

1. 23CV01923 Greenberg, Stuart et al v. Jacques, Michael et al

EVENT: Plaintiff's Demurrer and Motion to Strike Portions of Defendants Michael Jacques' and Alpha Omega Services Inc.'s Cross-Complaint and First Amended Cross Complaint

The reply indicates an opposition was late filed. However, there is no opposition in the Court's file. The hearing is continued to June 17, 2026 at 9:00am. Defense counsel is ordered to file the opposition that was previously served on Plaintiff's counsel no later than May 28, 2026. Additionally, the reply and supplemental declaration of Plaintiff's counsel noted there was a discrepancy concerning a request for judicial notice accompanying Defendant's opposition, and that the correct request for judicial notice was not served on Plaintiff's counsel until May 18, 2026.

To the extent Plaintiff's counsel was deprived of a meaningful opportunity to respond to the request for judicial notice, Plaintiff may file a 3 page supplemental brief on that particular issue if they so desire no later than June 3, 2026.

Plaintiff's objection to the late served (and not filed) opposition is noted.

2. 23CV02709 Beacon Funding Corp v. Any Capital Recovery Inc

EVENT: OEX (Lerron Payne)

The Court will swear in the witness.

3-4. **24CV01768 Sprague, Robert Eugene v. Garnett, Pamela Ann**

EVENT: (1) Defendant's Motion for Summary Judgment (Continued from 4/29/26)

(2) Case Management Conference

Defendant's Motion for Summary Judgment is GRANTED.

Preliminarily, the opposition includes a declaration from Plaintiff as well as statements from witnesses Austina Fillion, Luke Searle Hooper, and Denice Helen. The evidence attempts to portray Plaintiff as someone who is careless, leaving her keys accessible to people who come and go on her property. The evidence suggests that there were many less than reputable people frequenting her property. Plaintiff's declaration states that he personally observed Plaintiff loaning her vehicle to Jorge Contreras on occasion.

Defendant objects to the admissibility of some of this evidence on various grounds. CCP 437c(q) only requires the Court to rule on objections to evidence that is material to the disposition of the motion. As discussed herein, even if the Court credits all evidence proffered in the opposition, the evidence does not create a triable issue of fact on the prima facie elements that are the subject of this motion. As a result, the Court declines ruling on the evidentiary objections.

CACI 724 Negligent Entrustment of Motor Vehicle

1. That [name of driver] was negligent in operating the vehicle;
2. That [name of defendant] [owned the vehicle operated by [name of driver]/had possession of the vehicle operated by [name of driver] with the owner's permission];
3. That [name of defendant] knew, or should have known, that [name of driver] was incompetent or unfit to drive the vehicle;
4. That [name of defendant] permitted [name of driver] to drive the vehicle; and
5. That [name of driver]'s incompetence or unfitness to drive was a substantial factor in causing harm to [name of plaintiff].

[Emphasis Added]

No Triable Issue of Fact Exists on Either Element nos. 3 or 4

The word "driver" is highlighted because it is especially relevant in this case. The element requires that defendant permitted the driver to drive the vehicle. It is undisputed that Joshua Payan was the driver of the vehicle at the time of the accident. (UMF 2)

The question then is whether a triable issue of fact exists that Defendant permitted Mr. Payan to drive the vehicle. The legal question is not whether Plaintiff permitted some other third party to drive the vehicle who, in turn and without Defendant's authorization, permitted another third person to drive the vehicle. Plaintiff has cited no authority, nor is the Court aware of any such authority, which imposes liability under a negligent entrustment theory in those circumstances.

Rather, the jury instruction is clear – Defendant must have known the driver (in this case Mr. Payan) was unfit to drive. The fact Plaintiff may have authorized Mr. Contreras to operate the vehicle and that he permitted Mr. Payan to operate the vehicle is not relevant, unless there was evidence that Defendant informed Mr. Contreras that Mr. Payan was authorized to operate the vehicle. All that is relevant is whether Plaintiff authorized Mr. Payan to operate the vehicle.

Defendants declaration states she did not know who Mr. Payan was or that he existed until after the accident. Contrary to Plaintiff's position, this establishes Defendant's initial burden on summary judgment with respect to this element. Further, Plaintiff provides no evidence contradicting the fact that Defendant did not know of Mr. Payan's existence until after the accident. Consequently, no triable issue of fact exists with respect to element nos. 3 and 4 of CACI 724.

Defendant shall prepare a form of order consistent with this ruling within 2 weeks. The Case Management Conference is continued to June 17, 2026 at 10:30am for status of judgment.

5. 25CV01142 Kremer, Peter et al. v. Yvette B Bocast, Trustee of the Desley C Cowan Trust et al.

EVENT: Motion to Compel Responses to Discovery and Motion to Deem Requests for Admissions Admitted

In light of the stipulation and order, the motion is moot.

6. 25CV03377 Li, Yi v. Crew Enterprises, LLC et al.

EVENT: Plaintiff's Motion to File a Third Amended Complaint

Plaintiff's Motion to File a Third Amended Complaint is GRANTED. The Proposed Third Amended Complaint attached to the motion is deemed filed. However, no further amendments will be permitted until Defendants have had an opportunity to demur to the pleading, which they are statutorily entitled to do.

Previously, we granted Defendant's motion to set aside the default. As part of that order, we required Defendants to file their demurrer within 10 days of that 4/22 ruling. Defendants complied, and filed a demurrer on 4/28 which set a hearing date for June 17. However, several days before the demurrer was filed, Plaintiff filed this motion for leave to file a third amended complaint.

As a result, the pleading has become a moving target in this case. In light of the Court's ruling granting the motion to file a Third Amended Complaint, the demurrer to the Second Amended Complaint scheduled for June 17, 2026 at 9:00am is vacated as moot. Defendants may file a responsive pleading to the Third Amended Complaint within the timeframe prescribed by the Code of Civil Procedure. Again, the Court emphasizes no further amendments will be permitted until Defendants have filed a responsive pleading, and if that responsive pleading is a demurrer, no further motions to amend will be considered until the hearing on the demurrer has concluded.

The Court will prepare the order.

7. 25CV03743 Iorg, Aria v. Deus Lux, Inc

EVENT: Petition for Approval of Minor's Compromise

Petition for Approval of Minor's Compromise is GRANTED. The Court will sign the proposed orders.

8-9. 25CV05033 Wells Fargo Bank, N.A. v. Bassow, Madison

EVENT: (1) Plaintiff's Motion for an Order Deeming the Truth of the Matters Specified in Plaintiff's Request for Admissions as Admitted

(2) Case Management Conference

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

10. 26CV00449 Layman, Zeke v. Autumn Creek Post Acute et al

EVENT: Second Amended Petition for Alternative Writ of Mandate and Damages

The hearing is continued to July 22, 2026 at 9:00am.

The Second Amended Petition, which was filed after the previous hearing, clarifies that Autumn Creek Post Acute is a DBA, and that the legal entity is Chico Heights Rehabilitation & Wellness Centre, LP, a California Limited Partnership. This information clarifies the applicable statute of service of summons and related documents – CCP 416.40.

CCP 416.40. Service on unincorporated association, general or limited partnership

A summons may be served on an unincorporated association (including a partnership) by delivering a copy of the summons and of the complaint:

(a) If the association is a general or limited partnership, to the person designated as agent for service of process in a statement filed with the Secretary of State or to a general partner or the general manager of the partnership

[Emphasis Added]

The proofs of service filed by Petitioner do not indicate whether the person served is the agent for service of process or a general partner or general manager for purposes of CCP 416.40. The hearing is continued for Petitioner to serve the Summons, Second Amended Petition, the Memorandum of Points and Authorities, and notice of the July 22, 2026 hearing in compliance with CCP 416.40. The proof of service should indicate whether the person served is the designated agent for service of process, a general partner, or the general manager.

11. 26CV00952 In re: Jones, Lyndi Kay

EVENT: Change of name (adult)

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

12. 26CV01067 In re: Fisher, Jamie Lee

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. 26CV01118 In re: Gilpin, Nickolas Danny

EVENT: Change of name (adult)

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

14. 26MH00116 Butte County Sheriff's Office v. Edwards, Dustin

EVENT: Petition for Judicial Determination Re: Return of Firearms

The Petition for default is GRANTED. Pursuant to Welfare and Institutions Code section 8102 Respondent's firearms are forfeited. The Court will sign the proposed order.

