

Judge Benson – Law & Motion – Wednesday, August 20, 2025 @ 9:00 AM
TENTATIVE RULINGS

1. 20CV02333 Sorenson, Angela v. Smith, Bradley M. et al.

EVENT: Plaintiff's Motion to Deem Admitted Truth of Facts in Requests for Admissions, Set 1 Served on Defendant Chico Immediate Care Medical Center and Request for Monetary Sanctions

The motion is denied as moot. However, Defendant has failed to provide a substantial justification for taking nearly a year to provide discovery responses. Defendant is sanctioned in the amount of \$1,500.00.

As an aside, in review of the opposition the Court notes the ENTIRE deposition transcript of Defendant was attached when best practices dictate only relevant excerpts are attached with highlights in support of its position.

Plaintiff shall prepare the order.

2-4. 21CV02255 Haliburton, Lauren v. Hunsdorfer, Barbara

EVENT: Petition for Approval of Minor's Compromise (Continued from 7/23/25)

The petitions are granted. The Court will sign the proposed orders.

5. 22CV00760 Geiser, Robert v. Enegix LLC

EVENT: OEX (Enegix LLC) (Continued from 5/14/25 and 7/2/25)

Plaintiff is ordered to appear. Plaintiff has requested permission to serve the OEX by publication. CCP § 415.50 only authorizes service by publication of the summons, it does not authorize service by publication of a debtor's examination. There is no exception to the rule under CCP § 708.110 that the debtor be personally served.

6. 22CV00761 Geiser, Robert v. Ferrucci, Johnathan

EVENT: OEX (Johnathan Ferrucci) (Continued from 5/14/25 and 7/2/25)

Plaintiff is ordered to appear. Plaintiff has requested permission to serve the OEX by publication. CCP § 415.50 only authorizes service by publication of the summons, it does not authorize service by publication of a debtor's examination. There is no exception to the rule under CCP § 708.110 that the debtor be personally served.

7. 22CV00762 Morris, Emily v. Enegix LLC

EVENT: OEX (Enegix LLC) (Continued from 5/14/25 and 7/2/25)

Plaintiff is ordered to appear. Plaintiff has requested permission to serve the OEX by publication. CCP § 415.50 only authorizes service by publication of the summons, it does not authorize service by publication of a debtor's examination. There is no exception to the rule under CCP § 708.110 that the debtor be personally served.

8. 22CV00764 Morris, Emily v. Ferrucci, Johnathan

EVENT: OEX (Johnathan Ferrucci) (Continued from 5/14/25 and 7/2/25)

Plaintiff is ordered to appear. Plaintiff has requested permission to serve the OEX by publication. CCP § 415.50 only authorizes service by publication of the summons, it does not authorize service by publication of a debtor's examination. There is no exception to the rule under CCP § 708.110 that the debtor be personally served.

9-11. 24CV03585 Fair Political Practices Commission v. Fennell, David et al.

EVENT: (1) OSC re: Contempt (Continued from 4/16/25 and 7/16/25)

(2) Plaintiff's Motion for Leave to File a Second Amended Complaint

(3) Case Management Conference

OSC re Contempt

The parties are ordered to appear. The Court will hear from Mr. Fennell as to whether he has obtained counsel or whether he will proceed in pro per. The parties shall be prepared to select a hearing date on the Court's court trial calendar. (The court trial calendar is every other Monday at 9:00am)

Leave to Amend

The motion is granted. Plaintiff shall file the Second Amended Complaint within 10 days. Plaintiff shall prepare the order.

12. 25CV00389 Wells Fargo Bank, N.A. v. Saeturn, Shaneia L

EVENT: Plaintiff's Motion for Order Deeming the Truth of the Matters Specified in Plaintiff's Request for Admissions as Admitted

Plaintiff's Motion for Order Deeming the Truth of the Matters Specified in Plaintiff's Request for Admissions as Admitted is GRANTED. The Court will sign the proposed order.

13. 25CV00404 In re: Calhoun, ShayBrean

EVENT: Change of name (minor) (Continued from 4/2/25 and 4/23/25)

The Court will hear from Petitioner.

14. 25CV01116 Yates, Anne et al v. State Farm General Insurance Company et al.

EVENT: Non-California FAIR Plan Defendants' Joint Demurrer to Complaint

In light of the filing of the First Amended Complaint, the demurrer is moot.

15. 25CV02321 In re: Ming, Kelley Ray

EVENT: Change of name (adult)

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

16. 25CV02369 In re: Van Gorder, Alexa Kelley Jacqueline

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.

17. **24UD04177 Norman Hueckel Trustee of the Hueckel Family Trust v. Platinum Health Partners Inc.**

EVENT: Motion to Vacate and Set Aside Judgment (Continued from 8/13/25)

Motion to Vacate and Set Aside Judgment is DENIED.

Regarding notice to cure, Plaintiff has provided uncontroverted evidence that it provided notice as prescribed in the stipulation. Defendant does not deny that an email was sent to the address provided in the stipulation.

Defendant's argument of mistake due to no notice of the ex parte seeking judgment is irrelevant in light of the term in the agreement which waived the right to a noticed motion. The only way that argument could have legal relevance is if the term was deemed to be legally unenforceable, and Plaintiff has made no such argument.

The remaining factual question is whether the agreement was or was not breached. Plaintiff has produced evidence that it received the June payment on June 11, 2025. Defendant does not specify when in June it paid Plaintiff, which leads the Court to conclude that the June 11 date is accurate. Because Plaintiff provided notice of the breach in accordance with the agreement, the late payment on June 11 was a breach of the agreement.

Consequently, per the terms of the agreement, Plaintiff is entitled to possession. The stay issued with respect to the judgment dated June 25, 2025 is hereby lifted.

Plaintiff shall prepare and submit a form of order consistent with this ruling within 2 weeks.