctions in the amount of \$1,085.00, which Plaintiffs oppose.

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, while the Parties successfully narrowed their disputes by providing amended responses, it remains that they were not provided until after Defendants were forced to incur the time and expense associated with preparing and filing their motions to compel. Accordingly, Defendants are awarded \$1,085.00 in monetary sanctions payable by Plaintiff, Elijah Caron, within thirty (30) days of the Court's order.

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TENTATIVE RULING #12:

DEFENDANTS' MOTION TO COMPEL FURTHER RESPONSES TO REQUEST FOR PRODUCTION NO. 26, 27, AND 34 ARE RENDERED MOOT PURSUANT TO PLAINTIFFS' ASSERTION THE AMENDED RESPONSES CONTAIN ALL RESPONSIVE DOCUMENTS. AS TO DEFENDANT'S MOTION TO COMPEL FURTHER RESPONSES TO REQUEST FOR PRODUCTION, NOS. 35-36, PLAINTIFFS ARE ORDERED TO SERVE COPIES OF THE 2024 AND 2025 TAX RETURNS UPON THEIR FILING WITHIN FIVE (5) DAYS OF FILING.

DEFENDANTS' MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORY 17.1 (RFA 47 AND 48) IS RENDERED MOOT.

DEFENDANTS' REQUEST FOR SANCTIONS IN THE AMOUNT OF \$1,085.00 IS GRANTED. PLAINTIFF, ELIJAH CARON, IS ORDERED TO PAY TO DEFENDANTS THE AMOUNT OF \$1,085.00 WITHIN THIRTY (30) DAYS OF THE COURT'S ORDER.

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

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13.	24CV2535	JACOB MONTAZERI VS. MOHSEN MONTAZERI ET AL
DEMURRER		

On July 6, 2026, Plaintiff/Cross-Defendant, Jacob Montazeri ("Cross-Defendant"), filed a Demurrer to the First, Second, Fifth, Sixth, Seventh, and Eighth Causes of Action in the Cross-Complaint filed by Defendants/Cross-Complainants, Mohsen Montazeri and Pamela Montazeri ("Cross-Complainants").

On October 5, 2026, Cross-Complainants filed a First Amended Cross-Complaint, rendering Cross-Defendant's Demurrer moot.

TENTATIVE RULING #13:

THE HEARING ON CROSS-DEFENDANT'S DEMURRER TO CROSS-COMPLAINANTS CROSS-COMPLAINT IS VACATED AS MOOT.

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

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14.	26CV0240	U.S. BANK NATIONAL ASSOCIATION VS. BEVERLY A VILLASENOR
SUMMARY JUDGMENT		

Plaintiff, US Bank National Association (“Plaintiff”), filed this Motion for Summary Judgment on May 6, 2026. No opposition has been filed.

Request for Judicial Notice

Plaintiff seeks judicial notice of the following: 1) 15 USC Section 1666; and 2) 12 CFR Section 202.12.

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

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 January 27, 2026, Plaintiff filed a Complaint for Breach of Contract (written) seeking damages in the amount of \$8,026.83. Defendant, Beverly A. Villasenor ("Defendant"), filed an Answer on March 6, 2026, generally denying each statement in the Complaint.

Discussion

Defendant applied for a credit card account and entered into a written credit card account agreement with Plaintiff for the account number ending in 1039 (the "Account"). Defendant agreed to be bound by the terms and conditions set forth in the Cardmember Agreement when Defendant applied for, received, or used the credit card account.

After receiving the credit card, Defendant made purchases of various goods, services, and cash advances. Plaintiff complied with its obligations under the Cardmember Agreement by paying vendors for all charges made on Defendant's Account. Payments and charges were reflected on a computerized credit card record regularly kept and maintained by Plaintiff which were provided on a monthly basis to Defendant in the form of billing statements. Defendant's last payment on the Account was on or about March 17, 2026. Defendant defaulted in making the payments due under the terms of the Cardmember Agreement so that the entire unpaid balance on the Account became immediately due and payable in the amount of \$8,026.83.

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.

Plaintiff has established the elements of breach of written contract. Plaintiff provided documents establishing Defendant applied for and was issued a US Bank Platinum Visa Credit Card, a US Bank Platinum Visa Card 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 March 17, 2025, leaving a balance owed of \$8,026.83. 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 \$8,026.83, plus costs in the amount of \$797.61, for a total judgment of \$8,824.44.

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TENTATIVE RULING #14:

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. JUDGMENT IS ENTERED FOR THE PLAINTIFF IN THE AMOUNT OF \$8,026.83, PLUS COSTS IN THE AMOUNT OF \$797.61, FOR A TOTAL JUDGMENT OF \$8,824.44.

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

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

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