

1-5. 23CV00528 Rosinski, Melinda et al. v. Piercey, Matthew et al.

EVENT: (1) Amended Motion to Compel Further Responses to Special Interrogatories Propounded to Defendant Piercey and Associates LTD (Continued from 5/6/26)

(2) Amended Motion to Compel Further Responses to Requests for Special Interrogatories Propounded to Defendant Rodney Piercey (Continued from 5/6/26)

(3) Amended Motion to Compel Initial Responses from Defendant Rodney Piercey and for Monetary Sanctions (Continued from 5/6/26)

(4) Amended Motion to Compel Further Responses to Requests for Production of Documents Propounded on Piercey and Associates (Continued from 5/6/26)

(5) Amended Motion to Compel Further Responses to Request for Form Interrogatory 15.1 from Defendants Rodney Piercey, Piercey & Associates, and Kenneth Piercey (Continued from 5/6/26)

The motions are continued to June 10, 2026 at 9:00am. Additionally, Defendant's related discovery motions currently scheduled for June 3, 2026 at 9:00am are also continued to June 10, 2026 at 9:00am.

The Court intends to appoint a discovery referee. Counsel shall meet and confer on the selection of a discovery referee. Counsel shall file a status report no later than June 1, 2026.

If counsel reach an agreement on a referee they shall file a proposed stipulation and order with the Court. The proposed order should comply with Local Rule 2.14. In the event counsel cannot agree on a discovery referee the Court will select one. Presently, the Court is considering the following candidates:

Douglas B Jacobs SBN 84153

20 Independent Circle

Chico, CA 95973

(530) 342-6144

James J. Thompson SBN 63003

1660 Humbolt Rd.

Chico, CA 95928

(530) 343-3695

6. 23CV01923 Greenberg, Stuart et al v. Jacques, Michael et al

EVENT: Plaintiffs' Third Motion to Compel Further Responses to Request for Production of Documents, Set One to AOIS and Request for Production of Documents Sets One and Two to Michael Jacques

Preliminarily, with respect to the general objections interposed in Defendant's supplemental response, those objections were improper in the context of this discovery dispute. This discovery dispute has been lingering since 2024. Our ruling in 2024 was not an invitation for Michael Jacques to interpose new objections. Rather, our ruling in 2024, to the extent it granted the original motion, was to require Defendant to provide further substantive responses.

Pursuant to CCP 436(b), the general objections interposed with the supplemental response are stricken as they were made not in conformity with a court order.

As to the merits of the motion, the propounding party is essentially accusing responding party of withholding documents despite responding party's statement under penalty of perjury that all documents have been provided or that no documents exist. Unfortunately, neither the code nor published authority provides courts with guidance on how to address such disputes.

It has been this Court's policy in the past to refrain from adjudicating such disputes in the context of a discovery motion. This does not preclude Plaintiff from revisiting the issue at trial. If Plaintiffs were to persuade the trier of fact that documents have been withheld, then there would be legal consequences resulting from that finding.

Hypothetically, if the Court was to make a finding at this stage that Defendant was withholding documents, that would necessarily invoke evidentiary, issue, and perhaps terminating sanctions. Thus, the Court would be making a dispositive type ruling based on a he said, he said, dispute. In this Court's view, such a drastic ruling at this stage would undermine the liberal policy favoring trial on the merits and resolving fundamental factual disputes at trial.

As a result, the motion is denied in all other respects. Defendant and defense counsel are sanctioned (jointly and severally) in the amount of \$1,000 for interposing the general objections. Additionally, in light of the fact Defendant produced hundreds of documents after this motion was filed, Defendant is sanctioned an additional \$3,500 for discovery abuse.

Lastly, the Court is aware that another discovery motion is scheduled for June 10, 2026 at 9:00am. The Court is inclined to refer all subsequent discovery disputes to a referee. Counsel shall meet and confer on the selection of a discovery referee. Counsel shall file a status report no later than June 1, 2026.

If counsel reach an agreement on a referee they shall file a proposed stipulation and order with the Court. The proposed order should comply with Local Rule 2.14. In the event counsel cannot agree on a discovery referee the Court will select one. Presently, the Court is considering the following candidates:

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Chico, CA 95973
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James J. Thompson SBN 63003
1660 Humbolt Rd.
Chico, CA 95928
(530) 343-3695
The Court will prepare the order.

7-8. 24CV01908 Bryant, Jina v. Hodari MD Dermatology, Inc et al.

EVENT: (1) Plaintiff's Motion to Compel Further Responses to Request for Production of Documents, Set One, and for Sanctions

(2) Plaintiff's Motion to Compel Further Responses to Special Interrogatories, Set One

In light of the supplemental responses, the motions are moot. As to the question of sanctions, the issue boils down to whether the 10-day extension provided by Plaintiff's counsel was reasonable. Under the circumstances the Court finds that it was. Importantly, the initial boiler plate objection only responses were obviously deficient. The discovery requests appear to be appropriate and at least some sort of substantive response should have been provided initially. Because the original responses were so deficient, this minimizes the obligation to provide a generous extension in this Court's view.

Additionally, the fact trial is on the horizon militates against any type of lengthy extension. Lastly, Defendant waited until the day before the extension expired to seek essentially a second extension. Under these circumstances, the Court finds Plaintiff was not premature in filing this motion. Defendant is sanctioned in the total sum of \$1,500 payable within 20 days of this order.

Plaintiff shall prepare the form of order.

9. 24CV02337 Fink, Paul et al v. Fink, Erika et al.

EVENT: Defendant Erika Fink's Motion to Stay the Action Pending Resolution of the Related Divorce Proceedings

The motion for stay is granted. However, the Court sees no reason to stay discovery, consequently discovery will remain open. Although the Court is not finding any potential conflicts between this case and the Family Law case on the surface, the Court is erring on the side of caution.

Any party may file a motion to lift the stay once the Family Law case has adjudicated all issues with respect to the characterization of property.

Defendant shall prepare the form of order within two weeks.

10. 25CV00186 Estate of Tyler Simmons et al v. Sladariu, Benjamin

EVENT: Motion to Compel Compliance with Deposition Subpoena of Business Records

Preliminarily, the District Attorney's objections were not waived. Privileges are preserved unless the holders fail to object in a proceeding where they have standing and the opportunity to claim them. (*Monarch Healthcare v. Superior Court* (2000) 78 Cal.App. 4th 1282, 1290) [Emphasis Added] Additionally, the DA has represented that it has produced all documents other than those that were not generated by the DA and those subject to work product privilege. Thus, the motion is moot to the extent documents have been produced.

To the extent the subpoena seeks documents that were not generated by the DA, it is well settled that it is not required to produce such documents. (See *Cooley v. Superior Court* (2006) 140 Cal.App.4th 1039, 1041) Regarding the work product privilege, the DA has established attorney Jennifer Bennett's notes and related materials are privileged.

11. 25CV01688 Pressley, Ronald v. General Motors, LLC

EVENT: Plaintiff's Motion to Vacate Dismissal Pursuant to CCP 473(b)

Plaintiff's Motion to Vacate Dismissal Pursuant to CCP 473(b) is GRANTED. A Case Management Conference is hereby scheduled for July 15, 2026 at 10:30am. Additionally, consistent with the Legislature's intent in enacting CCP 871.26, the parties are ordered to mediate this case within 150 days of this order.

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

12. 25CV03376 Li, Yi v. AMCAL Chico, LLC et al.

EVENT: Plaintiff's Motion for Leave to File Second Amended Complaint

Plaintiff's Motion for Leave to File Second Amended Complaint is denied. On May 17, 2026 Plaintiff attempted to file a proof of service with the Court. That proof of service does not demonstrate that this motion was served – rather it is a proof of service re: "Notice Regarding Electronic Service". Additionally, CRC 3.1300 requires the proof of service be filed no later than five court days before the hearing.

Further, CCP 1013b sets forth the requirements for a proof of service when service is accomplished via e-mail. The proof of service submitted does not satisfy the requirements of CCP 1013b: it does not set forth "the exact title of the document served and filed in the cause", which in this case should have been the initial motion; and the proof of service does not state the date for which the moving papers were served.

As Plaintiff appears to have elected to use electronic service as the primary means of service, Plaintiff is directed to comply with CCP 1013b when filing future proofs of service. Best practices dictate a proof of service should be filed contemporaneously with the underlying document.

13. **25CV02049 Christina Dake, Guardian Ad Litem for Peyton Dake v. Biggs Unified School District**

EVENT: Defendant Biggs Unified School District's Demurrer to Plaintiff's First Amended Complaint

Defendant Biggs Unified School District's Demurrer to Plaintiff's First Amended Complaint is SUSTAINED WITH LEAVE TO AMEND.

Since the duty of a governmental agency can only be created by statute or 'enactment,' the statute or 'enactment' claimed to establish the duty must at the very least be identified. (*Ramsey v. City of Lake Elsinore* (1990) 220 Cal.App.3d 1530, 1542) As Defendant noted, Civil Code 1714 does not itself impose liability on a government entity. (*Eastburn v. Regional Fire Protection Authority* (2003) 31 Cal.4th 1175, 1183)

Plaintiff shall amend within 20 days' notice of this order. Defendant shall prepare the form of order.

14. **25CV05008 Briggs, Cheyenne et al v. Muniz, Christian et al.**

EVENT: Motion to Set Aside Defaults Entered Against Defendants Christian Muniz and Mollie Gunn

Motion to Set Aside Defaults Entered Against Defendants Christian Muniz and Mollie Gunn is GRANTED and is unopposed. The Court will sign the proposed order.

15. **25MH00574 Chico Police Department v. Lucas, Cole Buchanan**

EVENT: Petition for Determination Regarding Return of Deadly Weapons

The Court will conduct a hearing. The Court notes the Petition does not appear to include a statement that Respondent was issued a receipt as required by Welfare & Institutions Code 8102. Although the Petition appears to indicate that is forthcoming, the Court is not finding it in the file.

16. 26MH00105 Petition of Moser, Anthony Thomas

EVENT: Request for Confidential Hearing for Relief from Firearms Prohibition

The Court will conduct a hearing. The Court is inclined to rule as follows.

Preliminary, under the circumstances the Court finds it appropriate to deem Mr. Moser's WIC 8103 petition as a request for hearing under WIC 8102(e) regarding the County's petition in addition to his requested relief from WIC 8103 prohibition.

There appears to be a conflict in the law based on the facts of these cases where it is undisputed that Applicant/Respondent was detained by law enforcement on 5150 grounds for purposes of WIC 8102 but was not "admitted" for purposes of WIC 8103. Because admission to a facility is an essential element for a WIC 8103 prohibition, the Court finds Applicant/Respondent is not prohibited from owning or possessing firearms under WIC 8103. Thus, his Petition under WIC 8103 is granted.

The question is what legal effect this outcome has on the County's 8102 petition. The conflict is thus: 8103 (which requires admission to a facility) prohibits owning or possessing firearms, whereas 8102 requires destruction of firearms currently owned or in the possession of the individual. Thus, if we grant the County's 8102 petition, that would conflict with the Court's ruling that Mr. Moser is not prohibited under WIC 8103 from owning or possessing a firearms.

When a general statute conflicts with a specific statute the specific statute controls the general one. (*People v. Weatherill* (1989) 215 Cal.App.3d 1569, 1577) The referent of "general" and "specific" is subject matter. (*Id*) Here, WIC 8102 is more specific based on subject matter, as it applies to firearms currently owned or possessed by the individual, whereas WIC 8103 applies to firearm rights more generally. Thus, as it pertains to the firearms that have been confiscated, WIC 8102 applies to the extent it conflicts with WIC 8103.

The other consideration is which statute was enacted later. The later statute, "by implication will be deemed to have repealed any contrary provisions contained in the earlier." (*Weatherill supra* at p. 1578.) Here, it appears WIC 8102 was enacted sometime after 8103. Thus, WIC 8102 would supersede 8103 for this reason as well.

Concluding that WIC 8102 controls on the issue of the confiscated firearms, the Court will conduct a hearing whether return of the firearms would likely endanger the individual or others.

17. 26MH00117 Butte County Sheriff's Office v. Moser, Anthony

EVENT: Petition for Judicial Determination Re: Return of Firearms

The Court will conduct a hearing. The Court is inclined to rule as follows.

Preliminary, under the circumstances the Court finds it appropriate to deem Mr. Moser's WIC 8103 petition as a request for hearing under WIC 8102(e) regarding the County's petition in addition to his requested relief from WIC 8103 prohibition.

There appears to be a conflict in the law based on the facts of these cases where it is undisputed that Applicant/Respondent was detained by law enforcement on 5150 grounds for purposes of WIC 8102 but was not "admitted" for purposes of WIC 8103. Because admission to a facility is an essential element for a WIC 8103 prohibition, the Court finds Applicant/Respondent is not prohibited from owning or possessing firearms under WIC 8103. Thus, his Petition under WIC 8103 is granted.

The question is what legal effect this outcome has on the County's 8102 petition. The conflict is thus: 8103 (which requires admission to a facility) prohibits owning or possessing firearms, whereas 8102 requires destruction of firearms currently owned or in the possession of the individual. Thus, if we grant the County's 8102 petition, that would conflict with the Court's ruling that Mr. Moser is not prohibited under WIC 8103 from owning or possessing a firearms.

When a general statute conflicts with a specific statute the specific statute controls the general one. (*People v. Weatherill* (1989) 215 Cal.App.3d 1569, 1577) The referent of "general" and "specific" is subject matter. (*Id*) Here, WIC 8102 is more specific based on subject matter, as it applies to firearms currently owned or possessed by the individual, whereas WIC 8103 applies to firearm rights more generally. Thus, as it pertains to the firearms that have been confiscated, WIC 8102 applies to the extent it conflicts with WIC 8103.

The other consideration is which statute was enacted later. The later statute, "by implication will be deemed to have repealed any contrary provisions contained in the earlier." (*Weatherill supra* at p. 1578.) Here, it appears WIC 8102 was enacted sometime after 8103. Thus, WIC 8102 would supersede 8103 for this reason as well.

Concluding that WIC 8102 controls on the issue of the confiscated firearms, the Court will conduct a hearing whether return of the firearms would likely endanger the individual or others.