

1. 22CV00013 Wood, Jennifer v. Hood, Ria

EVENT: Plaintiff's Motion for Order Awarding Attorney Fees

Plaintiff's Motion for Order Awarding Attorney Fees is GRANTED. This is based on a reasonable lodestar calculation. Also, in considering the apportionment of attorney fees, a party may be ordered to bear attorney fees related to advancing positions of "limited merit." (See *Orien v. Lutz* (2017) 16 Cal.App.5th 957, 968) Here the Court finds some of the positions advanced by Defendant through the course of litigation had minimal merit. Accordingly, Defendant is responsible for Plaintiff's attorney fees in the amount of \$21,392.73. Defendant's late-filed opposition will not be considered. Plaintiff shall prepare the form of order within 2 weeks.

2. 25AP00007 Button, Patrick v. Durham Irrigation District

EVENT: Defendant Durham Irrigation District's Demurrer to Plaintiffs' Writ of Mandate

The demurrer is overruled.

Defendant's Request for Judicial Notice is denied.

Regarding correspondence between the parties, such evidence is not (and has never been) proper subjects for judicial notice. As it pertains to the procedure for objecting to a proposed fee, judicial notice might be appropriate under Evidence Code section 452. However, even if that document is subject to judicial notice, Defendant's argument that Plaintiff did not use the prescribed form is extrinsic matter.

A demurrer tests the pleadings alone and not the evidence or other extrinsic matters. (*SKF Farms v. Superior Court* (1984) 153 Cal.App.3d 902, 905) 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) "Taking judicial notice of a document is not the same as accepting the truth of its contents or accepting a particular interpretation of its meaning." (*Herrera v. Deutsche Bank National Trust Co.* (2011) 196 Cal.App.4th 1366, 1375)

This demurrer essentially attempts to turn this into an evidentiary hearing through the guise of judicial notice. The question is whether the operative pleading sufficiently alleges exhaustion of remedies.

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) Making all inferences in favor of Plaintiff, the inference is that paragraph 18 alleges Plaintiff adequately exhausted his remedies. We simply cannot consider on demurrer any extrinsic arguments from Defendant that he did not exhaust his remedies.

Weil & Brown California Practice Guide (The Rutter Group) (2022) Civil Procedure Before Trial, Demurrer, [7:44]

No matter how unlikely: The sole issue raised by a general demurrer is whether the facts pleaded state a valid cause of action – not whether they are true. Thus, no matter how unlikely or improbable, plaintiff’s allegations must be accepted as true for the purpose of ruling on demurrer. [*Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 CA3d 593, 603]

Defendant shall file an answer within 20 days’ notice of this order. The Court will prepare the order.

3. 25CV01719 JP Morgan Chase Bank v. Romero, Joseph

EVENT: Opposition to Claim of Exemption

The Court will conduct a hearing.

4. 25CV03377 Li, Yi v. Crew Enterprises, LLC et al.

EVENT: Motion to set Aside Default (Continued from 3/25/26)

Motion to set Aside Default is GRANTED. Defendant shall separately file and serve the proposed demurrer within 10 days of this order. Defendant shall prepare the form of order.

5. **25CV04127 Wells Fargo Bank, N A v. Dashler, Cassandra O**

EVENT: Motion for an Order Deeming the Truth of the Matters Specified in Plaintiff's Requests for Admissions as Admitted

Motion for an Order Deeming the Truth of the Matters Specified in Plaintiff's Requests for Admissions as Admitted is GRANTED. The Court will sign the proposed order.

6. **26CV00037 In re: Castillo Carmona, Maryisela**

EVENT: Change of name (adult) (Continued from 3/25/26)

There is no proof of publication on file. If there is no proof of publication submitted by the hearing and there are no appearances, the Petition will be dismissed without prejudice.

7. **26CV00364 Serrato, Regina Nicole**

EVENT: Change of name (minor) (continued from 4/1/26)

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

8. **26CV00398 In re: Lozano, Lance Christian**

EVENT: Change of name (adult)

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

9. **26CV00411 In re: Guitierrez, Rebecca**

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.

10. **26CV00474 In re: Faira, Clara Jean**

EVENT: Change of name (adult)

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

11. **26CV00519 In re: Vagdaryte, Valda**

EVENT: Change of name (adult)

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

12. 26CV00535 Pruitt, Lindsay Samantha

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.

13. 26CV00540 In re: Pendergast, Jody Lee

EVENT: Change of name (adult)

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

14. 26CV01138 Butte County Animal Control v. Christine Dolz

EVENT: Petition to Determine if Dog is Vicious

The Court will conduct a hearing.

15. 26CV01139 Butte County Animal Control v. Christine Dolz

EVENT: Petition to Determine if Dog is Vicious

The Court will conduct a hearing.

16. 26CV01143 Cool Time LLC et al v. Power, Stacie Lynn et al

EVENT: OSC re: Preliminary Injunction

OSC re: Preliminary Injunction is GRANTED in PART.

With respect to the roughly \$250k + in funds being withheld pursuant to the cancellation clause in the contract, the Court previously denied Plaintiffs' request. A preliminary mandatory injunction is rarely granted. (*Shoemaker v. County of Los Angeles* (1995) 37 Cal.App.4th 618, 626) The granting of a mandatory injunction pending trial is not permitted except in extreme cases where the right thereto is clearly established. (*Id*)

Plaintiffs have failed to meet this exceedingly high bar in attempting to demonstrate that Defendants were terminated for cause and therefore Plaintiffs are entitled to a mandatory injunction in the form of an order requiring the transfer of disputed funds. The motion is thus denied on that issue.

However, regarding Plaintiffs' ability to resume operations of the business and related accounting issues, Plaintiffs are likely to succeed. There is nothing in the contract allowing Defendants to prevent Plaintiffs from resuming control of business operations after the contract has been terminated. Defendants' remedy for breach is the cancellation fee, which they are currently holding. Thus, there is no legal basis to preclude Plaintiffs from resuming operations.

With that in mind, the Court is granting the motion with respect to requested relief nos. 2-6 on page 15 of Plaintiffs' points and authorities.:

2. Stop Further Intake. Defendants shall immediately disable all rent-payment portals, payment links, subsidy intake channels, and any other means of receiving Plaintiffs' rents or revenues.

3. Weekly Transfer of New Funds. Any Plaintiffs' funds received after entry of the order shall be wire transferred to Plaintiffs by 5:00 p.m. each Friday, with notice of the source and amount.

4. Restore Access. Defendants shall restore Plaintiffs read-only access to relevant AppFolio records, ledgers, payment histories, tenant accounts, and related data within 24 hours.

5. Disclose Urgent Obligations. Defendants shall identify all unpaid bills, cancellation notices, shutoff notices, defaults, or other urgent obligations affecting the portfolio within 24 hours.

6. Reconciliation. Defendants shall provide complete reconciliations for January, February, March, and April 2026, including all receipts, disbursements, transfers, fees, and balances by end of business close of April 30, 2026.

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

17. **26MH00105 Petition of Moser, Anthony Thomas**

EVENT: Request for Confidential Hearing for Relief from Firearms Prohibition

The Court will conduct a hearing.

18. **26MH00117 Butte County Sheriff's Office v. Moser, Anthony**

EVENT: Petition for Judicial Determination Re: Return of Firearms

The Court will conduct a hearing.