

Judge Benson – Law & Motion – Wednesday, March 19, 2025 @ 9:00 AM
TENTATIVE RULINGS

1-3. 22CV00348 AquAlliance et al v. Biggs-West Gridley Water District et al.

EVENT: (1) Defendants and Respondents' Biggs-West Gridley Water District, Butte County, Butte Water District, City Of Biggs, City of Gridley, Colusa Groundwater Authority, Glenn County, Reclamation District 1004, Reclamation District 2106, Richvale Irrigation District And Western Canal Water District's Demurrer to Plaintiffs' First Amended Complaint In Validation And Petition For Writ of Mandate

(2) Defendants and Respondents' Biggs-West Gridley Water District, Butte County, Butte Water District, City of Biggs, City of Gridley, Colusa Groundwater Authority, Glenn County, Reclamation District 1004, Reclamation District 2106, Richvale Irrigation District and Western Canal Water District's Motion to Strike Plaintiffs' First Amended Complaint in Validation and Petition for Writ of Mandate

(3) Case Management Conference

On the Court's motion, the pending motions and case management conference are continued to April 2, 2025 at 9:00am.

4. 22CV02736 AIC Electric v. Pioneer Nut Co et al.

EVENT: Motion to be Relieved as Counsel (Wizard Manufacturing LLC)

Motion to be Relieved as Counsel is GRANTED. The Court will sign the proposed order. The order will become effective upon the filing of a proof of service demonstrating the client was served with the order.

5. **24CV00513 Swartzen, Matthew J v. Kia Motors America, Inc.**

EVENT: Motion to Enforce Settlement and for Award of Attorney Fees

Motion to Enforce Settlement and for Award of Attorney Fees is DENIED. The request to enforce is moot in light of the fact the settlement is now funded. Regarding the request for attorney fees, no legal authority exists supporting an award of attorney fees under these circumstances.

As a general rule, attorney fees are not recoverable as costs unless they are authorized by statute or agreement. (*People ex rel. Dept. of Corporations v. Speedee Oil Change Systems, Inc.* (2007) 147 Cal.App.4th 424, 429) By plaintiff's own admission, "plaintiff does not seek to enforce the attorney fee provision of the 998 offer." Therefore, the language in the 998 offer itself is not a basis for this particular attorney fee request.

Nowhere in the CCP § 998 offer does it provide for attorney fees necessary in enforcing the agreement. Nor does CCP § 664.6 itself contain any language authorizing attorney fees connected with filing a § 664.6 motion.

Defendant shall prepare the form of order within 2 weeks.

6. **24CV02515 Mesa, Isela v. Pozar, Kimberly**

EVENT: Kimberly Pozar's Motion to Compel Further Response to Official Form Interrogatories (Set One)

The Court will hear from counsel. Although the points and authorities reference a separate statement was filed "concurrently herewith", no separate statement appears to have been filed. Also, the proof of service attached to the motion does not indicate the method of service. The Court is inclined to continue this motion to May 7, 2025 at 9:00am for Defendant to file and serve the separate statement. Plaintiff may file a supplemental opposition no later than April 24, 2025.

7. **24CV04207 In re: Charles, Holly Noelle**

EVENT: Change of name (adult) (Continued from 2/19/25 and 3/5/25)

The Court will hear from Petitioner.

8. **25CV00223 In re: Markham, Juhney Azul**

EVENT: Change of name (adult)

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

9. **25CV00227 Confidential**

EVENT: Confidential name change

The Petition is GRANTED. Pursuant to CCP § 1277(b), the Petition is exempt from notice requirements. The Court will sign the proposed order.

10. **25CV00238 In re: McMurray Fisher, Denise Rene**

EVENT: Change of name (adult)

The Court is in receipt of the proof of publication and will sign the decree provided.

11. **25CV00240 In re: Franco, Anthony Paul**

EVENT: Change of name (adult)

The Court is in receipt of the proof of publication and will sign the decree provided.

12. **25CV00306 In re: Jarvis, Nancy Valera**

EVENT: Change of name (Adult)

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

13. **25CV00316 In re: Wolff, Whitney Ann**

EVENT: Change of name (adult)

The Court is in receipt of the proof of publication and will sign the decree provided.

14. **25CV00366 Confidential**

EVENT: Confidential name change

The Petition is in order. The Court will sign the decree provided. However, the Court is not aware of any statute providing the Court with authority to order the sealing of birth records.

15. **141833 NDS, LLC v. Wilcox, Lloyd A**

EVENT: Rehearing on Homestead Exemption

The Court will conduct a hearing.