

1. **23CV03144 Hodgson, Diana v. Thomas, Elizabeth Ann**

EVENT: Defendant's Motion for Leave to Withdraw or Amend Admissions Pursuant to Code of Civil Procedure 2033.300

Defendant's Motion for Leave to Withdraw or Amend Admissions Pursuant to Code of Civil Procedure 2033.300 is GRANTED. The Court finds counsel's conduct constitutes excusable neglect and Plaintiff will not be substantially prejudiced. However, pursuant to CCP 2033.300(c) Plaintiff will be permitted to conduct a subsequent deposition of Defendant. Defendant shall reimburse the expense of any subsequent deposition (expense includes costs and attorney fees) in an amount not to exceed \$2,200.00.

Defendant shall serve amended responses to RFA nos. 2-6 within 10 days of this order. Defendant shall prepare and submit a form of order consistent with this ruling within two weeks.

2-3. **25CV02163 Wells Fargo Bank, N.A. v. Lindstadt, Landon B**

EVENT: (1) Plaintiff's Motion for Judgment on the Pleadings

(2) Case Management Conference

Plaintiff's Request For Judicial Notice is GRANTED. Plaintiff's Motion for Judgment on the Pleadings is GRANTED and is unopposed. The Court will sign the proposed orders and judgment. The Case Management Conference is vacated.

4. **25CV04239 Midland Credit Management Inc. v. White, Randall E.**

EVENT: Defendant's Motion to Compel Production of Documents

Defendant's Motion to Compel Production of Documents is GRANTED. Plaintiff is ordered to provide further responses to request nos. 2 and 3 to Requests for Production of Documents, Set One, without objection, within 20 days' notice of this order. The Court will prepare the order.

5. **25CV04499 Feng, Zhu v. Xie, John et al.**

EVENT: Defendants' Demurrer to Complaint (Continued from 4/15/26)

Preliminarily, at the previous hearing the Court's tentative ruling overruled the demurrer on res judicata and collateral estoppel grounds. The Court reincorporates that ruling, and the demurrer is overruled on those grounds. The Court gave permission to Defendants to proceed on the alternative statute of limitations ground which is addressed here.

The demurrer is OVERRULED in PART and SUSTAINED in PART.

First and Second Causes of Action for Misrepresentation and Concealment

There is no dispute that the limitations period for fraud is 3 years. (CCP 338(d)) Defendants rely primarily on the argument that the previous case filed by Plaintiff (23CV02654) demonstrates Plaintiff was on notice concerning all of the allegations made in this First Amended Complaint (FAC) by September 2020. Defendants ask us to take judicial notice of the complaint in the former action. That request is granted.

The operative FAC alleges damages to flooring and carpets. The Complaint in the previous action alleged damage to flooring and carpets "in the second floor guest bathroom" and the "main bathroom". It is difficult to ascertain whether the damage alleged in the FAC corresponds to the allegation in the former case with respect to the second floor bathroom and main bathroom. However, Plaintiff's opposition does not appear to argue that the carpet damages alleged in the FAC were not from the second floor guest bathroom, or the main bathroom.

When a specific matter is not addressed in briefing, the court can find the party impliedly conceded the issue, *see Nelson v. Pearson Ford Co.* (2010) 186 Cal.App.4th 983, 1005 [Partially overruled in *Raceway Ford Cases* (2016) 2 Cal.5th 161 on unrelated grounds] Thus, although the FAC is ambiguous as to where in the residence the carpet damages were located, because Plaintiff has not argued that the carpet damages alleged in the FAC were not from the second floor guest bathroom, or the main bathroom, we can ascertain from his silence that they were.

As a result, regarding the carpet damage, the face of the complaint in the prior case demonstrates Plaintiff was on notice as of September 10, 2020. Plaintiff argues awareness of damage is not the same as discovery of the facts constituting the fraud.

Plaintiff is correct that discovery of damage does not necessarily accrue the limitations period, *see Kline v. Turner* (2001) 87 Cal.App.4th 1369, 1374) However, the standard for when a person is on inquiry notice is a reasonable person standard. (Id)

Theoretically, a trier of fact could find that based on Plaintiff's discovery of the damages to the carpet in 2020, Plaintiff should have suspected fraud prior to December 2022. But this issue is not suitable for demurrer. It is inherently a factual inquiry.

Defendants point out that based on the allegations in the old case, Plaintiff must show diligence.

Casualty Ins. Co. v. Rees Inv. Co. (1971) 14 Cal.App.3d 716, 719

When, as here, it is apparent on the face of a pleading that the time limit of an applicable statute of limitations has run, in order to avoid the bar of the statute it is incumbent upon the pleader to state, with particularity, facts, rather than conclusions, which excuse his failure to learn of the fraud within the statutory period. (*Weir v. Snow*, 210 Cal.App.2d 283 [26 Cal.Rptr. 868]; *Sides v. Sides*, 119 Cal.App.2d 349 [259 P.2d 708].)

[Emphasis Added]

Here, the face of the complaint in the previous case suggests the allegations are time barred by virtue of the allegation that Plaintiff discovered the damage in September 2020. The question then is whether the operative FAC sufficiently alleges facts which excuse his later discovery of the fraud.

The Court finds the FAC sufficiently alleges facts supporting delayed discovery of Plaintiff's misrepresentation and concealment claims. (See FAC Paragraphs 30-41)

As a result, the demurrer to the first and second causes of action is OVERRULED.

Third Cause of Action for Promissory Fraud

Plaintiff alleges Defendants made promises to take good care of the property (which they allegedly did not fulfill) in order to induce Plaintiff to entrust the property at a substantially reduced rent. Unlike the first and second causes of action, accrual of this cause of action does not depend on delayed discovery – the allegation that Plaintiff discovered problems with the condition of the home in 2020 is the last fact necessary to establish a prima facie case for this cause of action. Once he discovered the problems with the condition of the property, the limitations period accrued.

Norgart v. Upjohn Co (1999) 21 Cal.4th 383, 397

The general rule for defining the accrual of a cause of action sets the date as the time "when, under the substantive law, the wrongful act is done," or the wrongful result occurs, and the consequent "liability arises." (3 Witkin, Cal. Procedure, supra, Actions, § 459, p. 580, italics omitted.) In other words, it sets the date as the time when the cause of action is complete with all of its elements.

[Emphasis Added]

When Plaintiff discovered the conditions of the property in 2020, he was necessarily aware at that time that Defendants (allegedly) broke their promises to maintain the property in good condition. Unlike the previous causes of action where the misrepresentations and concealment did not occur until later and/or could not (arguably) be discovered until later, Plaintiff cannot reasonably allege that discovery of the general conditions of the property did not occur until after September 2020.

The demurrer to the third cause of action is SUSTAINED WITHOUT LEAVE TO AMEND. Defendants shall file an answer within 20 days' notice of this order. The Court will prepare the order.

6. **25CV05119 Waddell, David L v. Ramsey, Michael L et al**

EVENT: Motion for Judgment on Verified Writ of Mandate and Complaint for Declaratory and Injunctive Relief

Preliminarily, with respect to Petitioner's request for declaratory relief that the California Public Records Act was violated because records were not provided timely pursuant to Penal Code 832.7(b)(11), the Court declines granting the request at this time. Such relief may be appropriate where there is some likelihood of the violation recurring, see *City of Gilroy v. Superior Court* (2026) 19 Cal.5th 38, 54. To this Court's knowledge, it has rarely (if ever) been presented with similar petitions alleging untimeliness. Based on that track record the Court does not have evidence that this will likely recur at this stage.

Records Requests to the Sheriff's Office

Sampson Incident

This incident involves law enforcement's use of force which resulted in gunshot wounds. The first issue in dispute is whether the Sheriff is authorized to redact the individual's genitalia, buttocks, and gun-shot wounds.

As to genitalia, buttocks, and wounds, those subjects implicate the highest degree of privacy possible. Under PC 832.7(b)(6)(C), these privacy invasions would "clearly outweigh[s] the strong public interest in records about possible misconduct ..."

Separately, the Sheriff states it has redacted only the identities of percipient witnesses (which include officers who were percipient witnesses) pursuant to PC 832.7(b)(6)(B). The plain language of PC 832.7(b)(6)(B) suggests all witnesses, whether officer or otherwise, are subject to redaction. (*City of Vallejo v. Superior Court* (2025) 112 Cal.App.5th 565, 600 and *BondGraham v. Superior Court* (2023) 95 Cal.App.5th 1006, 1020 also appear to support this interpretation.)

However, PC 832.7(i) provides:

Nothing in this chapter is intended to limit the public's right of access as provided for in *Long Beach Police Officers Association v. City of Long Beach* (2014) 59 Cal.4th 59.

Long Beach, supra at p. 73:

Moreover, when it comes to the disclosure of a peace officer's name, the public's substantial interest in the conduct of its peace officers outweighs, in most cases, the officer's personal privacy interest.

Long Beach involved a request to identify the names of (2) officers involved in an officer involved shooting. *Long Beach* appears to stand for the proposition that such disclosure is generally permitted unless there is an on-going officer investigation. As it appears there is no on-going investigation as to this incident, the officers' names shall not be redacted.

The McCarty Incident

The Sheriff's Request for Judicial Notice is GRANTED. The Court takes judicial notice of case no. 24CF01835 in which the individual involved in this incident is a defendant. According to Court records a jury trial is scheduled for September 28, 2026. As a result, the Sheriff is authorized to withhold these records pursuant to PC 832.7(b)(8)(B).

Further, as it pertains to the protective order, one trial judge cannot overrule another trial judge's ruling. (See *Paul Blanco's Good Car Co. Auto Group v. Superior Court* (2020) 56 Cal.App.5th 86, 99) That's what we would essentially be doing if we vacated the protective order.

Cadwallader Shooting

With respect to this matter, the Sheriff has indicated it will be providing redacted records prior to the hearing. As a result, the motion is continued regarding this specific matter to June 17, 2026 at 9:00am. If Petitioner so desires, he shall file a supplemental brief no later than May 21, 2026. The Sheriff's supplemental brief will be due no later than June 3, 2026.

Record Requests to the District Attorney

The Safeway Shooting

The Court will hear from counsel re: status of records.

The Oxley and Cadwallader Incidents

The Court finds the District Attorney has met its burden under Penal Code section 832.7(b)(8)(A)(ii) demonstrating that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. Thus, with respect to the District Attorney, the Petition is denied as to the Oxley and Cadwallader incidents.

Record Requests to the City

According to the City, the only records that have been withheld are those identified by the District Attorney pursuant to Penal Code section 832.7(b)(8)(A)(ii) demonstrating that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. As the Court has found this withholding is authorized, the City's withholding is likewise authorized.

Regarding records that have been produced with redactions, the City states it has redacted witness information including officer involved witnesses.

As noted, *Long Beach, supra*, stands for the proposition that disclosure of officer names involved in shootings is generally permitted unless there is an on-going officer investigation. According to the City there is an on-going officer investigation, therefore redaction of officer identifying information is appropriate.

As to redactions of the wounds, consistent with the Court's previous ruling, such subject matter invokes the highest degree of privacy and is therefore subject to redaction.

7. **26CV00594 In re: Colbert, Christa Lynn**

EVENT: Change of name (adult)

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

8. **26CV00666 In re: Guillon, Deborah**

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.