

**1-4. 20CV01781 Leland, Morrissey & Knowles, LLP v. Bailey, Catherine et al**

*EVENT: (1) Catherine Bailey's Motion for Reconsideration to strike November 19, 2025 order deeming admissions admitted (Continued from 12/24/25 and 2/18/26)*

*(2) Catherine Bailey's Motion to Compel Responses a Second Time To Request for Production of Documents, Set One, Form Interrogatories, and Appropriate Responses to Request for Admissions; with Request for Sanctions (Continued from 2/18/26)*

*(3) Plaintiff's Motion for Sanctions Pursuant to CCP 128.7 (Continued from 2/18/26)*

*(4) Plaintiff's Motion for Sanctions Pursuant to CCP 128.5 (Continued from 2/18/26)*

Motion to Strike November 19, 2025 Order

The Court will hear from the parties and specifically from Ms. Bailey whether she was served with the discovery requests which were the subject of the November 19, 2025 hearing. The Court understands Ms. Bailey's position that she was not served with the motion, but the Court's question is whether she was served with the underlying discovery requests.

The motion is a bit confusing because Ms. Bailey states in paragraph 1 "... did not receive any motion to deem admissions admitted or any discovery as admitted ..." [Emphasis Added] The Court's initial impression of that statement is that Ms. Bailey never received the requests for admissions which were subject of the November 19, 2025 hearing.

However, paragraph 2 of the motion states "Sara Knowles representing Leland, Morrissey, and Knowles, LLP (LMK) has received two copies of the discovery she requested and the court has received two proofs of service. It makes no sense to "Deem the Admissions as Admitted" when several months ago, the court has received the copy, and has discussed it in both Tentative Ruling and Hearing."

Paragraph 5 continues "On November 13, 2024 ... (LMK) ... was mailed the discovery and documents she requested. The proof of service was signed by Robert Bush. Please See Exhibit D Proof of Service signed by Robert Bush (Discovery mailed on 11/13/2024)"

It appears to the Court (although the Court requires clarification from Ms. Bailey) that Ms. Bailey is confusing discovery requests (including requests for admissions) previously propounded by Ms. Knowles in 2024 with separate request for admissions propounded in 2025 which were the subject of the November 19, 2025 hearing. It goes without saying that discovery responses provided in 2024 are not relevant to whether separate responses to separate discovery requests propounded in September 2025 were provided.

In reviewing the 2024 discovery responses Ms. Bailey provided, the responses included interrogatories and requests for admissions. However, the requests for admissions propounded in 2024 are different than the request for admissions propounded in 2025.

For example, according to Ms. Bailey's 2024 responses, request for admission no.1 was "Admit that the Appeal, which is known as the Third District Court of Appeals, Case Number C089334, was settled by you." Whereas, Request no. 1 to the 2025 request for admissions, labelled as "Set No.: Two", states "Admit that as of September 9, 2020 that YOU (as used herein, "You" and "YOUR" includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf) owed Leland, Morrissey & Knowles, LLP the sum of \$16,320.38."

Thus, the November 19, 2025 hearing concerned request for admissions set two served on September 10, 2025. The question is, did Ms. Bailey receive Request for Admissions, Set Two, purportedly served on September 10, 2025?

### Ms. Bailey's Motion to Compel Further Discovery Responses

#### *The Court has Jurisdiction to Hear the Motion*

Plaintiff argues that because the Court did not indicate that its denial of the December 10, 2025 motion was without prejudice, the Court cannot hear this motion, citing CRC 3.1308. However, CRC 3.1308 does not stand for that proposition.

#### *45 Day Rule*

CCP 2030.300(c)

Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the propounding party and the responding party have agreed in writing, the propounding party waives any right to compel a further response to the interrogatories.

[Emphasis Added]

In reviewing Ms. Knowles' objection only responses, the responses are not verified. Because the responses are not verified, the 45-day rule does not apply, see *Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 135.

#### *The Proof of Service Issue*

"... even where proof of service must conform to the requisites of Code of Civil Procedure section 1013a, only substantial compliance is required." (*Him v. City and County of San*

*Francisco* (2005) 133 Cal.App.4th 437, 443) If substantial compliance is the standard, case law indicates that substantial compliance occurs when “the person to be served in fact actually received [the summons].” (*Ramos v. Homeward Residential, Inc.* (2014) 223 Cal.App.4th 1434, 1443)

It is undisputed that Plaintiff’s counsel eventually received the discovery requests and thus had actual notice. As a result the Court finds Plaintiff had actual notice. Consequently, Plaintiff can no longer rely on its discovery response predicated on the notice objection.

Ms. Bailey is admonished that proofs of service are required concerning both the service of the discovery request as well as service of any subsequent motion.

### *Meet and Confer*

*Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, 431:

A determination of whether an attempt at informal resolution is adequate also involves the exercise of discretion. The level of effort at informal resolution which satisfies the "reasonable and good faith attempt" standard depends upon the circumstances. In a larger, more complex discovery context, a greater effort at informal resolution may be warranted. In a simpler, or more narrowly focused case, a more modest effort may suffice.

This was not a complex issue, thus extensive meet and confer efforts were not required. It is obvious that Ms. Bailey’s point of contention was that no substantive response was provided, only objections. For practical purposes there was really only one objection. Plaintiffs’ point of contention was the lack of a proof of service concerning the discovery requests. In light of the Court’s finding the notice issue has been resolved, there is nothing left to meet and confer about at this stage.

### *Separate Statement*

With respect to both request for admissions and form interrogatories, the motion does not meet all of the requirements of a separate statement enumerated under CRC 3.1345(c). The moving papers came close to complying with CRC 3.1345(c) as to the request for admissions – only omitting the text of the response as required by CRC 3.1345(c)(2). As to form interrogatories, the attempt at a separate statement left more to be desired.

Notwithstanding the foregoing, in the interest of moving this case forward (this case is approaching 6 years old with a trial date in April) and in consideration of this Court’s general policy against “hide the ball” tactics in discovery, the Court grants the motion with respect to request for admissions and form interrogatories as follows:

Plaintiff shall provide further verified responses within 10 days' notice of this order, removing the existing objection that the discovery requests were not accompanied with a proof of service. Plaintiff will be permitted to interpose discovery appropriate objections where warranted, but the Court notes that at least some of the requests appear to be appropriate necessitating a substantive response.

Ms. Bailey is admonished that going forward the Court expects compliance with CRC 3.1345(c). The purpose of that rule, in addition to assisting the parties, is to assist the court "so that no person is required to review any other document in order to determine the full request and the full response." (CRC 3.1345(c))

As to production of documents, the separate statement requirement theoretically does not apply as the motion states that no response was provided. The opposition seems to indicate that substantive responses to the production of document requests were provided, thus the motion appears to be moot with respect to production of documents.

#### Plaintiff's Motion Pursuant to CCP 128.7

On the Court's motion, the motion is continued to April 15, 2026 at 9:00am.

#### Plaintiff's Motion Pursuant to CCP 128.5

On the Court's motion, the motion is continued to April 15, 2026 at 9:00am.

Additionally, the Court will hear from Ms. Knowles as to the status of the case with respect to Cross-Defendant Sara Knowles. The Court will hear from Ms. Knowles as to whether CCP 1013a allows her to serve documents by mail if she is "a party to the cause".

In the interests of eliminating these types of service disputes going forward, both parties are ordered to serve all subsequent documents by email. (Court records demonstrate both parties have effectively communicated by email in the past) Each party is ordered to check their email on a daily basis while this case remains pending.

According to the Court's file, and unless counsel and the parties indicate otherwise, email of record is as follows:

Ms. Bailey - cbailey9200@outlook.com

Ms. Knowles - sknowles@chicolawyer.com

5. **22CV02543 Christensen, Kevin et al. v. Hammond, Dylan**

*EVENT: Defendant Dylan Hammond's Motion to Contest Defendants' Sam Bagno and ETA Omega Chapter of Theta Chi Fraternity, Inc.'s Application for Determination of Good Faith Settlement*

Defendant Dylan Hammond's Motion to Contest Defendants' Sam Bagno and ETA Omega Chapter of Theta Chi Fraternity, Inc.'s Application for Determination of Good Faith Settlement is DENIED. Defendants' Sam Bagno and ETA Omega Chapter of Theta Chi Fraternity, Inc.'s Application for Determination of Good Faith Settlement is GRANTED.

Regarding Defendant Hammond's contention that insufficient discovery has taken place, the circumstances are similar to Defendant Hurt's application for good faith settlement. The Hurt settlement occurred on September 3, 2025 after the August 26, 2025 mediation. According to Defendants Bagno and Omega, the instant settlement also occurred on September 3, 2025. All parties, including these Defendants participated in the mediation.

In ruling on the Hurt motion the Court noted it was reasonable to infer that all counsel performed necessary preparation and investigation in order to engage in intelligent negotiations at mediation. That equally applies here.

Regarding Defendant Hammond's lack of allocation argument, this is a "typical" case as described in *Alcal Roofing and Insulation v. Superior Court* (1992) 8 Cal. App. 4th 1121, 1124 – each tortfeasor here is potentially liable for the same injury. As a result, allocation is not required.

With respect to the *Tech-Bilt* factors, the Court finds the \$550,000 settlement is within "the ballpark." (*Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.App. 3d 488, 499-500) The reply noted that the Hurt motion provided an estimated value of the case at \$2.1 million. Defendant Hammond has not indicated he disagrees with that estimate. The Court finds that estimate to be reasonable.

Combining the Hurt settlement with the instant settlement, we have a total of \$850k. That amount is 40% of \$2.1 million, and it appears there are at least (3) remaining defendants. Additionally, a settlement is expected to be discounted "based on the savings in trial time, defense costs, attorneys' fees and the avoidance of the risk inherent in every trial of a verdict or judgment larger than expected." (*Horton v. Superior Court* (1987) 194 Cal.App.3d 727, 735) Considering the totality of these circumstances, the \$550k settlement is reasonable.

Defendants Bagno and ETA Omega shall prepare and submit the form of order within two weeks.

6. **23CV01439 Linoz, Roberta Jean et al v. Mains' I California, LLC et al.**

*EVENT: Motion for Preliminary Approval of Class Action and PAGA Settlement*

Motion for Preliminary Approval of Class Action and PAGA Settlement. A Final Approval Hearing is scheduled for July 22, 2026 at 9:00am. The Court will sign the proposed order with this modification.

7. **24CV00371 995 Nord Retail, LLC v. Ballesteros, Tina**

*EVENT: Plaintiff's Motion for Summary Judgment*

Plaintiff's Motion for Summary Judgment is GRANTED. Plaintiff has met its initial burden by submitting evidence that no triable issue of fact exists on each element of the breach of contract claim and the motion is unopposed. Plaintiff shall prepare and submit a form of order within 2 weeks.

8. **24CV00397 Lau, Crystal v. Feathers, Robin et al.**

*EVENT: Defendants' Demurrer to the Second Amended Complaint*

**Second Cause of Action - Harassment**

Preliminarily, Defendants argue for the first time in the reply brief that ADHD is not a disability under FEHA. Because this legal issue was not raised in the moving papers, it will not be addressed here. (See *American Indian Model Schools v. Oakland Unified School Dist.* (2014) 227 Cal.App.4th 228, 275-276 ["We will not ordinarily consider issues raised for the first time in a reply brief."])

*The SAC sufficiently alleges Plaintiff was harassed "based on" her disability*

Plaintiff contends that the "based on" language does not necessarily require the harasser be aware of Plaintiff's disability at the time the harassing conduct occurred. However, as it specifically pertains to disability, existing authority suggests Plaintiff must plead Defendants' knowledge of the disability prior to the harassing conduct, see *Pensing v. Bowsmith, Inc.*,

(1998) 60 Cal. App. 4th 709. Although Pensinger involved allegations of termination because of a disability, the Court finds the principle that the defendant must have had knowledge of the disability prior to the conduct equally applicable here.

The question then becomes whether the SAC sufficiently alleges knowledge of the disability prior to the alleged conduct. In reviewing the SAC as a whole, the Court finds that it does.

Conceding the allegation in paragraph 22 that Plaintiff raised the issue (again) in October 2022 is a bit vague as to time, on demurrer we draw all reasonable inferences from the facts in favor of the plaintiff. (*Kruss v. Booth* (2010) 185 Cal.App.4th 699, 713)

Further, less specificity is required when ‘it appears from the nature of the allegations that the defendant must necessarily possess full information concerning the facts of the controversy. (*Miles v. Deutsche Bank National Trust Co.* (2015) 236 Cal.App.4th 394, 403. Here, as it pertains to the defendants’ knowledge of plaintiffs’ disability, the defendants necessarily possess full information as to when that knowledge was acquired.

#### *The SAC does not sufficiently allege severe or pervasive conduct*

As Plaintiff acknowledged, per *Reno v. Baird*, 18 Cal.4th 640 harassment does not include conduct necessary for performance of a supervisory job. The SAC makes extensive allegations that Plaintiff was essentially criticized for her work performance. There is ambiguity in the pleading as to whether the individual defendants were acting within the scope of their duties when making these criticisms.

We have to accept the truth of all allegations no matter how improbable. (*Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 CA3d 593, 603) However, the Court is not finding any allegations in the SAC that defendants were acting outside the scope of their duties when they engaged in this conduct. Absent such allegations, the SAC fails to allege actionable conduct.

Plaintiff seems to suggest that it wasn’t just the criticisms, but the manner in which the criticisms were conveyed, i.e., “belittling”, “yelling”, criticizing in front of customers, etc. As Defendants noted the FEHA “is not a civility code”. (*Sheffield v. Los Angeles County* (2003) 109 Cal.App.4th 153, 161) The allegations concerning the manner in which Plaintiff was criticized for her job performance sound in civility.

Thus, the demurrer is sustained with leave to amend (as to all defendants) for failure to sufficiently allege severe or pervasive conduct. Plaintiff, if she so chooses, shall amend within 20 days’ notice of this order. Defendants shall prepare and submit a form of order within two weeks.

9. **24CV03535 Starks, Kristen v. NPH Medical Services et al.**

*EVENT: Gridley Healthcare & Wellness Centre, LLC's Motion for Sanctions Pursuant to CCP 128.5 and 128.7*

*CCP 128.7*

The motion is GRANTED.

*Bucur v. Ahmad* (2016) 244 Cal.App.4th 175, 189:

Under section 128.7, a court may impose sanctions if it concludes a pleading was filed for an improper purpose or was indisputably without merit, either legally or factually.

...

A claim is factually frivolous if it is “not well grounded in fact” and is legally frivolous if it is “not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

...

Thus, a plaintiff's attorney cannot “just cling tenaciously to the investigation he had done at the outset of the litigation and bury his head in the sand.” (Ibid.) Instead, “to satisfy [the] obligation under [section 128.7] to conduct a reasonable inquiry to determine if his [or her] client's claim was well-grounded in fact,” the attorney must “take into account [the adverse party's] evidence.” (Ibid.)

Here, the opposition does not dispute the contention that Defendant stopped operating in 2017, roughly 5 years before Plaintiff's employment relevant to this lawsuit. The opposition does not dispute the contention that Defendant's license was transferred to Orchard Hospital. In fact, in one of the meet and confer letters, Plaintiff's counsel indicated that they were going to name Orchard Hospital as a Defendant. However, it appears that that has not occurred to date.

Plaintiff states they had questions about whether a new entity was operating under the Gridley name. However, that is simply not relevant to the issue at hand: whether Defendant Gridley Healthcare and Wellness Center, LLC should be dismissed.

The Court concludes that, because Plaintiff is not disputing Defendant ceased operations prior to Plaintiff's employment, that fact is undisputed. The law aspect of this is not complicated: if Defendant was not operating a business during the time in which Plaintiff was employed, then Defendant cannot be liable in any way shape or form as a matter of law. Thus, because it is undisputed that Defendant ceased operations in 2017, Plaintiff's consistent refusal to dismiss Defendant is frivolous.

### CCP 128.5

The motion is DENIED. The Court finds the moving papers fail to provide sufficient evidence of subjective bad faith on the part of Plaintiff and Plaintiff's counsel.

### *Sanctions*

Based on the Court's finding that Plaintiff's refusal to dismiss Defendant is completely without merit, pursuant to CCP 128.7(d) Defendant is hereby dismissed with prejudice. Additionally, Plaintiff and Plaintiff's counsel are directed to pay Defendant's reasonable attorney fees incurred in the amount of \$6,300. Plaintiff and Plaintiff's counsel are jointly and severally liable for that amount.

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

### 10. **25CV05051 Nadine C Bourell-Montoya, Trustee of the NRT Revocable Living Trust v. Young, James**

*EVENT: Petition for Partition in Kind (Continued from 2/4/26)*

The Court acknowledges Petitioner has attempted to serve Respondents through substitute service (governed by CCP 415.20(b)) and through mail (governed by CCP 415.30).

### *Substitute Service*

CCP 415.20 Alternate summons service; Office, mail, and diligence requirements

(b)

(1) If a copy of the summons and complaint cannot with reasonable diligence be personally delivered to the person to be served, as specified in Section 416.60, 416.70, 416.80, or 416.90, a summons may be served by leaving a copy of the summons and complaint at the person's dwelling house, usual place of abode,

usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a competent member of the household or a person apparently in charge of their office, place of business, or usual mailing address other than a United States Postal Service post office box, at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid, to the person to be served at the place where a copy of the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing.

(2) For purposes of this subdivision, a party shows reasonable diligence by attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times.

Here, box 5(b)(5) which pertains to a declaration of diligence is unchecked. The Court is not finding a declaration of diligence in the file indicating the individual who effectuated substitute service first made (3) attempts at personal service as required by CCP 415.20(b)(2). As a result, the substitute service attempts on Respondents do not comply with the code.

### *Service By Mail*

CCP 415.30. Service by mail; Articles mailed; Form of notice; When service complete; Liability for expense on failure to return acknowledgment; Approved form

(a) A summons may be served by mail as provided in this section. A copy of the summons and of the complaint shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return envelope, postage prepaid, addressed to the sender.

...

(e) A notice or acknowledgment of receipt in form approved by the Judicial Council is deemed to comply with this section.

The approved Judicial Council form for notice and acknowledgement of receipt is POS-015. The Judicial Council indicates this is a mandatory form. Because it is a mandatory form, Petitioner's filing of an "Acknowledgment and Acceptance of Service" is not sufficient. If Petitioner is inclined to proceed with service in this fashion, completed POS-015 forms are required.

The Petition is continued to June 10, 2026, at 9:00am for Petitioner to effectuate service and to accommodate the time period for Respondents to provide a responsive pleading.

**11. 26CV00104 Jennifer L Mitchell LLC v. Burgess and Sons Construction LLC**

*EVENT: Motion for Prevailing Party Attorney Fees*

Motion for Prevailing Party Attorney Fees is GRANTED. Attorney fees and costs are awarded in the sum of \$4,312.79. The Court will sign the proposed order.

**12. 26CV00246 In re: Siemeng, Matthew**

*EVENT: Change of name (adult)*

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

**13-15. 26CV00449 Layman, Zeke v. Autumn Creek Post Acute**

*EVENT: (1) Petition for Alternative Writ of Mandate*

*(2) OSC re: Preliminary Injunction*

*(3) Motion for Temporary Restraining Order*

In light of the Amended Petition filed on March 16, 2026, the OSC re: preliminary injunction is moot. (The Court notes that the TRO was previously denied)

Because Respondents have yet to appear in the case, the filing of the Amended Petition re-sets Petitioner's service of process obligations. Under these circumstances, the Amended Petition must be served consistent with the rules regarding the service of summons. (See *Engebretson & Co. v. Harrison* (1981) 125 Cal.App.3d 436, 442)

The proof of service filed on 3/16/26 with respect to the Amended Petition does not meet the service requirements of the service of summons. Because the Amended Petition does not indicate what type of entity Respondent is (i.e. a corporation, a DBA, etc.) it is unclear

what standard for service under the code of Civil Procedure is applicable. In any event, service by mail of the Amended Petition is not sufficient under these circumstances. At a minimum, there needs to be personal delivery of the amended petition by someone over the age of 18 who is not a party to the case and a notice of the hearing date to Respondents.

The hearing is continued May 27, 2026 at 9:00am. The clerk is directed to mail notice of the hearing as follows:

Respondent Autumn Creek Post Acute and Real Party in Interest Melissa Power

587 Riol Lindo Ave.

Chico, CA 95926

**16. 26CV00503 In re: Timmons, Lee Shara**

*EVENT: Change of name (adult)*

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