

Judge Benson – Law & Motion – Wednesday, January 7, 2026 @ 9:00 AM
TENTATIVE RULINGS

1. 20CV01781 Leland, Morrissey & Knowles, LLP v. Bailey, Catherine et al.

EVENT: Catherine Bailey's Motion for Reconsideration to strike November 19, 2025 order deeming admissions admitted (Continued from 12/24/25)

The Court is in receipt of the CCP § 170.1 motion filed on 12/31/25. In light of the motion, the instant motion, as well as the motion currently scheduled for January 21, 2026 at 9:00am are continued to February 18, 2026 at 9:00am.

2. 21CV03075 Hall, Chantelle v. City of Chico et al.

EVENT: Defendant City of Chico's Motion to Strike Portions of Plaintiff's Second Amended Complaint

Defendant City of Chico's Motion to Strike Portions of Plaintiff's Second Amended Complaint is DENIED.

Initially, based on the Court's previous ruling stating "there is not a cause of action premised on the 2025 repairs" the Court was inclined to strike the portion of paragraph 12 of the SAC alleging that the alterations were not code compliant. However, in considering the opposition, as the Court understands Plaintiff's position, Plaintiff has sought injunctive relief since the initial complaint filed in 2021, only months after the subject incident.

Had the City repaired the sidewalk in 2025 so that it was ADA compliant (we are assuming at the pleading stage the allegation of non-compliant repair is true), the request for injunctive relief associated with the 2021 incident may have been moot. But because the repair was not code compliant, then theoretically the alteration allegations are relevant because it demonstrates that the sidewalk remains non-compliant.

Thus, the same problem that existed in 2021 still (allegedly) exists today – the sidewalk violates the ADA. Although the sidewalk is physically different than it was in 2021, it is still not (allegedly) code compliant. While it is somewhat of a technicality, Plaintiff can legitimately contend that she is not alleging a separate cause of action based on the 2025 alteration but that the lack of code compliance with the 2025 alteration is still relevant to the 2021 claim.

With respect to the remainder of paragraph 12 of the SAC, which simply alleges that the sidewalk was altered, as the Court ruled previously, the alteration could potentially be relevant

on an independent basis to demonstrate repair was reasonably feasible. The Court again emphasizes that it is not making any sort of final ruling on this issue, rather the issue is simply not appropriate for determination at the pleading stage.

As to the remainder of the motion concerning the statute of limitations and amendment in general, the Court affirms its previous ruling.

Plaintiff shall prepare the form of order.

3. 24CV00397 Lau, Crystal v. Feathers, Robin et al.

EVENT: Plaintiff's Motion for Leave to File Second Amended Complaint

Plaintiff's Motion for Leave to File Second Amended Complaint is GRANTED. In light of this ruling, the demurrer currently scheduled for January 28, 2025 at 9:00am is moot and is vacated.

4. 24CV00627 Norcal Home Design, Inc. v. First Response, Inc et al.

EVENT: Defendants First Response, Inc. and Diana Cantea's Motion to Reopen Discovery and Impose Monetary Sanctions Against Plaintiff and Its Counsel

The Court is not finding a proof of service included with the moving papers. As a result, the motion is denied without prejudice.

5. **25CV00842 Bruce, Stephanie v. Cross, Michael et al.**

EVENT: Defendants The Northern Rural Training and Employment Consortium and Michael Cross' Demurrer to Plaintiffs' Second Amended Complaint

Fifth Cause of Action for Harassment

The demurrer is sustained with leave to amend.

The SAC fails to sufficiently allege harassment. It is well settled that "Commonly necessary personnel management actions do not come within the meaning of harassment." (*Roby v. McKesson Corp.* (2009) 47 Cal.4th 686, 707) Paragraph 83 of the SAC essentially alleges Plaintiff was retaliated against for making an internal complaint regarding discrimination and harassment by Defendant Cross because she was subsequently excluded from meetings and kept out of the loop of important work related communications and decisions. In an attempt to avoid the management decision rule, paragraph 83 alleges the conduct was "not business related."

While it is true the Court is required to accept all properly plead allegations as true on demurrer, the allegation that the conduct was "not business related" is a legal conclusion contradicted by the underlying factual allegations. Undoubtedly, the decision to exclude a subordinate employee from meetings and important decisions inherently falls under the personnel management actions category.

Reno v. Baird (1998) 18 Cal.4th 640, 646,647:

...

the Legislature intended that commonly necessary personnel management actions such as hiring and firing, job or project assignments, office or work station assignments, promotion or demotion, performance evaluations, the provision of support, the assignment or nonassignment of supervisory functions, deciding who will and who will not attend meetings, deciding who will be laid off, and the like, do not come within the meaning of harassment. These actions may retrospectively be found discriminatory if based on improper motives, but in that event the remedies provided by the FEHA are those for discrimination, not harassment.

[Emphasis Added]

Thus, the allegations in the SAC that the actions were "not business related" conflicts with the law to the extent the SAC alleges these actions can support a harassment claim. *Reno* specifically identifies the allegations in paragraph 83 as management decisions. As noted, if the actions were based on improper motives, a discrimination action may lie, but these alleged actions do not, as a matter of law support harassment.

8th Cause of Action – Hostile Work Environment

The demurrer is sustained with leave to amend.

The Court's previous ruling essentially required Plaintiff to plead facts concerning the harassment of others so that the 8th cause of action is not duplicative. Regarding the 8th cause of action, the SAC realleges many of the grievances Plaintiff has individually. In paragraph 110, Plaintiff groups these allegations together alleging that these allegations created an overall hostile work environment.

Paragraph 110 does not satisfy the requirements of the prior order. There are no facts explaining how other employees were negatively affected by Plaintiff's grievances, which ostensibly are individual in nature. Rather paragraph 110 is a conclusion that other employees were subject to a hostile work environment.

Plaintiff shall amend within 20 days' notice of this order. Defendant shall prepare the form of order.

6-8. 25CV00962 Kelly Boslow, Successor in Interest to Jo M Pulos et al. v. Golden Roseleaf LLC et al.

EVENT: (1) Motion to Be Relieved as Counsel (as to Kelly Boslow)

(2) Motion to Be Relieved as Counsel (as to Elizabeth Elmore)

(3) Motion to be Relieved as Counsel (as to Kathi Glover)

All motions to be relieved as counsel are granted. The Court will sign the proposed orders. The orders will become effective upon the filing of a proof of service demonstrating the orders were served on Plaintiffs.

9. 25CV02524 Singh, Sohan et al v. General Motors, LLC

EVENT: Defendant General Motor's Demurrer to Plaintiff's Complaint

Defendant General Motor's Demurrer to Plaintiff's Complaint is SUSTAINED WITH LEAVE TO AMEND. The Court finds *Dhital v. Nissan N. Am., Inc.* (2022) 84 Cal.App.5th 828 is binding authority on the issues raised in the demurrer. However, regarding the

allegations of a buyer-seller relationship, the Complaint falls short of the allegations made in *Dhital*. Specifically, there are no allegations that the vehicle was purchased from an authorized dealer, and that the dealership is Defendant's agent for purposes of the sale of vehicles to consumers.

Plaintiff shall amend within 20 days' notice of this order. Defendant shall prepare the form of order.

10. 25CV03914 In re: McCarty-Sypnicki, Christian Michael

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.

11. 25CV04229 In re: Woods, Audrey Jeanne

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.

12. 25CV04321 In re: Aldelamy, Rommy Mohammed

EVENT: Change of name (adult)

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

13. 25CV04337 In re: MacMaster, Anthony

EVENT: Change of name (adult)

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

14. 25CV04376 In re: Sanford, Jacob Dylan

EVENT: Change of name (adult)

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

15. 25CV04421 In re: Kremer, Kara Ann

EVENT: Change of name (adult)

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

16. 25CV04447 In re: Kennedy, Kimerly Jean

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

17. 25CV04400 People of the State of California v. Jarrett, Troy Eugene

EVENT: Request to Challenge Disqualified Person Determination

The Court will conduct a hearing.

18. 25CV04975 Butte County Animal Control v. Tirri, Douglas Edward et al.

EVENT: Petition to Determine if Dog is Potentially Dangerous

The Court will conduct a hearing.