

**Judge Benson – Law & Motion – Wednesday, March 4, 2026 @ 9:00 AM**  
**TENTATIVE RULINGS**

**1. 22CV00983 Schein, Karen et al v. Bains, Jasdeep et al.**

*EVENT: OEX (Jasdeep Bains)*

The Court will hear from counsel. In reviewing the proof of service filed on 1/29/26, it appears the process server attempted to serve debtor via substitute service.

CCP 708.110

(d) The judgment creditor shall personally serve a copy of the order on the judgment debtor not less than 30 days before the date set for the examination. Service shall be made in the manner specified in Section 415.10. Service of the order creates a lien on the personal property of the judgment debtor for a period of one year from the date of the order unless extended or sooner terminated by the court.

“personally serve” is an unambiguous term. Had the Legislature intended to include substitute service as a means by which a debtor could be served with an OEX, it would have so stated. The Court is not aware of any authority suggesting substitute service is adequate. Unless creditor can identify such authority, the Court finds the proof of service does not satisfy the notice requirements of CCP 708.110(d).

**2. 22CV02786 TA v. Southern Baptist Convention et al.**

*EVENT: Motion to be Relieved as Counsel (Plaintiff's Counsel)*

Motion to be Relieved as Counsel is GRANTED. The Court will sign the proposed order. The order will become effective upon the filing of a proof of service demonstrating Plaintiff was served with the order.

3-4. 23CV01057 ST v. County of Butte

*EVENT: (1) Motion to Seal Defendant County's Motion for Summary Judgment*

*(2) Defendant County of Butte's Motion for Summary Judgment or in the Alternative, Summary Adjudication*

Preliminary, Motion to Seal Defendant County's Motion for Summary Judgment is GRANTED. The Court will sign the proposed order.

The County's Motion for Summary Judgment is DENIED. The motion for Summary Adjudication is GRANTED in PART and DENIED in PART as set forth herein.

*Evidentiary Objections*

The Court declines ruling on objection nos. one and two as it is not relying on that evidence as part of this ruling. Regarding objection no. 3, the objection is overruled.

*WIC Code 328*

The motion is GRANTED.

Preliminarily, the County's Request for Judicial Notice is granted in its entirety and is unopposed.

The complaint alleges liability under (3) statutes: Government Code 815.2, 815.4, and 815.6.

GC 815.6. Liability for failure to discharge statutory duty

Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

[Emphasis Added]

As it pertains to Welf. and Ins. Code 328, the complaint alleges that the County is "directly liable under section 815.6 for its failure to discharge mandatory duties set forth in Welfare and Institutions Code sections 328 ..." Thus, plaintiff is seeking to impose liability based on GC 815.6 via a "mandatory" duty under Welf. Ins. and Code 328.

WIC 328(a)

If the social worker has cause to believe that there was or is within the county, or residing in the county, a person described in Section 300, the social worker shall immediately make an investigation the social worker deems necessary ...

[Emphasis Added]

Whether an enactment imposes “a mandatory duty, rather than a mere obligation to perform a discretionary function, is a question of statutory interpretation for the courts. (*State Dept. of State Hospitals v. Superior Court* (2015) 61 Cal.4th 339, 349) Section 328 contains both mandatory language (“shall”) and discretionary language (“deems necessary”).

Breaking down the text of the statute, a social worker has a mandatory duty to conduct an investigation if said social worker has “cause to believe” Plaintiff is a person described in section 300. The predicate “cause to believe” is inherently a factual question, and the moving papers do not challenge whether the social worker had “cause to believe.” Consequently, for purposes of this motion, we must assume there was “cause to believe.”

Thus, the social worker had a mandatory duty to conduct an investigation. The parties appear to disagree as to what the word “investigation” means. Webster’s defines investigation as detailed examination, study, research. However, for purposes of section 328, this definition would have to be limited due to the “deems necessary” language. Thus, the word “detailed” would not necessarily apply.

The Court finds the term “investigation” under section 328 simply requires some degree of inquiry. If “some” degree of inquiry has occurred, that would be enough considering the “deems necessary” language. Here, per UMF 13, it is undisputed that the social worker met with Plaintiff, wrote notes and asked questions. Although we do not weigh evidence on summary judgment, the only reasonable conclusion is that the social worker engaged in some degree of inquiry. As a result, there is no triable issue of fact that the social worker conducted an investigation.

*Gov. Code 820.2*

The motion is DENIED in PART and GRANTED in PART.

The Court acknowledges there is currently a conflict in the law with respect to GC 820.2 immunity between the 4th District Court of Appeal decision in *D.G. v. Orange County Social Services Agency* (2025) 108 Cal.App.5th 465 and the 5th District Court of Appeal case *K.C. v. County of Merced*, (2025) 109 Cal.App.5th 606. The Court further notes that *K.C.* is pending appeal in the Supreme Court. Pursuant to *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456 the Court must exercise its discretion in determining the applicable law.

The Court is persuaded by the opinion in *D.G.* affirming previous case law requiring evidence from Defendant that the social worker “actually reached a considered decision knowingly and deliberately encountering the risks that give rise to plaintiffs complaint ...” *D.G., supra*, at p. 473. In *D.G.* the Court was presented with a declaration from a social worker stating “Based upon my professional experience and judgment at the time and weighing all relevant circumstances, I determined that placement in the Graubner foster home was the best place for [D.G.] and that adoption of [D.G.] by Howard and Ann Graubner was the best permanent plan for [D.G.]” The Court found this evidence insufficient to create a triable issue of fact.

Here, we do not have a declaration from the social worker. We do have evidence that the social worker met with the alleged victims, asked questions, and took notes. While a trier of fact could infer from that evidence that the social worker actually made a considered decision, that is not enough to support a finding that no triable issue of fact exists.

The moving papers identify (3) separate duty issues with respect to GC 820.2: initial placement, negligent investigation, and continued placement after the County was notified of the allegations. The preceding analysis applies to the issues of negligent investigation and continued placement. In other words, a triable issue of fact exists on those issues and the motion is denied.

With respect to initial placement, the opposition does not appear to contend the County was negligent in the initial placement of Plaintiff prior to receiving reports of abuse. Further, case law suggests initial placement is inherently a policy decision covered by GC 820.2 immunity. (See *Becerra v. County of Santa Cruz* (1998) 68 Cal.App.4th 1450, 1463) Thus, with respect to initial placement, the motion is granted.

#### *WIC 16501(f)*

The Motion is GRANTED.

The opposition does not address the County's fundamental argument – it has no legal duty with respect to a statute not in effect at the time of the alleged misconduct. Plaintiff does not dispute that 16501(f) was not in effect during the relevant time periods.

Generally, statutes operate prospectively only, “unless expressly so declared.” (*Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th 828, 840 citing Civ. Code 3) *Scott v. County of Los Angeles* (1994) 27 Cal.App.4th 125, 142 cited by Plaintiff does not address that rule. Rather, it simply provides that DSS regulations are ministerial duties and therefore not discretionary under GC 820.2.

#### *WIC 16501*

The motion is granted. While liability might be imposed through regulations promulgated at the direct of WIC 16501, WIC itself does not impose a mandatory duty.

#### *WIC 16504*

The motion is GRANTED as unopposed. The opposition does not address WIC 16504.

#### *Health & Safety Code 1522*

The motion is GRANTED as unopposed.

*Penal Code Section 11165.7*

The motion is GRANTED as unopposed.

*Penal Code Section 11165.9*

The motion is GRANTED as unopposed.

*Penal Code Section 11166*

The motion is DENIED.

Preliminarily, PC 11165.7 defines who is a mandated reporter, and (a)(15) specifically identifies a social worker as a mandated reporter. Thus, the County's argument that it never received a report of suspected abuse from a mandated reporter is misplaced.

There is no dispute that PC 11166 imposes a mandatory duty to cross-report to the local law enforcement agency if the social worker "knows or reasonably suspects" a child has been the victim of abuse. The question is whether the "knows or reasonably suspects" language is immunized as a policy decision as the County suggests. The Court finds it is not.

Section 11166 defines reasonable suspicion:

“[R]easonable suspicion” means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.”

[Emphasis Added]

The objective and reasonable person language suggests the inquiry is not based on the subjective mind set of the social worker, which negates the argument that the “knows or reasonably suspects” element is comprehensively immunized as a policy decision. Rather, the definition indicates independent review by a trier of fact. Although *B.H. v. County of San Bernardino* (2015) 62 Cal. 4th 168 involved different circumstances, the Supreme Court commented on the social worker's obligations under the statute:

At p. 193:

Nevertheless, there is a tension in the statutory scheme; employees of child protective agencies, who perform investigatory functions on behalf of their employers, are designated mandatory reporters. (11165.7, subd. (a)(34).) Mandated reporters have mandatory reporting duties which are governed by an objective standard. (11166, subd. (a); Krikorian, *supra*, 196 Cal. App. 3d at pp. 1216–1217.) That is, “the duty to report arises not on the basis of the mandated reporter's personal assessment of the facts known to her, but on the basis of what a reasonable person would suspect based on those facts.” (Davis, *supra*, 126 Cal.App.4th at p. 1430 [duties of mandated reporter under elder abuse law and CANRA are the same].) “[W]hen circumstances giving rise

to a reasonable suspicion of abuse exist, the Act does not permit a mandated reporter to investigate and determine that no abuse occurred ... . [T]he existence of such circumstances triggers the mandatory duty to report the circumstances to a designated outside agency. It is the responsibility of the outside agency to investigate all reports of suspected abuse and to determine whether abuse occurred.” (Id. at pp. 1431–1432, italics added, fn. omitted.)

[Emphasis Added]

A triable issue of fact exists whether the social worker knew or reasonably suspected child abuse, thereby triggering the obligation to cross-report.

#### *CDSS Regulation No. 31-320*

The motion is DENIED. The Court finds 31-320 primarily contains mandatory as opposed to discretionary obligations. *Scott v. County of Los Angeles* (1994) 27 Cal.App.4th 125, 142 appears to corroborate that interpretation. Thus, whether the social worker’s actions met the requirements of 31-320 inherently requires the weighing of evidence, which we cannot do on summary judgment. A triable issue of fact exists whether the social worker complied with the monitoring and safeguard requirements of 31-320.

#### *CDSS Regulation No. 31- 401*

The motion is GRANTED as unopposed.

#### *CDSS Regulation 31- 501.*

The motion is GRANTED as unopposed.

#### *The Fact the County Did Not Authorize Plaintiffs to be at the Loseth Home Does Not Necessarily Shield the County from Liability*

The County’s Issue Eighteen asks us to “disregard Plaintiff’s and A.C.’s childhood memories from thirty-five years ago to the extent they conflict with the clear and undisputable documentary evidence demonstrating (1) the Loseths did not have foster children during the relevant time period and (2) Plaintiff and A.C. were deemed by the Court to be unadoptable and thus placed into long-term care with Ms. Luallen.”

The County essentially asks us to weigh evidence, something we cannot do on summary judgment. Affidavits are to be liberally construed in favor of the party resisting the motion. (*Craig v. Earl* (1961) 194 Cal.App. 2d 652, 655) To that point, inferences can be made from A.C.’s testimony that the social worker was informed that the children were spending time at the Loseth’s residence and that abuse was occurring there.

In light of that evidence, the argument that the County never officially sanctioned the Loseth home as a place where Plaintiff could visit does not necessarily shield the County from liability. The County's responsibilities concern the child's welfare in a broad sense. If the County is aware of abuse taking place, that triggers obligations regardless of whether the abuse was taking place at an approved address or not. The County's issue eighteen is DENIED.

The County shall prepare a form of order consistent with this ruling within 2 weeks.

**5-6. 23CV02979 Heredia's Familia, Inc et al v. Cruz, Francisco**

*EVENT: 1) Plaintiffs' Motion to Compel Further Responses to Request for Production (Set One) from Francisco Cruz; Production of Documents By Francisco Cruz; and For an Award of Monetary Sanctions (Continued from 1/14/26)*

*(2) Defendant Francisco Cruz's Motion for Relief From Waiver of Objections to Request for Production (Set One) Pursuant to Code of Civil Procedure 2031.300(a)*

Defendant's Motion for Relief from Waiver of Objections

The Motion is GRANTED.

*Excusable Neglect*

Preliminarily, the Court finds defense counsel was reasonably diligent in responding to this discovery once she was retained in this matter. As to Mr. Cruz, the Court notes the moving papers do not include a declaration from him identifying specific facts supporting the argument that his conduct constituted excusable neglect.

The moving papers point to a transition in counsel as the primary reason. Declaration or no declaration, it is readily apparent Mr. Cruz most likely did not respond because of his self-represented status. The in propria persona litigant is held to the same restrictive rules of procedure as an attorney. (*Burnete v. La Casa Dana Apartments* (2007) 148 Cal.App.4th 1262, 1267)

However, the Court is aware from his previous appearances in this case that Mr. Cruz is not conversant in English. (He has requested interpreters on several occasions) Considering the circumstances in the totality – his pro per status combined with his lack of fluency in English, plus current counsel's reasonable diligence in responding to discovery, the Court finds Defendant has met his burden regarding excusable neglect.

### *Substantial Compliance*

In sorting through the arguments from both sides, it is not entirely clear whether (1) Defendant produced documents to the extent the discovery responses indicated Defendant has documents and would produce them; and (2) whether Defendant has withheld any documents based on an objection.

It has been the Court's policy that determining the propriety of discovery objections is a futile exercise when the responding party has provided complete substantive responses and is not withholding documents based on an objection(s). CCP 2031.220 requires a statement indicating whether the demand will be allowed in whole or in part.

Plaintiffs' underlying motion appears to be primarily directed to the objections and not the substantive responses. Based on what is before us, the Court finds for purposes of this motion there has been substantial compliance, but that finding is without prejudice to Plaintiffs to file a subsequent motion if there remain substantive issues with the responses.

As it pertains to a privilege log, Plaintiff must indicate whether any documents are being withheld based on privilege. If there are documents being withheld based on privilege, then a privilege log needs to be provided.

### Plaintiff's Motion to Compel Further Responses to Request for Production (Set One)

Pursuant to the Court's preceding ruling, the motion is denied without prejudice.

### *Sanctions*

Although the Court has found Mr. Cruz has established excusable neglect, the Court finds he did not act with substantial justification in failing to provide discovery responses for roughly a year. Defendant Cruz (not defense counsel) is sanctioned in the amount of \$1,650.00.

Plaintiffs shall prepare and submit a form of order within two weeks.

### **7. 24CV04224 Capital One, NA successor by merger to Discover Bank v. Price, Loretta A**

*EVENT: Motion to Enter Judgment Pursuant to CCP 664.6*

Motion to Enter Judgment Pursuant to CCP 664.6 is GRANTED. The Court will sign the proposed order and judgment.

8. **24CV04431 Abad Ruttman, Ma Luz v. Volkswagen Group of America, Inc.**

*EVENT: Plaintiff's Motion for Attorney Fees, Costs, and Expenses*

Plaintiff's Motion for Attorney Fees, Costs, and Expenses is GRANTED as unopposed. Plaintiff shall prepare the order.

9. **25CV00186 Estate of Tyler E. Simmons et al. v. Sladariu, Benjamin**

*EVENT: Motion for Leave to Amend Complaint*

Motion for Leave to Amend Complaint is GRANTED. Plaintiff shall file the proposed First Amended Complaint within 10 days. Plaintiff shall prepare the form of order within two weeks.

10. **25CV01349 Rocky Top Rentals, LLC v. Buolt, Danielle Christine**

*EVENT: Plaintiff Rocky Top Rentals Motion for Removal of Occupants*

Plaintiff Rocky Top Rentals Motion for Removal of Occupants is GRANTED. The Court will sign the proposed order.

**11. 25CV01384 Maguire, Brian et al v. Cartwright, Edith F et al.**

*EVENT: Motion for Order Substituting Successor-In-Interest for Deceased Defendant (CCP 377.31)*

CCP 377.32 requires a declaration “by person commencing or continuing action as decedent’s successor in interest.” Although we have a declaration from counsel, we do not have a declaration from Mr. Cartwright, decedent’s successor in interest. The motion is continued to March 25, 2026 at 9:00am for Mr. Cartwright to submit a declaration which addresses all of the matters enumerated in CCP 377.32.

**12. 25CV01688 Pressley, Ronald v. General Motors, LLC**

*EVENT: Defendant General Motors LLC’s Motion for Compliance and Sanctions*

Defendant General Motors LLC’s Motion for Compliance and Sanctions is GRANTED. The case is dismissed without prejudice. The Court will sign the proposed order.

**13-14. 25CV03376 Li, Yi v. AMCAL Chico, LLC et al.**

*EVENT: (1) Defendant’s Motion to Set Aside Default (Continued from 2/11/26)*

*(2) Plaintiff’s Request for Default Judgment (Continued from 2/11/26)*

Defendant’s Motion to Set Aside Default is GRANTED. Defendant shall file and serve the proposed demurrer within 20 days of this ruling. Plaintiff’s application for default judgment is denied as moot.

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

15. 25CV03654 Fugate, Bryce v. Buxton, Bill et al.

*EVENT: Plaintiff's Motion to Compel Further Discovery Responses as to Defendant Bill Buxton*

*Meet and Confer*

In determining whether the moving party has sufficiently engaged in the meet and confer process,

“An evaluation of whether, from the perspective of a reasonable person in the position of the discovering party, additional effort appeared likely to bear fruit, should also be considered. Although some effort is required in all instances (see, e.g., Townsend, supra, 61 Cal.App.4th at p. 1438 [no exception based on speculation that prospects for informal resolution may be bleak]), the level of effort that is reasonable is different in different circumstances, and may vary with the prospects for success. These are considerations entrusted to the trial court’s discretion and judgment, with due regard for all relevant circumstances.”

*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1293-1294

*Clement* found that the trial court’s determination that the parties were at an impasse was entitled to deference and because the parties were at an impasse the moving party has satisfied their meet and confer obligations.

Here, it is clear that the parties were at an impasse considering the defense email indicating no “basis or need for any amendments at this time.” Thus, the Court finds Plaintiff met his meet and confer obligations. However, going forward the Court expects a reasonable time period for meet and confer efforts. Of course, that is dependent on the responding party offering an extension of the 45-day deadline to file a motion. Without such an extension, the moving party is confined to the 45-day deadline restraints, and an evaluation of the meet and confer process must always take that into account.

Requests for Admissions (Parkside)

*Nos. 1,2,3*

The motion is denied. The responses substantively comply with the requirements of CCP 2033.220(c). The responses indicate a reasonable inquiry was made and that the responding party does not recall and lacks sufficient information. Plaintiff seems to suggest that the response fails to state the statutory language verbatim but cites no authority, nor is the Court aware of any, requiring exact citation of the statutory language so long as the response is substantively compliant.

*No. 11*

The motion is granted. The response is incomplete and evasive. It admits that “some” employees worked at both businesses but fails to address whether Plaintiff specifically did. A further response is required.

#### Requests for Production of Documents (Set One) (Parkside)

*Nos. 1,2,4,5,7*

The motion is denied. Plaintiff cites no authority for his position that conclusory language of a diligent search and reasonable inquiry is insufficient to demonstrate compliance with CCP 2031.230. Nor is the Court aware of any authority.

*Nos. 9,10,11*

The motion is denied.

CCP 2031.310(b)

A motion under subdivision (a) shall comply with each of the following:

- (1) The motion shall set forth specific facts showing good cause justifying the discovery sought by the demand.

In most instances, the good cause for the discovery request is apparent from the text of the request in context of the scope of the litigation. That is not the case here. There were only a few wage-based causes of action in the complaint, and those were disposed of without leave to amend. The motion fails to explain why this request is relevant.

With respect to no.11, the general rule concerning corporations is limited liability. The request is essentially requiring defendant to prove it is entitled to that presumption, instead of targeted requests going to the “piercing the corporate veil” factors. The request is too general – the Court agrees it is vague and ambiguous. Reference to the corporate filings is a sufficient response to the request.

#### Special Interrogatories (Set One) (Parkside)

*Nos. 5,6,8,9*

The motion is denied. The requests require defendant to adopt an assumption – that the alleged event actually occurred. Because Defendant denies the occurrence of the event, it is a complete response.

*No. 10*

The motion is granted. This is not a burdensome request. All that is required is an explanation of how the employee handbook is transmitted to employees.

*No.11*

The motion is denied. A complete substantive response was provided.

*No.12*

The motion is denied. The so called “skip-the-line” was previously disposed without leave to amend.

*Nos.13,14*

The motion is denied. As with production of documents request no. 9-11, the motion fails to explain the good cause supporting these requests.

*No. 15*

The motion is denied. The general rule concerning corporations is limited liability. The request is essentially requiring Defendant to prove it is entitled to that presumption, instead of targeted requests going to the “piercing the corporate veil” factors. The request is too general – the Court agrees it is vague and ambiguous.

Form Interrogatories (Set One) (Parkside)

*Interrogatory 12.1, 12.2,12.3,*

The motion is granted in part and denied in part. Because it is Plaintiff’s pleading, Defendants are entitled to more specificity concerning what the alleged incident is, and a generic reference to the pleading is simply too broad. In a wrongful termination case where there are multiple incidents and general allegations of hostile work environment, some specificity is required.

The request does specify some particular incidents – thus a further response is required only as to the incidents identified with specificity – the identified incidents on November 3, 2024 and October 27, 2024.

*Interrogatory 12.4,12.5, 12.6*

The motion is denied. Contrary to Plaintiff’s contention, a substantive response was provided “Responding Party is not aware of any photos related to the allegations in the Complaint at this time.”

*Interrogatory 12.7*

The motion is denied. This interrogatory is appropriate when the dangerous condition of property is at issue. That is not an issue in this case.

*Interrogatory 15.1*

The motion is denied.

This discovery request is egregious considering Defendants have yet to file an answer at the time these discovery requests were served and still have not filed an answer. Because no answer has been filed, there are no affirmative defenses applicable to this request. The SAC was filed several days after Defendants' opposition to this motion was due. It's even more egregious that Plaintiff's counsel chose to include this discovery request as part of his motion.

Although the Court is inclined to deny sanctions generally, Plaintiff's counsel is sanctioned in the amount of \$200 for this specific discovery request considering the circumstances.

Employment Interrogatories (Set One) (Parkside)

*Interrogatory 200.1, 200.3, 201.1, 201.3, 201.5*

The motion is denied. The substantive response is sufficient.

*Interrogatory 200.4*

The motion is granted. Defendant must provide a factual response to (a)-(c) with respect to the employee handbook.

*Interrogatory 201.6*

The response is confusing because it indicates others are performing similar duties that Plaintiff performed, but none of them are performing the tasks Plaintiff "specifically" performed. The only way to dispense with this ambiguity in this response is for Defendant to provide substantive responses to (a)-(c). However, in light of the privacy concerns, a protective order needs to be in place. It appears counsel have initiated meet and confer efforts on a protective order. The parties are ordered to continue to meet and confer regarding a protective order. If they cannot agree on the form of a protective order within 2 weeks, each shall submit a proposed protective order to the Court and the Court will select one.

A further response to this request will be due 20 days after the protective order is approved by the Court.

### *Interrogatory 207.2*

The motion is granted. The response must include the reasonable and good faith language required by the code.

### *Interrogatory 217.1*

The motion is denied.

The primary issue is whether Defendant's response addressed all responses that were not unqualified admissions. (The response is code compliant in all other requests).

Plaintiff's separate statement conclusively asserts RFAs 1, 2, 3, 5, and 11 were not unqualified admissions, but does not include those responses in the analysis. Plaintiff is thus asking us to go on a treasure hunt to find those responses and determine whether they were or were not qualified admissions. The purpose of the separate statement is to assist the Court in efficiently ruling on the discovery disputes, and Plaintiff has failed in that regard here.

### Request for Admissions Set One (Joshua Ruben Marks)

#### *Nos. 1,2,3,4*

The motion is denied. The responses substantively comply with the requirements of CCP 2033.220(c). The responses indicate a reasonable inquiry was made and that the responding party does not recall and lacks sufficient information. Plaintiff seems to suggest that the response fails to state the statutory language verbatim but cites no authority, nor is the Court aware of any, requiring exact citation of the statutory language so long as the response is substantively compliant.

#### *No.10*

The motion is granted. Unlike some of the more generalized requests concerning the alter ego issue, this request is reasonably targeted to the alter ego factors. The problem with Defendant's argument that plaintiff has failed to demonstrate a high probability of prevailing is that it implicates a chicken and egg scenario. The likelihood of success is dependent on the information sought to be discovered which Plaintiff does not currently possess.

Although a protective order is necessary concerning the contents of the underlying information (assuming corporate funds were used for personal expenses), because this is simply a request for admission (as opposed to a document request), a further substantive response is required.

### Production of Documents Set One (Joshua Ruben Marks)

*Nos. 6,7,8,9*

The motion is granted. Unlike some of the more generalized requests concerning the alter ego issue, this request is reasonably targeted to the alter ego factors. The problem with Defendant's argument that Plaintiff has failed to demonstrate a high probability of prevailing is that it implicates a chicken and egg scenario. The likelihood of success is dependent on the information sought to be discovered which Plaintiff does not currently possess.

A protective order is necessary. The parties are ordered to meet and confer regarding a protective order. If they cannot agree on the form of a protective order within 2 weeks, each shall submit a proposed protective order to the Court and the Court will select one.

Considering the volume of information sought, a further response to this request will be due 60 days after the protective order is approved by the Court.

*No. 11*

The motion is denied. The Court fails to see the relevance of ownership interest with respect to the alter ego allegations and the moving papers fail to explain how the information is probative.

#### Special Interrogatories (Set One) (Joshua Ruben Marks)

*Nos. 4,5,6,7,8*

The motion is denied. The requests require defendant to adopt an assumption – that the alleged event actually occurred. Because Defendant denies the occurrence of the event, it is a complete response.

#### Form Interrogatories (Set One) (Joshua Ruben Marks)

*Interrogatory 12.1, 12.2,12.3,*

The motion is granted in part and denied in part. Because it is Plaintiff's pleading, Defendants are entitled to more specificity concerning what the alleged incident is, and a generic reference to the pleading is simply too broad. In a wrongful termination case where there are multiple incidents and general allegations of hostile work environment, some specificity is required.

The request does specify some particular incidents – thus a further response is required only as to the incidents identified with specificity – the identified incidents on November 3, 2024 and October 27, 2024.

*Interrogatory 12.4,12.5, 12.6*

The motion is denied. Contrary to Plaintiff's contention, a substantive response was provided "Responding Party is not aware of any photos related to the allegations in the Complaint at this time."

*Interrogatory 12.7*

The motion is denied. This interrogatory is appropriate when the dangerous condition of property is at issue. That is not an issue in this case.

*Interrogatory 15.1*

The motion is denied.

This discovery request is egregious considering Defendants have yet to file an answer at the time these discovery requests were served and still have not filed an answer. Because no answer has been filed, there are no affirmative defenses applicable to this request. The SAC was filed just days before Defendants' opposition to this motion was due. It's even more egregious that Plaintiff's counsel chose to include this discovery request as part of his motion.

*Interrogatory 17.1*

The motion is denied.

The primary issue is whether Defendant's response addressed all responses that were not unqualified admissions. (The response is code compliant in all other requests).

Plaintiff's separate statement conclusively asserts RFAs 1, 2, 3, 4 and 10 were not unqualified admissions, but does not include those responses in the analysis. Plaintiff is thus asking us to go on a treasure hunt to find those responses and determine whether they were or were not qualified admissions. The purpose of the separate statement is to assist the Court in efficiently ruling on the discovery disputes, and Plaintiff has failed in that regard here.

Employment Interrogatories (Set One) (Joshua Ruben Marks)

*Interrogatory 207.2*

The motion is granted. The response must include the reasonable and good faith language required by the code.

*Interrogatory 217.1*

The motion is denied.

The primary issue is whether Defendant's response addressed all responses that were not unqualified admissions. (The response is code compliant in all other respects).

Plaintiff's separate statement conclusively asserts RFAs 1, 2, 3, 4 were not unqualified admissions, but does not include those responses in the analysis. Plaintiff is thus asking us to go on a treasure hunt to find those responses and determine whether they were or were not qualified admissions. The purpose of the separate statement is to assist the Court in efficiently ruling on the discovery disputes, and Plaintiff has failed in that regard here.

### Requests for Admissions (Isabella's)

#### *Nos. 1,2*

The motion is denied. The responses substantively comply with the requirements of CCP 2033.220(c). The responses indicate a reasonable inquiry was made and that the responding party does not recall and lacks sufficient information. Plaintiff seems to suggest that the response fails to state the statutory language verbatim but cites no authority, nor is the Court aware of any, requiring exact citation of the statutory language so long as the response is substantively compliant.

#### *No.4*

The motion is denied. The substantive response completely addresses the request.

#### *No. 10*

The motion is granted. The response is incomplete and evasive. It admits that "some" employees worked at both businesses but fails to address whether Plaintiff specifically did. A further response is required.

#### *No.12*

The motion is granted. Unlike some of the more generalized requests concerning the alter ego issue, this request is reasonably targeted to the alter ego factors. The problem with Defendant's argument that plaintiff has failed to demonstrate a high probability of prevailing is that it implicates a chicken and egg scenario. The likelihood of success is dependent on the information sought to be discovered which Plaintiff does not currently possess.

Although a protective order is necessary concerning the contents of the underlying information (assuming the admission is admitted), because this is simply a request for admission (as opposed to a document request), a further substantive response is required.

## Requests for Production of Documents (Isabella's)

*Nos. 6,7,8*

The motion is denied.

CCP 2031.310(b)

A motion under subdivision (a) shall comply with each of the following:

- (1) The motion shall set forth specific facts showing good cause justifying the discovery sought by the demand.

In most instances, the good cause for the discovery request is apparent from the text of the request in context of the scope of the litigation. That is not the case here. There were only a few wage based causes of action in the complaint, and those were disposed of without leave to amend. The motion fails to explain why this request is relevant.

Regarding nos. 6,7,8, the general rule concerning corporations is limited liability. The request is essentially requiring defendant to prove it is entitled to that presumption, instead of targeted requests going to the "piercing the corporate veil" factors. The request is too general – the Court agrees it is vague and ambiguous.

*Nos. 9,10*

The motion is granted. Unlike some of the more generalized requests concerning the alter ego issue, this request is probative on the alter ego theory – specifically whether the two entities were using the same bank account and whether personal expenses were paid. The problem with Defendant's argument that Plaintiff has failed to demonstrate a high probability of prevailing is that it implicates a chicken and egg scenario. The likelihood of success is dependent on the information sought to be discovered which Plaintiff does not currently possess.

A protective order is necessary. The parties are ordered to meet and confer regarding a protective order. If they cannot agree on the form of a protective order within 2 weeks, each shall submit a proposed protective order to the Court and the Court will select one.

Considering the volume of information sought, a further response to this request will be due 60 days after the protective order is approved by the Court.

## Special Interrogatories (Isabella's)

*Nos. 5,6*

The motion is denied. The requests require defendant to adopt an assumption – that the alleged event actually occurred. Because Defendant denies the occurrence of the event, it is a complete response.

*No.8*

The motion is denied. The so called “skip-the-line” was previously disposed without leave to amend.

*Nos. 9,10*

The motion is granted. Unlike some of the more generalized requests concerning the alter ego issue, this request is clearly probative on the alter ego theory – specifically whether the two entities were using the same bank account. The problem with Defendant’s argument that Plaintiff has failed to demonstrate a high probability of prevailing is that it implicates a chicken and egg scenario. The likelihood of success is dependent on the information sought to be discovered which Plaintiff does not currently possess.

A protective order is necessary. The parties are ordered to meet and confer regarding a protective order. If they cannot agree on the form of a protective order within 2 weeks, each shall submit a proposed protective order to the Court and the Court will select one.

A further response is due 20 days after court approval of the protective order.

*No. 11*

The motion is denied. The general rule concerning corporations is limited liability. The request is essentially requiring Defendant to prove it is entitled to that presumption, instead of targeted requests going to the “piercing the corporate veil” factors. The request is too general – the Court agrees it is vague and ambiguous.

*No. 13*

The motion is granted. Adequate capitalization is a factor with respect to alter ego liability. A further response is due 20 days after court approval of the protective order.

Form Interrogatories (Set One) (Isabella’s)

*Interrogatory 12.1, 12.2,12.3*

The motion is granted in part and denied in part. Because it is Plaintiff’s pleading, Defendants are entitled to more specificity concerning what the alleged incident is, and a generic reference to the pleading is simply too broad. In a wrongful termination case where there are multiple incidents and general allegations of hostile work environment, some specificity is required.

The request does specify some particular incidents – thus a further response is required only as to the incidents identified with specificity – the identified incidents on November 3, 2024 and October 27, 2024.

*Interrogatory 12.4, 12.5, 12.6*

The motion is denied. Contrary to Plaintiff's contention, a substantive response was provided "Responding Party is not aware of any photos related to the allegations in the Complaint at this time."

*Interrogatory 12.7*

The motion is denied. This interrogatory is appropriate when the dangerous condition of property is at issue. That is not an issue in this case.

*Interrogatory 17.1*

The motion is denied.

The primary issue is whether Defendant's response addressed all responses that were not unqualified admissions. (The response is code compliant in all other requests).

Plaintiff's separate statement conclusively asserts RFAs 1, 2, 9, 10, and 12 were not unqualified admissions, but does not include those responses in the analysis. Plaintiff is thus asking us to go on a treasure hunt to find those responses and determine whether they were or were not qualified admissions. The purpose of the separate statement is to assist the Court in efficiently ruling on the discovery disputes, and Plaintiff has failed in that regard here.

Employment Interrogatories (Isabella's)

*Interrogatory 200.4*

The motion is granted. Defendant must provide a factual response to (a)-(c) with respect to the employee handbook.

*Interrogatory 201.5*

The motion is denied. The substantive response is sufficient.

*Interrogatory 201.6*

The response is confusing because it indicates others are performing similar duties that Plaintiff performed, but none of them are performing the tasks Plaintiff "specifically" performed.

The only way to dispense with this ambiguity in this response is for Defendant to provide substantive responses to (a)-(c). However, in light of the privacy concerns, a protective order needs to be in place. The parties are ordered to meet and confer regarding a protective order. If they cannot agree on the form of a protective order within 2 weeks, each shall submit a proposed protective order to the Court and the Court will select one.

A further response to this request will be due 20 days after the protective order is approved by the Court.

#### *Interrogatory 207.2*

The motion is granted. The response must include the reasonable and good faith language required by the code.

#### *Interrogatory 217.1*

The motion is denied.

The primary issue is whether Defendant's response addressed all responses that were not unqualified admissions. (The response is code compliant in all other respects).

Plaintiff's separate statement conclusively asserts RFAs 1, 2, 9, 10, 12 were not unqualified admissions, but does not include those responses in the analysis. Plaintiff is thus asking us to go on a treasure hunt to find those responses and determine whether they were or were not qualified admissions. The purpose of the separate statement is to assist the Court in efficiently ruling on the discovery disputes, and Plaintiff has failed in that regard here.

To the extent this motion is granted and does not otherwise provide a timeframe for further responses, Defendants shall provide further responses within 20 days' notice of this order. Plaintiff's request for sanctions is denied. Plaintiff's counsel is sanctioned \$200 as noted. Plaintiff shall prepare the form of order within 2 weeks.

### **16-17. 25CV04908 Li, Yi v. Hastings, Alyssa**

*EVENT: (1) Motion for Order Permitting Service by Publication*

*(2) Motion for Leave to File Third Amended Complaint*

Motion for Order Permitting Service by Publication is DENIED. Service by publication is a last resort. The Court struggles to believe that the landlord, who presumably owns the

property, vacated her own property and did not provide Plaintiff a way in which she could be contacted in order to continue to receive rent payments; thereby essentially permitting Plaintiff to continue to reside on the premises rent free.

Plaintiff's self-serving conclusory declaration that he has exercised reasonable diligence is not sufficient. A declaration under penalty of perjury from a disinterested person, such as a licensed private investigator, stating they have made diligent attempts and cannot locate her, is required.

Motion for Leave to File Third Amended Complaint is DENIED WITHOUT PREJUDICE. The operative complaint is the First Amended Complaint, yet this motion seeks leave to file a Third Amended Complaint. On last week's calendar there was a motion to file a Second Amended Complaint, but that was taken off calendar by Plaintiff. Additionally, there is a motion to file a Fourth Amended Complaint on March 11, 2026. That motion is also hereby denied and the hearing vacated from the March 11, 2026 calendar. Plaintiff can file a motion for leave to file a Second Amended Complaint incorporating all the amendments Plaintiff desires.

The Court will prepare the order.

**18. 25MH00526 Chico Police Department v. Vandergrift, Jeffrey**

*EVENT: Petition Seeking Judicial Determination Regarding Return of Firearm*

The Court will conduct a hearing.

**19. 25MH00559 Petition of Stimpson, Sebastian Thomas**

*EVENT: Request for Relief from Firearms Petition (Continued from 1/28/26)*

The Court will conduct a hearing.

20. **26CV00129 In re: Martinez, Amanda M**

*EVENT: Change of name (minor)*

All notice requirements have been satisfied. The Petition is GRANTED. The Court will sign the decree provided.

21. **25CV02668 Corbin, Justin et al v. Holland, Jerry C et al.**

*EVENT: County of Butte's Demurrer to Complaint*

*Penal Code section 597.1*

The demurrer is sustained without leave to amend.

PC 597.1. Animals kept in specified places without proper care or attention

(a)

(1) Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with the provisions of subdivision (g). The full cost of caring for and treating any animal properly seized under this subdivision or pursuant to a search warrant shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, if the seizure is upheld pursuant to this section.

[Emphasis Added]

*Haggis v. City of Los Angeles* (2000) 22 Cal.4th 490, 499:

First and foremost, application of section 815.6 requires that the enactment at issue be obligatory, rather than merely discretionary or permissive, in its directions

to the public entity; it must require, rather than merely authorize or permit, that a particular action be taken or not taken. (*Morris v. County of Marin* (1977) 18 Cal. 3d 901, 907, 910 [136 Cal. Rptr. 251, 559 P.2d 606].) It is not enough, moreover, that the public entity or officer have been under an obligation to perform a function if the function itself involves the exercise of discretion. ( *Creason v. Department of Health Services* (1998) 18 Cal. 4th 623, 631-633 [76 Cal. Rptr. 2d 489, 957 P.2d 1323] (Creason).)

Whether an enactment creates a mandatory duty is a question of law: "Whether a particular statute is intended to impose a mandatory duty, rather than a mere obligation to perform a discretionary function, is a question of statutory interpretation for the courts."

[Emphasis Added]

Although the mandatory language "shall" is present, the mandatory duty to seize the dog is contingent on the "reasonable grounds to believe that very prompt action is required" language. The later language is discretionary in nature. Here "the function itself" inherently involves discretion – a determination whether prompt action is required to protect the health and safety of others. Because this is purely a legal question, the demurrer is sustained without leave to amend.

### *Liability Under the City of Oroville Municipal Code*

The demurrer is overruled.

The Complaint references a list of Oroville Municipal Code sections. Most of the referenced sections are not mandatory obligations for purposes of GC 815.6. 6.08.010(E); 6.08.020; 6.08.110; and 6.08.120 state "it shall be unlawful for any person ...", thus these ordinances are directed to dog owners, not the City or County. Of course, law enforcement has an obligation to enforce the law, but none of these sections provide a mechanism for civil liability with respect to the County or City. Per GC 818.2 "A public entity is not liable for an injury caused by adopting or failing to adopt an enactment or by failing to enforce any law."

GC 815.6 does impose liability for failure to perform a mandatory duty "imposed by an enactment". The only section in this list which could impose liability is 6.08.070, as it specifically imposes a mandatory duty on the poundmaster. The Court's interpretation of that section is that it does impose a mandatory duty to impound "all dogs caught running at large" or "which a license has not been paid or displayed".

Section 6.08.070 is not so general that it doesn't impose a mandatory duty. It appears to be relatively simple – if the poundmaster catches a dog running at large, then it must impound the dog.

The complaint alleges Oroville delegated its duties to Butte County Animal Control. On demurrer we must accept that allegation as true. Neither side provides any legal analysis

on whether a county can be liable for failing to perform a duty under a city ordinance when the county is delegated duties by the city.

With respect to potential liability under 6.08.070 the demurrer is overruled. Generally, the pleading standard is low and all that is required is that the defendant be put on notice of Plaintiff's claims. (See *Thomas v. Regents of University of California* (2023) 97 Cal.App.5th 587, 611) The complaint does that – it states that the city delegated the obligations to the County and that the County is liable for violating the ordinance. Its up to the County at this stage to provide a legal explanation as to why it is not liable.

To be clear, the Court is not making any type of final ruling one way or the other on the issue of whether the County can be liable for violation of a City ordinance under these circumstances, simply that the issue has not been sufficiently briefed.

Regarding the County's request for judicial notice, that request is denied. The hearing on demurrer may not be turned into a contested evidentiary hearing through the guise of having the court take judicial notice of documents whose truthfulness or proper interpretation are disputable. (*Fremont Indemnity Co. v. Fremont General Corp.*, (2007) 148 Cal. App. 4th 97, 113)

The County has essentially attempted to turn this demurrer into an evidentiary hearing regarding the argument that the alleged events took place outside city limits. Although the argument may have merit down the road, the issue is simply not suitable for demurrer.

#### *Liability under the Butte County Code*

The demurrer is overruled.

Many of the Butte County Code sections identified in the complaint do not impose liability on the County either because the section places no express duty on the County or it includes the discretionary "may" language. However 4-10.1 contains similar language to 6.08.070, supra. Consistent with the Court's previous analysis, the Court finds 4-10.1 imposes a mandatory duty.

#### *Negligent Hiring, Supervision, and Training*

The demurrer is sustained with leave to amend on the grounds the complaint fails to identify the government statute (i.e. GC 815.2). While a technicality, case law is clear that identification of the statute in the pleading is required.

With respect to the County's arguments that Plaintiff has not sufficiently plead negligent hiring, training, and supervision, the Court disagrees. Less particularity is required when it appears that defendant has superior knowledge of the facts. (See *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 549. That rule is the modern trend which can be found in many published decisions.

At the pleading stage the County has superior knowledge of facts concerning the special relationship issue and the facts concerning this cause of action in general.

*Dangerous Condition of Public Property*

The demurrer is sustained with leave to amend.

The question is whether a “dangerous condition” for purposes of GC 835 is limited to the intrinsic quality of the physical property itself, or whether it includes extrinsic matter, such as animals, who roam on the property. Plaintiff has not cited a case supporting the expanded definition.

The Court finds “dangerous condition” is limited to the inherent property itself and does not include animals roaming on to the property.

*GC 818.2*

We have noted in this ruling that ordinances referenced in the complaint which only regulate private individual conduct but do not expressly place a mandatory duty on a government entity do not impose liability.

Plaintiff shall amend within 20 days’ notice of this order. The County shall prepare the form of order.

22. **26CV00538 Butte County Animal Control v. Christine Dolz**

*EVENT: Petition to Determine if Dog is Potentially Dangerous*

The Court will conduct a hearing.