

May 9, 2025
Dept. 9
Tentative Rulings

1.	21CV0167	CLAIM OF BUTTERFIELD
Pre-Trial Conference		

TENTATIVE RULING #1:

APPEARANCES REQUIRED ON FRIDAY, MAY 9, 2025, AT 8:30 AM IN DEPARTMENT NINE.

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

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2.	PCL20160027	ANIMAL SERVICES v. MARCHI
Petition to Modify Potentially Dangerous Dog Designation		

Based on the Court's review of the records, it does not appear that the County received notice of the Petition. The hearing is continued to allow Petitioner to properly notice and serve the County.

TENTATIVE RULING #3:

MATTER CONTINUED TO FRIDAY, JUNE 13, 2025, AT 8:30 AM IN DEPARTMENT NINE.

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

3.	23CV0395	VELLA v. PELA
Compliance Review, Motion for Sanctions		

This case has been the subject of several ongoing hearings regarding discovery and Plaintiff's failure to respond despite Court Order to do so. Defendant Omar U. Pela moves the Court for an order imposing issues sanctions, evidentiary sanctions and/or terminating sanctions as to Plaintiff and Cross-Defendant William Vela, pursuant to California Code of Civil Procedure ("CCP") §2023.030.

CCP §2023.030:

- (a) The court may impose a monetary sanction ordering that one engaging in the misuse of the discovery process, or any attorney advising that conduct, or both pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct. The court may also impose this sanction on one unsuccessfully asserting that another has engaged in the misuse of the discovery process, or on any attorney who advised that assertion, or on both. If a monetary sanction is authorized by any provision of this title, the court shall impose that sanction unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.
- (b) The court may impose an issue sanction ordering that designated facts shall be taken as established in the action in accordance with the claim of the party adversely affected by the misuse of the discovery process. The court may also impose an issue sanction by an order prohibiting any party engaging in the misuse of the discovery process from supporting or opposing designated claims or defenses.
- (c) The court may impose an evidence sanction by an order prohibiting any party engaging in the misuse of the discovery process from introducing designated matters in evidence.
- (d) The court may impose a terminating sanction by one of the following orders:
 - (1) An order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process.
 - (2) An order staying further proceedings by that party until an order for discovery is obeyed.
 - (3) An order dismissing the action, or any part of the action, of that party.
 - (4) An order rendering a judgment by default against that party.

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Defendant is requesting an issues sanction, moving the Court to order that it is established that other than Plaintiff's initial contribution of a down payment for the subject real property, Defendant and Plaintiff contributed equally.

Defendant is further requesting an evidentiary sanction, prohibiting Plaintiff from introducing evidence that support his claim that he is owed proceeds from the sale of the subject real property over and above his initial contribution of the downpayment for the subject property.

Lastly, Defendant is requesting that the Court terminate Plaintiff's complaint and his Answer to Defendant's Cross-Complaint. A party's failure to respond to discovery and to comply with a judge's orders compelling discovery provides ample grounds for imposing a terminating sanction. *Jerry's Shell v. Equilon Enters, LLC* (2005) 134 Cal.App.4th 1058, 1059.

In the present matter, the court finds that Plaintiff has continued to fail to comply with the court's orders to respond to discovery. As such, the court finds good cause to grant the requested relief, including the terminating sanctions.

TENTATIVE RULING #3:

MOTION 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).

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

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

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4.	PP20200053	ESTATE OF GUMINA
Final Distribution Hearing		

Letters of Administration were issued on July 8, 2020, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on March 27, 2025.

No Proof of Service of Notice of the hearing on the Petition was filed. Kimberly Harris filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution amongst decedent's three children – Naveah Thiers, Ryan Orr, Jr., and Ryder Russell. The shares to Ryan and Ryder are to be held in trust until the boys turn 18, as they are currently minors.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All acts and proceedings of the Administrator be confirmed and approved;
4. The Administrator be authorized to pay herself \$8,507.99 in statutory compensation;
5. The Administrator be authorized to pay statutory attorney fees in the amount of \$8,507.99, plus \$870.00 for costs advanced to the estate;
6. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition;
7. The Administrator be authorized to retain \$500 in closing expenses and to pay liabilities, and to deliver the unused part to the beneficiaries of the estate without further court order after closing expenses have been paid; and,
8. Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #4:

APPEARANCES REQUIRED ON FRIDAY, MAY 9, 2025, AT 8:30 AM IN DEPARTMENT NINE.

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5.	PC20190064	MEDINA v. EL DORADO SENIOR CARE
Motion for Attorney's Fees		

The Court previously issued a tentative ruling in this case on April 10, 2025 awarding \$421,448.00 in attorney's fees and \$13,183.20 in costs. There were no requests for oral argument and no appearances at the hearing on April 11, 2025. Instead of adopting the tentative ruling issued by the court on April 10, 2025, the visiting judicial officer appeared to inadvertently continue the hearing date. Pursuant to California Rule of Court 3.1308 and Local Rule 8.05.07, because there were no requests for oral argument prior to the April 11, 2025, the April 11, 2025 tentative ruling is hereby adopted. Plaintiffs are awarded \$421,448.00 in attorney's fees and \$13,183.20 in costs.

TENTATIVE RULING #5:

THE APRIL 11, 2025 TENTATIVE RULING IS ADOPTED, AWARDED PLAINTIFFS \$421,448.00 IN ATTORNEY'S FEES AND \$13,183.20 IN COSTS.

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.	22CV0690	BROST v. MARTINEZ
MSJ (2)		

On February 13, 2025, Defendant Brian Morrow (“Morrow”) filed and served a Notice of Motion for Summary Judgment or in the Alternative, Summary Adjudication, and supporting documents thereto.

Plaintiffs Joshua Brost and Daniel Malakhov (collectively “Plaintiffs”) filed and served Plaintiffs’ Opposition to Defendant’s Motion for Summary Judgment on April 21, 2025. Pursuant to California Rules of Court, Rule 3.1113(d), Plaintiffs’ Opposition is not to exceed 20 pages without permission of the Court. No such request was filed, despite the fact that Plaintiffs’ Opposition well exceeded the maximum.

Next, pursuant to California Code of Civil Procedure (“CCP”), §437c(b)(3) and Local Rule 7.10.11, Plaintiff was required to file a separate statement responding to each material fact contended by the moving party that they dispute. Plaintiffs did not file such a statement.

Further, the Court notes Defendant’s argument that Plaintiffs’ Opposition is late, as it was due to be filed by April 18, 2025, and was instead not filed until April 21, 2025. CCP §§ 437c subd. (b)(2) and CCP § 12c subd. (a) & (b). The purpose of CCP §437c(b)(3) is to give *no less than* 14 days (plus five for service by mail) *preceding* the hearing date to allow a reply. By serving the documents after business hours on April 21, 2025, that counts as service on April 22, 2025. Even if the Court were to consider the documents filed and served on April 21, 2025, they were still untimely. The court agrees with Defendant that the Opposition was due by April 18, 2025. The Court has broad discretion to refuse to consider papers served and filed late without a prior court order finding good cause for the late submission. *Mackey v. Board of Trustees of California State University* (2019) 31 Cal.App.5th 640; *Bozzi v. Nordstrom, Inc.* (2010) 186 Cal.App.4th 755. Pursuant to Cal. Rules of Court, Rule 3.1300(d), the Court has discretion to refuse to consider the late filed Opposition.

Plaintiffs’ Opposition therefore violates CCP § 12c(a) and (b), CCP § 437c(b)(2) and (3), California Rules of Court 3.113(d), and Local Rules 7.10.11(A) and (C). A party’s failure to comply with local court rules may properly result in a court’s refusal to consider the papers, not to mention the additional violations of the California Rules of Court and the CCP in this case. *See Sabato v. Brooks* (2015) 242 Cal.App.4th 715. Given the consequential nature of a motion for summary judgment and the strong public policy in favor of resolving cases on their merits, the court uses its discretion to consider Plaintiff’s Opposition. However, the court finds good cause to consider sanctions against Plaintiff for the rules violations. Pursuant to California Rules of Court, Rule 2.30, the Court on its own motion sets the issue of sanctions for a rules violation for hearing on May 9, 2025 at 8:31 a.m. in Department 9.

On April 28, 2025, Defendant filed his Reply to Plaintiffs' Opposition to Defendant Brian Morrow's Motion for Summary Judgment and Objections to Evidence in Support of Plaintiffs' Opposition to Defendant Morrow's Motion for Summary Judgment, which the court has considered.

Request for Judicial Notice

In support of their Motion, Defendant filed a Request for Judicial Notice asking the court to take notice of Plaintiffs' First Amended Verified Complaint ("FAC") and all exhibits. Plaintiffs have not opposed the request.

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 "[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." Ev. Code § 452(h).

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.

Defendant has complied with the requirements of § 453, therefore the Court is compelled to grant the judicial notice request and there is no opposition by Plaintiffs.
Defendant's request for judicial notice is granted.

Motion for Summary Judgment/Adjudication

Defendant brings his Motion as a Motion for Summary Judgment or, in the Alternative, Summary Adjudication. The legal standard is the same for each form of relief in all material respects. A motion for summary judgment or adjudication shall be granted if there is no triable issue as to any material fact and the papers submitted show that the moving party is entitled to judgment as a matter of law as to one or more causes of action or claims for damages. Cal. Civ. Pro. § 437c(f)(1). A defendant moving for summary judgment need only show that one or more elements of the cause of action cannot be established. *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 849. This can be done in one of two ways, either by affirmatively presenting evidence that would require a trier of fact *not* to find any underlying material fact more likely than not; or by simply pointing out "that the plaintiff does not possess and cannot reasonably obtain, evidence that *would* allow such a trier of fact to find any underlying material fact more likely than not." *Id.* at 845; *Brantly v. Pisaro* (1996) 42 Cal. App. 4th 1591, 1601.

The moving party bears the initial burden of making a prima facie case for summary judgment. *White v. Smule, Inc.* (2022) 75 Cal. App. 5th 346. In other words, the party moving for summary judgment or adjudication must show that it is entitled to judgment as a matter of law. *Doe v. Good Samaritan Hospital* (2018) 23 Cal. App. 5th 653, 661. Where the defendant makes the required showing, the burden shifts to plaintiff to make a prima facie showing that there exists a triable issue of material fact. *Zoran Corp. v. Chen* (2010) 185 Cal. App. 4th 799, 805. “There is a triable issue of material fact if, and only if, the evidence would allow a reasonable trier of fact to find the underlying fact in favor of the party opposing the motion in accordance with the applicable standard of proof.” *Aguilar, Supra* 25 Cal. 4th at 850.

Morrow, an individual member of 5059, moves the court for Summary Judgment or Summary Adjudication pursuant to Cal. Code Civ. Proc. § 437c (a) or (f), because (1) Defendant has no individual duty to Plaintiffs because Morrow formed no contracts with Plaintiffs, because (2) the LLC Operating Agreement shields individual members from personal liability under both California and Wyoming law beyond their capital investment, and (3) Plaintiffs have not shown and cannot show that Brian Morrow should be subject to alter-ego liability for the LLC.

Defendant’s first argument is that he, as an individual, has no duty to Plaintiffs because he did not enter into or sign any contract with Plaintiff. The contract at issue is between Plaintiffs and 5059. (UMF 1, 3, 5, 7, & 9). Morrow is not a signatory to the Agreement and Plaintiffs have no privity of contract with him (UMF 2-10, 12 & 13). Plaintiffs admit this is generally true but argue Morrow will be liable under an alter-ego theory. The Court agrees that Defendant owes no duty to Plaintiffs, absent liability under another theory.

Next, Defendant argues that he is not the alter-ego of 5059 because there is no unity of interest and ownership that exists, such that the interests of 5059 and the individual are no longer separate and/or there is no showing an inequitable result will follow if the acts are treated as those of the company alone. Defendant argues that 5059 is an LLC, with a written operating agreement, multiple non-related members, and it has a General Manager who is not Defendant. (UMF 77-85). Additionally, 5059 is registered with the California Secretary of State, had a principal place of business, a separate bank account, its own business address, and a registered agent. (UMF 86-88, 101, 103). Defendant argues his primary role in 5059 was as an investor and one owner of 5059, and that he provided loans or guaranteed funding. (UMF 105-109 inclusive, 112-113). Defendant further argues that he treats 5059 as a separate entity, maintains a separate bank account, does not commingle his personal funds, does not take money or draws out of 5059, documents his loans, does not treat 5059’s assets or funds as his own, does not share an address with 5059, the property has not been placed in his own name, and 5059’s operating agreement provides that no members have any personal liability for the liabilities or obligations of the company. (UMF 89-102, 117-118).

An individual is an alter ego of a corporation under California law when two factors are met: “(1) such a unity of interest and ownership exists that the personalities of [a] corporation

and [an] individual are no longer separate, and (2) an inequitable result will follow if the acts are treated as those of the corporation alone." *RRX Indus., Inc. v. LabCon, Inc.* (1985) 772 F.2d 543, 545- 46 (citing *Automotriz del Golfo de California S.A. de C.V. v. Resnick* (1957) 47 Cal. 2d 792, 795; see also *Perfect 10, Inc. v. Giganews, Inc.* (2017) 847 F.3d 657, 677. "Many factors may inform a court's determination regarding whether there is a sufficient unity of interest and ownership to satisfy the first prong of the alter ego analysis, but California courts consider three factors especially 'critical': (1) 'commingling of assets,' (2) 'disregard of corporate formalities,' and (3) 'inadequate capitalization.'" *Carlson Produce, LLC v. Clapper* (2022) No. 18-CV-07195-VKD, 2022 U.S. Dist. LEXIS 130523 at *3 (quoting *Tomaselli, supra*, at 1285, and *Katzir's Floor, supra*, at 1149). Other factors include "the treatment by an individual of the assets of the corporation as his own," "the failure to maintain minutes or adequate corporate records," "sole ownership of all of the stock in a corporation by one individual or the members of a family," "the use of the same office or business location," "the employment of the same employees and/or attorney," "the failure to maintain arm's length relationships among related entities," and "the diversion of assets from a corporation by or to a stockholder or other person or entity." *Zoran Corp. v. Chen* (2010) 185 Cal.App.4th 799, 811-12.

Upon considering the evidence submitted by Plaintiff, the court finds that Plaintiff has failed to establish triable issues of material fact as to whether a unity of interest and ownership exists that the personalities of a corporation and individual are no longer separate. Therefore, the Court finds that this first requirement of the alter-ego analysis cannot be met. Because the test is conjunctive, without proving the first element, the Court need not address the second element.

Further, since the Court found that Defendant owed no duty to Plaintiffs, and was not liable under an alter-ego theory, Plaintiffs' causes of action against Defendant fail, as they all require some duty to be owed.

Therefore, Defendant Morrow's Motion for Summary Judgment is granted.

* * *

On February 25, 2025, Defendants Ninoroy D. Machado ("Machado") and Side, Inc. dba All City Homes ("Side")(collectively "Defendants") filed and served a Notice of Motion for Summary Judgment or in the Alternative, Summary Adjudication, and supporting documents thereto.

Plaintiffs Joshua Brost and Daniel Malakhov (collectively "Plaintiffs") filed and served Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on April 21, 2025. The purpose of CCP §437c(b)(3) is to give *no less than* 14 days (plus five for service by mail) *preceding* the hearing date to allow a reply. The court agrees finds that the Opposition was due by April 18, 2025. The Court has broad discretion to refuse to consider papers served and filed late without a prior court order finding good cause for the late submission. *Mackey v. Board of*

Trustees of California State University (2019) 31 Cal.App.5th 640; *Bozzi v. Nordstrom, Inc.* (2010) 186 Cal.App.4th 755. Pursuant to Cal. Rules of Court, Rule 3.1300(d), the Court has discretion to refuse to consider the late filed Opposition.

Given the consequential nature of a motion for summary judgment and the strong public policy in favor of resolving cases on their merits, the court uses its discretion to consider Plaintiffs' Opposition. However, the court finds good cause to consider sanctions against Plaintiffs for the untimely opposition. Pursuant to California Rules of Court, Rule 2.30, the Court on its own motion sets the issue of sanctions for the untimely opposition for hearing on May 9, 2025 at 8:31 a.m. in Department 9.

On April 28, 2025, Defendants filed their Reply to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, which the court has considered.

Request for Judicial Notice

The Court does not find a Request for Judicial Notice submitted by Defendants in support of their Motion.

Motion for Summary Judgment/Adjudication

Plaintiffs' First Amended Verified Complaint ("FAC") alleges the following causes of action against Machado and Side: 1) Breach of Good Faith and Fair Dealing, 2) Negligent Infliction of Emotional Distress, 3) Intentional Infliction of Emotional Distress, 4) Negligence, 5) General Fraud, and 6) Violation of Bus. & Prof. Code §17200, et seq. Defendants argue these causes of action all fail because Plaintiffs do not have a contract with Machado and/or Side, Plaintiffs admit that Machado did not extort additional monies from Plaintiffs, Side and Machado did not intentionally do anything to cause Plaintiffs to suffer severe emotional distress, and Machado and Side did not make any false promises to Plaintiffs regarding the contract or the property.

Defendants argue that Machado and Side are not a party to the Agreement with Plaintiffs and Plaintiffs do not have any type of contract with either Machado or Side. (UMF 4-5) Machado and Side are not a party to the New Construction Residential Purchase Agreement as they only represented the seller as real estate agent/broker.

"Although breach of the implied covenant often is pleaded as a separate count, a breach of the implied covenant is necessarily a breach of contract." (*Digerati Holdings, LLC v. Young Money Ent., LLC* (2011) 194 Cal. App. 4th 873, 885). Plaintiffs do not have a contract with Machado and/or Side. (UMF 4; see *Cruz v. U.S.* (2002) 219 F. Supp. 3d 1027, 1038 ["It is a matter of basic California contract law that where his principal is disclosed an agent cannot be held liable for breach of a contract to which he is not a party."; *Freedman v. Brutzkus* (2010) 182 Cal.App.4th 1065, 1071 [noting the rule "that an agent for a disclosed principal to a contract is not liable on the contract itself or on a claim that necessarily arises from the contract"]).

While Plaintiffs argue that Defendants are liable under Civil Code § 2079.16, the court agrees with Defendants that the cause of action actually pled is based on contract liability, not tort liability. As such, the lack of a contract between there Defendants and Plaintiffs is fatal to Plaintiffs' Third Cause of Action. Plaintiffs' Third Cause of Action for breach of good faith and fair dealing fails against Defendants, because Defendants were not parties to the contract.

Defendants' primary, but not only, argument as to the remaining causes of action is that Plaintiffs' allegations are contrary to the admissions that Machado never spoke directly to Plaintiffs, Machado never made any verbal promises to Plaintiffs, and Machado did not make any representations to Plaintiffs about Plaintiffs' contract with Greyson Creek. (UMF 6-8.) Plaintiffs also admit in deposition that Machado did not threaten Plaintiffs with undue pressure, demand money from Plaintiffs, or extort Plaintiffs. (UMF 10.) Plaintiffs submitted a declaration of Brost as well as other exhibits to purportedly dispute this argument. This evidence is subject to objections, which may make the evidence inadmissible. The court needs to inquire further of the parties before making a determination. As such, the court orders appearances solely to resolve the motion as to the Fifth, Sixth, Ninth, and Eleventh Causes of Action. The court will not hear oral argument on the other issues absent a proper request for oral argument.

Defendants' Motion for Summary Adjudication is granted as to the Third Cause of Action.

TENTATIVE RULING #6:

- 1. PURSUANT TO CALIFORNIA RULES OF COURT, RULE 2.30, THE COURT ORDERS APPEARANCES ON FRIDAY, MAY 9, 2025, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW PLAINTIFF'S COUNSEL AN OPPORTUNITY TO BE HEARD PRIOR TO THE ISSUANCE OF SANCTIONS FOR FAILURE TO FOLLOW CALIFORNIA RULES OF COURT AND LOCAL RULES.**
- 2. DEFENDANT MORROW'S REQUEST FOR JUDICIAL NOTICE IS GRANTED.**
- 3. DEFENDANT MORROW'S MOTION FOR SUMMARY JUDGMENT IS GRANTED.**
- 4. DEFENDANTS MACHADO AND SIDE'S MOTION FOR SUMMARY ADJUDICATION IS GRANTED AS TO THE THIRD CAUSE OF ACTION.**
- 5. THE COURT ORDERS APPEARANCES SOLELY TO RESOLVE THE DEFENDANTS MACHADO AND SIDE'S MOTION AS TO THE FIFTH, SIXTH, NINTH, AND ELEVENTH CAUSES OF ACTION. THE COURT WILL NOT HEAR ORAL ARGUMENT ON THE OTHER ISSUES ABSENT A PROPER REQUEST FOR ORAL ARGUMENT.**

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.	24CV1000	MICHAEL F v. STATE OF CALIFORNIA
Minor's Compromise Claim		

TENTATIVE RULING #7:

APPEARANCES REQUIRED ON FRIDAY, MAY 9, 2025, AT 8:30 AM IN DEPARTMENT NINE.

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