

**Judge Benson – Law & Motion – Wednesday, May 15, 2024 @ 9:00 AM  
TENTATIVE RULINGS**

**To be heard by Judge Mosbarger**

**1. 20CV01510 Ortega, Ruben et al v. Puig-Palomar, Miguel, MD**

*EVENT: Plaintiffs' Motion to Compel Further Responses to Request for Admissions and Interrogatories; and for Sanctions*

The Motion is granted in its entirety. The responding party has the burden of substantiating its objections, see *Williams v. Superior Court* (2017) Court 3 Cal.5th 531, 541. Defendant has failed to meet its burden in substantiating its objections and the objections are without merit.

Defendant shall provide further substantive responses and remove the objections. Regarding Request no. 1.1, the objections must be removed. Concerning Form Interrogatory 17.1, further response is required concerning request for admission nos. 1.2-1.4.

Sanctions are awarded against Defendant Liva Nova in the amount of \$2,250.00.

Plaintiffs shall prepare and submit a form of order within 2 weeks.

**2. 20CV02212 Owens, Marc et al v. Aegis Security Insurance Company et al**

*EVENT: Defendant Aegis Security Insurance Company's Motion to Compel J. Stickney Builders to Comply With Appearance and Records Subpoenas*

Defendant Aegis Security Insurance Company's Motion to Compel Compliance With Subpoena is granted in its entirety and is unopposed. The Court will sign the proposed order.

3. **22CV00273 Edwards, Marsha J v. Daugherty, Ira**

*EVENT: OEX of Ira Daugherty*

The Court will swear in the witness.

4. **23CV01935 Portfolio Recovery Associates, LLC v. Pendergraft, William**

*EVENT: Plaintiff's Motion for Judgment on the Pleadings*

Plaintiff's Motion for Judgment on the Pleadings is GRANTED. The Court takes judicial notice of the admitted admissions. The Court will sign the proposed order and judgment.

As an aside, the Court notes Defendant filed what appears to be an opposition that was not accompanied by a proof of service. However, the opposition does not provide a legal basis for denying the motion, as Defendant's inability to pay is not relevant to the motion.

5. **24CV01452 Butte County Animal Control v. Rodriguez, Paul et al.**

*EVENT: Petition to Determine if Dog is Potentially Dangerous*

The Court is inclined to grant the petition based on the allegations contained therein. The Court will conduct a hearing.

