

Judge Benson – Law & Motion – Wednesday, December 17, 2025 @ 9:00 AM
TENTATIVE RULINGS

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

EVENT: OSC re: Dismissal

The Court will hear from counsel.

2. 23CV00528 Rosinski, Melinda, et al. v. Piercey, Matthew et al.

EVENT: Defendants' Motion to Compel Further Responses to Special Interrogatories and for Sanctions (Continued from 12/10/25)

Defendants Substantially Complied with CCP § 2030.040

Defendants substantially complied with the declaration requirements for interrogatories exceeding 35. Defendants filed declarations pursuant to section 2030.040 captioned as a declarations regarding special interrogatories. It is readily apparent that the reference to admissions in the body of the declarations was a typo. The Court finds defense counsel substantially complied with the code requirements. The motion will not be denied on this technicality.

Defense Counsel Met Their Meet and Confer Obligations

Defense counsel sent two meet and confer communications, one on 7/18 and one on 9/18. The 7/18 meet and confer explained many responses were devoid of facts and improperly referenced the entire compendium of evidence. After the supplemental responses were served, the 9/18 meet and confer letter restated those concerns. Because these defects were previously addressed in the 7/18 letter, defense counsel was justified in providing a short period of time (24 hours) to permit a further response. The circumstances indicate the parties were at an impasse, see *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1293-1294.

In Light of the "Second Supplemental Responses" the Motion is Moot

Although the Court has discretion to consider the adequacy of the supplemental or amended responses served after the motion was filed (see *County of San Benito v. Superior Court* (2023) 96 Cal.App.5th 243, 256) the Court declines exercising its discretion to evaluate the

“Second Supplemental Responses”. Thus, service of the “Second Supplemental Responses” moots this motion.

However, the fact that the “Second Supplemental Responses” were served while this motion was pending is a tacit admission by Plaintiffs that prior responses, or at least some of them, were not code compliant. As a corollary, the “Second Supplemental Responses” should have been served prior to the filing of this motion, and this motion should not have been necessary. As a result, sanctions are imposed on Plaintiffs and Plaintiffs’ counsel (jointly and severally), in the amount of \$1,000.00.

As an aside, it is unclear to the Court whether the verifications were or were not provided prior to the filing of the motion. Defense counsel seems to suggest that they were not, but the email dated 9/18 suggests the verifications were provided several weeks before this motion was filed.

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

3. 23CV01364 Dickson, Amber Bowen et al. v. Amber Grove Place et al.

EVENT: Defendant Amber Grove Management LLC’s Motion for Stay Pending Appeal of Order Invalidating Arbitration Agreements

Defendant Amber Grove Management LLC’s Motion for Stay Pending Appeal of Order Invalidating Arbitration Agreements is GRANTED.

Preliminarily, the Court agrees with Plaintiffs that the mandatory federal rule requiring a stay pending the appeal of a motion to compel arbitration is inapplicable. Defendants have never filed a motion to compel arbitration, nor is the instant appeal analogous to an appeal after a motion to compel arbitration. Nevertheless, the Court finds a stay is warranted on judicial economy grounds. Trial courts generally have the inherent power to stay proceedings in the interests of justice and to promote judicial efficiency.

All pending motions are vacated. Once the stay is lifted, counsel may place the motions back on calendar. Counsel is directed to select dates which allow time for briefing pursuant to CCP § 1005. A Case Management Conference is hereby scheduled for June 17, 2026 at 9:00am.

Defendant shall prepare the form of order.

4. 23CV01923 Greenberg, Stuart et al v. Jacques, Michael et al.

EVENT: Plaintiff's Second Motion to Compel Further Discovery Responses

The Court is in receipt of the opposition filed on 12/12. On the Court's motion, the hearing is continued to December 31, 2025 at 9:00am. Plaintiff shall file substantive reply no later than December 22, 2025.

5. 24CV04513 Ayers-Anderson, Penny et al v. Serger, John et al.

EVENT: Defendant Board of Trustees of the California State University's Demurrer to Plaintiff's Third Amended Complaint

Defendant Board of Trustees of the California State University's Demurrer to Plaintiff's Third Amended Complaint (TAC) is SUSTAINED WITHOUT LEAVE TO AMEND.

The Court reincorporates its previous ruling dated September 10, 2025 concerning the Second Amended Complaint. That ruling disposed of most of the theories of liability with respect to Defendant CSU (without leave to amend). The previous ruling included a finding that CSU could not be liable for preventing others from entering the structure to rescue Decedent. The only theory for which Plaintiff was granted leave to amend was on the theory that CSU's agents owed a duty to timely extract Decedent from the residence.

With respect to this legal theory, the TAC essentially makes two categories of allegations: 1) it alleges Decedent detrimentally relied on the Officers' presence at the scene and therefore a special relationship existed; and 2) The TAC alleges that preventing good Samaritans from rescuing Decedent increased the risk of harm to Decedent and therefore a special relationship existed.

As to the first category, the allegations fail for the same reasons stated in our previous ruling – case law stands for the proposition that the Officers' mere presence at the scene does not establish a special relationship. Thus, Plaintiff's suggestion that their presence would induce reliance, therefore establishing a special relationship fails.

As to the second category, preventing good Samaritans from entering the house could theoretically increase the risk of harm to Decedent. If persons are prevented from entering a burning structure to rescue an occupant, certainly the chances the occupant will perish increase. However, as indicated, the Court previously ruled Defendant CSU could not be liable for preventing others from entering the structure to rescue decedent because it was a policy

decision based on evidence presented by Plaintiff that Defendant had a written policy to secure the perimeter of burning structures.

To clarify the Court's previous ruling, Gov. Code § 820.2 immunizes basic policy decisions, see *Johnson v. County of Los Angeles* (1983) 143 Cal.App.3d 298, 312. It is apparent that Defendant's written policy requiring officers to secure the perimeter of a burning building is a basic policy decision and is therefore immunized. It is true that acts in furtherance of that policy are not necessarily immunized. (See *Johnson, supra* at p. 313 [no immunization when decision is "at the lowest ministerial rung of official action"]).

However, the allegation that Defendant CSU's agents were preventing Good Samaritans from entering the burning building is not an allegation concerning a decision "at the lowest ministerial rung of official action". To the contrary, that allegation is part and parcel to the basic policy decision to secure the perimeter of a burning building. Thus, no matter how it is framed, the argument that Defendant CSU is liable for preventing others from entering the building is a direct challenge to the basic policy decision to secure the perimeter of burning buildings.

Consequently, Plaintiff's theory that Defendant increased the risk to Decedent cannot apply in this particular instance because the underlying act is immunized under Gov. Code § 820.2.

Because it appears the allegations cannot be sufficiently amended, the demurrer is sustained without leave to amend on Plaintiff's remaining theory that Defendant CSU had a duty to timely extract Plaintiff from the residence. In light of this ruling, the Court declines considering the other immunity issues raised in the moving papers.

Defendant CSU shall prepare a form of order consistent with this ruling within 2 weeks.

6. 25CV00289 Wells Fargo Bank, NA v. Garretson, Kylee

EVENT: Plaintiff's Motion for Judgment on the Pleadings

Plaintiff's Motion for Judgment on the Pleadings is GRANTED. The Court will sign the proposed order and judgment.

7. **25CV01630 Portfolio Recovery Associates, LLC v. Thao, Convey K**

EVENT: Plaintiff's Motion to Vacate Judgment

Plaintiff's Motion to Vacate Judgment is GRANTED. The Court will sign the proposed order.

8. **25CV02752 Morales, Laila Danae v. Click, Christian James**

EVENT: OSC re: Contempt (Continued from 11/19/25)

The Court will conduct a hearing.

9. **25CV02873 Tristen Servin, Trustee of the Patrick Allan Baynard Revocable Trust v. Polmanteer, Tony et al.**

EVENT: Defendant Tony Polmanteer's Demurrer to Complaint for Reformation of Agreement; Motion to Strike (Continued from 11/5/25)

The demurrer is overruled and the motion to strike is denied. The Complaint sufficiently alleges facts such that a factual question concerning intent of the Decedent at the time of death exists. A demurrer cannot be transformed into a contested evidentiary hearing, see *Fremont Indemnity Co. v. Fremont General Corp.*, (2007) 148 Cal. App. 4th 97, 113. Defendant Tony Polmanteer shall file an Answer to the Complaint no later than 30 days after notice of this order. Plaintiff shall prepare and submit a form of order within two weeks.

10. 25CV03814 In re: Elias Rangel, Ma. De Los Angeles

EVENT: Change of name (adult) (Continued from 12/3/25)

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

11. 25CV03833 In re: Jacobs, Timothy

EVENT: Change of name (minor) (Continued from 12/3/25)

The Court will hear from Petitioner.

12. 25CV04106 In re: Feher, Istvan

EVENT: Change of name (adult)

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

13. 25CV04239 Midland Credit Management, Inc v. White, Randall E

EVENT: Motion to Dismiss The Complaint or in the Alternative, Motion to Compel Production of Documents

The motion is denied without prejudice for failure to comply with CCP § 1005 et seq. CCP § 1005 requires a minimum 16 court days' notice, and an additional 5 days calendar notice when service is by mail as occurred here. The proof of service states the moving papers were served on 12/1, which is only 12 court days before the hearing.

14. 25CV04804 Butte County Animal Control v. Brewer, Donald Bruce et al.

EVENT: Petition to Determine if Dog is Potentially Dangerous

The Court will conduct a hearing.