

Judge Benson – Law & Motion – Wednesday, January 28, 2026 @ 9:00 AM
TENTATIVE RULINGS

1. 21CV02823 Smith, Shane v. Blakley, Connor et al.

EVENT: Motion to Strike Answer of Bru Brands

The motion is continued to February 11, 2026 at 9:00am so that it complies with CCP § 1005. Although the proof of service indicates the papers were served by email, there is no evidence in the record that Defendants consented to email service as prescribed by CCP § 1010.6(c).

The papers were also served by mail. CCP § 1005 requires a minimum of 16 court days plus an additional 10 calendar days when the mailing is out of state, as is the case here. According to the Court's calculation, notice is 3 days short. Plaintiff shall provide notice.

2-3. 21CV03075 Hall, Chantelle v. City of Chico et al.

EVENT: (1) Defendant City of Chico's Second Motion for Summary Judgment, or in the Alternative, Summary Adjudication

(2) Plaintiff's Motion for Summary Judgment

Defendant City of Chico's Second Motion for Summary Judgment, or in the Alternative, Summary Adjudication is continued to February 25, 2026 at 9:00am. As part of her opposing papers, Plaintiff references a flash drive of 3,500 photographs which were purportedly lodged with the Court on July 11, 2025. However, upon review, the Court never received the flash drive. Plaintiff shall lodge the flash drive (which must be done in person at the counter) no later than February 2, 2026. Other than that matter, the Court deems the City's motion fully briefed.

Plaintiff's Motion for Summary Judgment is denied.

Notwithstanding any other provision of this section, on motion or application of any party and a showing of good cause, the court may grant leave for the moving party to bring an additional motion for summary judgment. The moving party shall serve the notice and supporting papers for any such additional motion in accordance with paragraph (2) of subdivision (a).

CCP 437c(a)(5) [Emphasis Added]

Here, Plaintiff filed a previous motion for summary judgment which was denied on July 17, 2024. Plaintiff has violated (a)(5) because she did not file a motion and obtain permission to file a successive MSJ. While the Court did give the City permission to file a successive MSJ/MSA as part of its August 27, 2025 ruling, it did not give Plaintiff permission to file a successive motion. The Court is exercising its discretion in declining to consider a successive summary judgment motion by Plaintiff.

To clarify, while the Court is denying Plaintiff's motion on procedural grounds, it is still considering the evidence submitted in support of that motion with respect to Defendant City's motion. (Plaintiff's opposition to the City's motion specifically referenced declarations and evidence in support of her motion)

Defendant City shall prepare a form of order within two weeks.

4-5. 25CV00276 Wells Fargo Bank, N.A. v. Hines, Robert L, Jr.

EVENT: (1) Plaintiff's Motion for Summary Judgment

(2) Case Management Conference

Plaintiff's Motion for Summary Judgment is GRANTED. The Court will sign the proposed order and judgment. The Case Management Conference is vacated.

6. 25CV03814 In re: Elias Rangel, Ma. De Los Angeles

EVENT: Change of name (adult) (Continued from 12/17/25)

The Court will hear from Petitioner.

7. **25CV04239 Midland Credit Management, Inc v. White, Randall E**

EVENT: Defendant's Motion to Dismiss Complaint

Defendant's Motion to dismiss is denied with prejudice.

The proposition that a trial court may construe a motion bearing one label as a different type of motion is one that has existed for many decades. (*Austin v. Los Angeles Unified School Dist.* (2016) 244 Cal.App.4th 917, 930) The nature of a motion is determined by the nature of the relief sought, not by the label attached to it. (*Id*)

Here, Defendant does not cite a Code of Civil Procedure statute in support of his "motion to dismiss." However, in reviewing the relief sought, the Court deems the motion a demurrer pursuant to CCP 430.40. The Court notes that pursuant to CCP 430.41, Defendant was required to meet and confer with Plaintiff's counsel prior to filing this motion.

That aside, the motion fails on its merits. The motion in essence is based on the argument that the pleading only attaches the bill of sale demonstrating that the debt was assigned to Plaintiff, but does not attach the "Master Purchase and Sale Agreement". The court, trial and appellate, accepts all facts alleged in the complaint as true, and draws all reasonable inferences from those facts in favor of the plaintiff. (*Kruss v. Booth* (2010) 185 Cal.App.4th 699, 713)

In reviewing the bill of sale attached to the Complaint, the reasonable inference is the master agreement is a general agreement between Plaintiff and Citibank for Plaintiff to purchase debts owed to Citibank. This bill of sale specifically identifies the debt in relation to Defendant as one of the debts included in the purchase. For pleading purposes, that is all that is required.

Defendant is ordered to file an Answer to the Complaint within 20 days' notice of this order. Additionally, on the Court's motion, a Case Management Conference hearing is hereby scheduled for February 18, 2026 at 10:30am. The Court will prepare the order and mail notice to the parties.

(Note: The Court notes that a few days prior to this hearing, Defendant filed a Request for Judicial Notice concerning discovery requests purportedly served on Plaintiff on December 3, 2025. According to Defendant, Plaintiff has not complied with this production. However, no discovery motion is before the Court at this time, nor is there evidence that a discovery motion was served on Plaintiff)

8. 25CV04433 In re: Her, Bruce Tou

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. 25CV04489 In re: Wilson-James, Marisa

EVENT: Change of name (minor) (Continued from 1/14/26)

The Court will hear from Petitioner. If there are no appearances, the Petition will be dismissed without prejudice.

10. 25CV04716 In re: Huffmon, Maia Elizabeth Catherine

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. 25CV04908 Li, Yi v. Hastings, Alyssa

EVENT: Plaintiff's Motion for Order Permitting Substitute Service

Plaintiff's Motion for Order Permitting Substitute Service is denied.

Preliminarily, Plaintiff's testimony that process server attempts would be futile is unpersuasive. The accepted practice is to make at least 3-4 attempts at personal service before resorting to

an alternative form of service. If unsuccessful, a process server would file a declaration of due diligence.

In any event, based on Plaintiff's representation that Plaintiff and Defendant are the only two persons residing at the house, CCP 415.20(b) is not a viable means of service because it requires the summons be left at the residence "in the presence of a competent member of the household ... at least 18 years of age." Because Plaintiff is a party to the action, Plaintiff does not qualify as "a member of the household" for purposes of CCP 415.20(b). Plaintiff cannot execute substitute service on himself.

The Court will prepare the order.

12. 25MH00559 Petition of: Stimpson, Sebastian Thomas

EVENT: Request for Relief from Firearms Prohibition

The Court will conduct a hearing.

13. 165701 Sunlan-062804 v. Triplett, Russell

EVENT: Opposition to Claim of Exemption

The Court will conduct a hearing.