

**Judge Benson – Law & Motion – Wednesday, June 4, 2025 @ 9:00 AM**  
**TENTATIVE RULINGS**

**1-2. 23CV00369 Yates, Chad v. Ellenberger, Jared**

*EVENT: (1) OSC re Preliminary injunction preventing Defendant from disposing of receivership assets and his personal residence.*

*(2) Plaintiff's Ex Parte Application for Issuance of Temporary Restraining Order and Preliminary Injunction*

Plaintiff's request for a preliminary injunction enjoining Defendant and his agents from selling the residential property located at 25155 Post Ave., Orland, CA 95963, or from conducting a similar action which dispossesses Defendant of the aforementioned property is granted. Additionally, Defendant is enjoined from disposing of any property identified in the Receiver's inventory. This injunction will be effective until the first day of the Court Trial – July 28, 2025.

Plaintiff is required to post an undertaking in the amount of \$7,000. The injunction will be operative upon the posting of the undertaking.

Plaintiff shall prepare and submit the form of order.

**3-4. 23CV02706 Adams, Earl et al v. Fitzgerald, Mike**

*EVENT: (1) Plaintiff's Motion to Compel Further Answers to Form Interrogatories, Set One*

*(2) Plaintiff's Motion to Compel Further Answers to Request for Production of Documents, Set One*

Form Interrogatories

*Nos. 1.0, 2.1, 2.3, 2.6, 2.7, 3.7, 4.2, 11.1, 12.7, 14.1, 50.1*

The motion is denied. Substantive responses were provided, and while some of the responses may have been technically incomplete, the Court fails to see the practical benefit in requiring further responses to these requests.

*Weil & Brown, California Practice Guide: (the Rutter Group 2024) Civil Procedure Before Trial*

[8:1180] Ruling on motion to compel further answers: The granting or denial of a motion to compel rests within the court's sound discretion.

[8:1181] Factors considered: The ruling usually is based on consideration of the following factors:

- The relationship of the information sought to the issues framed in the pleadings;
- The likelihood that disclosure will be of practical benefit to the party seeking discovery;
- The burden or expense likely to be encountered by the responding party in furnishing the information sought. [Columbia Broadcasting System, Inc. v. Sup.Ct. (Rolfe) 1968 263 CA2d 12,19 69 CR 348, 352]

[Emphasis Added]

*Nos. 2.5, 2.8, 4.1, 12.1, 12.2, 12.3, 12.5, 15.1, 50.2*

The motion is granted. The responses are incomplete and the requests are reasonably calculated to discover information pertaining to material issues in the case. Further responses are required which respond to the interrogatory and each subpart completely. Defendant cannot simply refuse to answer an interrogatory on the basis that it may be a public record. The code requires a complete response based on the information reasonably available to him. This requires at least a good faith effort to obtain the information.

As to 50.2, the response was non-responsive. The request seeks to identify any breaches of the agreement. The response does not address whether there were any breaches of the agreement.

#### Production of Documents

*No. 1*

The Court's ruling is contingent on Defendant's further response to Form Interrogatory no. 12.3. As noted, the motion is granted as to 12.3. It appears to the Court that Defendant may be confused as to the term "written or recorded statement." The survey itself is not a written or recorded statement. If the further responses indicate that there is, in fact, a separate written recorded statement other than the survey itself, then this motion is granted and the document(s) must be produced. If the further response clarifies that there are no other documents separate from the survey, then this motion is denied.

To the extent this motion is granted, Defendant shall provide further responses within 10 days of notice of this order. If additional documents exist, Defendant shall produce those documents concurrently with his further responses.

Plaintiff's request for sanctions is denied.

Plaintiff shall prepare and submit the form of order within 2 weeks.

5. **24CV01001 Butte Credit v. Holcombe, Alex I**

*EVENT: Opposition to Claim of Exemption*

The Court will conduct a hearing.

6. **24CV01644 Pro Garage Doors, Inc. v. Pitts, Tim**

*EVENT: OEX (Tim Pitts)*

The Court will swear in the witness.

7. **24CV02363 Wheels Financial Group, LLC v. Davis, Jennifer L.**

*EVENT: Plaintiff's Motion for Summary Judgment (Continued from 5/14/25)*

The Court is in receipt of the dismissal of the second cause of action. As a result, the equitable set off issue raised by the Court on the May 14, 2025 hearing is no longer relevant.

Plaintiff's Motion for Summary Judgment is GRANTED. The Court finds Plaintiff has met its initial burden submitting evidence on each element of the breach of contract cause of action demonstrating no triable issue of material fact exists. The motion is unopposed. The Court will sign the current proposed order and judgment.

8. **24CV02517 Wells Fargo Bank, N A v. Wright, Aleasha L**

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

Plaintiff's Motion for Judgment on the Pleadings is GRANTED. In light of the admissions which have been deemed admitted, the answer fails to state sufficient facts to constitute a defense to the complaint.

**9-12. 24CV03332 Tri Counties Bank v. Gazzigli**

*EVENT: (1) Plaintiff's Motion to Compel Further Responses to Form Interrogatories*

*(2) Plaintiff's Motion That Matters in Requests for Admissions Be Admitted*

*(3) Plaintiff's Motion to Compel Production of Documents*

*(4) Plaintiff's Motion to Compel Responses to Special Interrogatories*

Notice appears to be one day short. The papers were mailed on 5/8/25. Taking into account the Memorial Day holiday, May 8 is 16 court days plus 4 calendar days before the hearing. The motions are continued to June 18, 2025 at 9:00am. Plaintiff shall give notice.

**13. 25CV00798 In re: Hernandez, Sandra Mata**

*EVENT: Change of name (minor) (Continued from 5/14/25)*

There is no proof of publication on file. If there is no proof of publication on file by the hearing and no appearances, the Petition will be dismissed without prejudice.

**14. 25CV00933 In re: Holmes, Ashlee Michele**

*EVENT: Change of name (adult) (Continued from 5/14/25)*

There is no proof of publication on file. If there is no proof of publication on file by the hearing and no appearances, the Petition will be dismissed without prejudice.

**15. 25CV01053 In re: Saunders, Shirvette Anita**

*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.

**16. 25CV01104 In re: Wilts, Krista Elizabeth**

*EVENT: Change of name (adult)*

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

**17. 25CV01169 In re: Esquivel, Tonantzin**

*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.

**18. 25CV01232 In re: Newsome, Johawnel Semori**

*EVENT: Change of name (minor)*

The Court will hear from Petitioner.

**19. 25CV01233 In re: Newsome, Joshawnel Semori**

*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.

**20. 25CV01257 In re: Orantes, Roberto Vincente, Jr.**

*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.

**21. 25CV01292 In re: Rittenhouse, Rick Gordon**

*EVENT: Change of name (adult)*

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

**22. 25CV01321 In re: Sanford, Cayla**

*EVENT: Change of name (minor)*

The Court will hear from Petitioner.

**23. 25CV01491 Walker, Chasity Ann**

*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.

**24. 25CV01517 In re: Martin, Martha Jane**

*EVENT: Change of name (adult)*

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