

1. 21CV03075 Hall, Chantelle v. City of Chico et al.

EVENT: Plaintiff's Motion to Strike City of Chico's Affirmative Defenses

Plaintiff's Motion to Strike the City Affirmative Defenses is granted in part. The Court accepts Plaintiff's withdrawal of the premises liability cause of action with respect to the City.

The Court finds it appropriate to strike some defenses which are noted herein. The motion is denied with respect to all defenses not identified in this ruling. The Court finds some defenses are not actually defenses but simply traverses to the pleading. Others are not legally viable (including subsequent remedial measures which is a rule of evidence), and some are moot in light of Plaintiff's withdrawal of the premises liability claim.

With respect to the defenses related to the issue of whether removal of architectural barriers are readily achievable, the motion is granted. The Court had been under the impression that there were two avenues in which the City could be liable under Title II:

- 1) Sidewalks in their entirety are not readily accessible or
- 2) Existence of an architectural barrier for which removal is readily achievable

It is well settled that the City owes no duty under Title III. Upon further review, the architectural barrier legal principle and related defense appear to fall exclusively under the Title III category. The Court is finding no indication those principles apply within the context of Title II.

Thus it appears the primary standard to be applied (with respect to the City) is whether the sidewalks in their entirety are readily accessible pursuant to 28 CFR 35.150. The Court's finding with respect to the architectural barrier issue does not affect the Court's previous ruling denying Plaintiff's Motion for Summary Adjudication. Plaintiff's MSA was premised on the argument that because the sidewalk was repaired in 2025, the "sidewalks in their entirety are not readily accessible" standard under 28 CFR 35.150 is inapplicable. We rejected that argument finding that because the sidewalk was an existing sidewalk at the time of the 2021 injury, 28 CFR 35.150 applies.

We also indicated a triable issue of fact exists whether the sidewalks in their entirety are not readily accessible. Thus, even if the architectural barrier portion of our MSA ruling was a futile exercise, it does not change the result.

To summarize, the City owes no duty under Title III, and because it owes no duty under Title III, the "readily achievable" related defenses are stricken.

The motion is granted as to the following defenses which are deemed traverses:

1,4,30, 33-37, 39, 45-48, 51

The motion is granted as to the following defenses which are not legally affirmative defenses:

13,18,23,24,25,31,39,41,42,43

The motion is granted as to the following defenses which are moot in light of the withdrawal of the premises liability claim:

5,6,11,12,15,16,17

The motion is granted as to defense no. 22 (laches) as the 2025 repair does not support a laches defense.

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

2. 23CV02221 Dinwiddie-Hines Construction, Inc. v. Laswell, Mary Ellen

EVENT: Motion to be Relieved as Counsel (Defense 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 the order was served on Defendant.

3-4. 24CV02891 Mendoza, Adan v. General Motors, LLC

*EVENT: (1) General Motors LLC's Demurrer to Plaintiff's Second Amended Complaint
(2) General Motors LLC's Motion to Strike Punitive Damages from Plaintiff's Second Amended Complaint*

Both motions are denied for failure to comply with the notice requirements of CCP 1005. By the Court's calculation, notice is 4 court days late.

5-6. 24CV04217 Schmidt, Aaron et al v. Ford Motor Company et al.

EVENT: (1) Motion of Ford Motor Company to Compel the Deposition of Plaintiff Aaron Schmidt and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices, APC, Jointly and Severally in the Amount of \$2,100

(2) Motion of Ford Motor Company to Compel the Deposition of Plaintiff Susan Schmidt and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices, APC, Jointly and Severally in the Amount of \$2,100

Both motions to compel depositions of Plaintiffs Aaron Schmidt and Susan Schmidt are GRANTED. Plaintiffs are ordered to submit to a deposition within 20 days' notice of this order. Sanctions are awarded against Aaron Schmidt, Susan Schmidt, and Plaintiffs' counsel, jointly and severally, in the amount of \$2,100, payable within 20 days' notice of this order.

The Court is not persuaded by Plaintiffs' "valid objection" argument. It is well settled that the responding party has the burden to substantiate their discovery objections, not the propounding party. (See *Williams v. Superior Court* (2017) 3 Cal.5th 531, 549) Thus it wasn't Ford's burden in the moving papers to explain why the objections were not valid.

While it appears Plaintiffs' counsel finally started to meaningfully engage in October 2025, Ford has been attempting to set this deposition since January 2025. Until October 2025, there is no evidence that counsel made any legitimate attempts to act in good faith. Although the unilateral setting of a deposition is generally inappropriate, that excuse cannot be used when the date is 4 months out and Plaintiffs were provided a month to meet and confer and provide alternative dates.

Ford shall prepare and submit a form of order consistent with this ruling within two weeks.

7. **25CV04769 Wooten, Justin v. Gridley Lodge No 1594 Order of Moose Incorporated**

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.

8. **26CV00043 In re: Holcomb, Cindel**

EVENT: Change of name (minor)

The Petition is in order. The Court will sign the decree provided.

9. **26CV00110 In re: Berryhill, Charlene Marie**

EVENT: Change of name (adult)

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

10. **26CV00133 In re: Thomas, Megan Leigh Patrice**

EVENT: Change of name (adult)

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

11. **24CV02726 LVNV Funding, LLC v. Rodriguez, Kay**

EVENT: Opposition to Claim of Exemption

The Court will conduct a hearing. The Court notes that it did not receive “attachment #7” referenced in the opposition.