

1. 20CV00534 Capital One Bank (USA) NA v. Caponera, Gianni

EVENT: Opposition to claim of exemption

The Court will conduct a hearing.

2. 23CV02828 Sage, Bobbie v. Humes, David

EVENT: Motion to be Relieved as Counsel (Defense counsel) (Continued from 7/8/26)

Motion to be relieved as counsel is granted. The Court will sign the proposed order. The order will become effective upon the filing of a proof of service demonstrating the order was served on Defendant.

Because the trial date is quickly approaching, the Court on its own motion, hereby vacates the court trial and trial readiness conference currently scheduled in October. A trial setting conference is hereby scheduled for September 9, 2026 at 10:30am.

3. 24CV00397 Lau, Crystal v. Feathers, Robin et al

EVENT: Demurrer to Plaintiff's Third Amended Complaint

Demurrer to Plaintiff's Third Amended Complaint is OVERRULED.

The TAC Sufficiently Alleges a Disability for Purposes of FEHA

Preliminarily, Plaintiff argues this issue should not be considered pursuant to CCP 430.41(b) because it was only raised for the first time when Defendants challenged the SAC. The Court disagrees. The demurrer to the SAC was the first time this Court was presented with a challenge to the pleading. Defendants raised the issue in their reply brief, and the Court declined addressing the issue on procedural grounds. Thus, Defendants raised the issue on the first demurrer, albeit in the reply brief. Ultimately CCP 430.41(b) does not bar consideration of the issue.

Turning to the underlying question, the Court finds the TAC sufficiently alleges a disability for purposes of FEHA. (Note: Although the demurrer employs the heading “ADHD is Not a “Mental Disability”, it does not appear Defendants are arguing categorically that ADHD is not a disability for purposes of FEHA)

Gelfo v. Lockheed Martin Corp. (2006) 140 Cal.App.4th 34, 47

It is insufficient for Gelfo simply to allege a disability or to identify an injury or physical condition. To proceed as a physically disabled person under the first prong of the statutory definition, Gelfo must demonstrate his injury or physical condition (in this instance, a low back injury, whose existence is undisputed) makes “difficult” the achievement of work or some other major life activity.

[Emphasis Added]

Defendants contend the pleading has admitted Plaintiff did not require accommodations in support of their position that Plaintiff has not and cannot allege a disability for FEHA purposes. However, whether or not tasks can or cannot be completed without accommodation is not the standard.

Theoretically, an individual could perform tasks without accommodation yet performance of the task is “difficult” because of the condition. Paragraphs 17-21 essentially allege that due to her ADHD condition and her difficulty comprehending reading materials, achieving work related tasks was “difficult”. This meets the minimal standard on demurrer.

The TAC Sufficiently Alleges Conduct Beyond What is Necessary for Performance of a Supervisory Job

As we noted in our previous ruling job performance criticisms are not actionable even if the criticisms are made in a rude or otherwise harsh manner. The FEHA is not a civility code. (*Sheffield v. Los Angeles County* (2003) 109 Cal.App.4th 153, 161). On the other hand, harassment consists of a type of conduct not necessary for performance of a supervisory job. (*Reno v. Baird* (1998) 18 Cal.4th 640, 645) Instead, harassment consists of conduct outside the scope of necessary job performance, conduct presumably engaged in for personal gratification, because of meanness or bigotry, or for other personal motives. (*Id* at pp. 645-646)

In reconciling the holding that the “FEHA is not a civility code” with the “outside the scope of necessary job performance” language it appears that personal attacks not connected with job performance are actionable. Here paragraphs 22-24 allege conduct not necessary for performance of a supervisory job. Unlike other allegations in the pleading, these allegations do not appear to have a nexus with performance related criticisms and are personal in nature.

The TAC Sufficiently Alleges Pervasive Conduct

Paragraph 23 of the TAC alleges Plaintiff was referred to as stupid on a weekly basis by Defendant Feathers. Paragraph 24 makes similar allegations. Similar allegations are made in paragraphs 28 and 29 with respect to Defendant Khalaf. These allegations satisfy the pervasive prong.

Defendants shall file an answer within 10 days' notice of this order. Plaintiff shall prepare the form of order within two weeks.

4. 24CV01852 Garcia, Esperanza v. Berberian Nut Company, LLC et al.

EVENT: Plaintiff's Motion for Preliminary Approval of Class and Representative Action Settlement and Provisional Class Certification for Settlement Purposes Only

Plaintiff's Motion for Preliminary Approval of Class and Representative Action Settlement and Provisional Class Certification for Settlement Purposes Only is GRANTED. A final approval hearing is scheduled for December 16, 2026 at 9:00am. The Court will sign the proposed order.

5. 25CV01086 Robinson, Lorilee Meranda v. Transdev Services, Inc.

EVENT: Motion to be Relieved as Counsel (Plaintiff's Counsel)

Motion to be Relieved as Counsel is GRANTED. The Court will sign the proposed order. The order will become effective upon the filing of a proof of service demonstrating Plaintiff was served with the order.

6-7. 25CV01196 Andrew J Morrissey, Attorney & Counselor at Law v. Dan Fitzgerald & Associates, Inc

EVENT: (1) OEX (CFO Nicole McHenry) (Continued from 2/5/26 and 5/6/26)

(2) OEX (Daniel Fitzgerald) (Continued from 2/5/26 and 5/6/26)

The Court will swear in the witnesses.

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

EVENT: Plaintiff's Motion for Judgment on the Pleadings

Plaintiff's Motion for Judgment on the Pleadings is GRANTED. The Court will sign the proposed order and judgment.

9. 26CV01761 In re: Estrella, Jaime

EVENT: Change of name (Adult) (Continued from 7/22/26)

The Petition is GRANTED. The Court will sign the decree provided.

10. 26CV01861 *Confidential*

EVENT: Change of name (adult)

The Petition is GRANTED. The Court will sign the proposed order.

11. 26CV02004 In re: Alcouffe, Julian Patrick

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.

12. 26CV02023 In re: Carter, Corrine Stefanie

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.