Judge Benson – Law & Motion – Wednesday, October 7, 2026 @ 9:00 AM

1. **24CV03420 Austin, Lee v. Morris, Ebony Alexis et al**

   EVENT: Minor's Compromise Petition

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

2. **25CV00099 Discover Bank v. Danyus, Braden**

   EVENT: Motion to Amend Entry of Default Dated 5/15/2026

   Motion to Amend Entry of Default Dated 5/15/2026 is GRANTED. The Court will sign the proposed order and judgment.

3. **25CV02035 Lopez Aparicio, Carolina v. Walter Buck et al**

   EVENT: Defendants Motion to Compel Physical Examination and for Monetary and Issue Sanctions

   Defendants' Motion to Compel Physical Examination and for Monetary Sanctions is DENIED WITHOUT PREJUDICE for failure to comply with the notice requirements of CCP 1005 et seq. CCP 1005 requires a minimum of 16 Court days' notice, and CCP 1010.6 requires an additional 2 court days when service is by email. The proof of service states the motion was served by email on September 18. Factoring in the Native American court holiday September 18 is only 12 court days before the hearing.

4. 25CV03376 Li, Yi v. AMCAL Chico, LLC et al.

EVENT: Defendants AMCAL Chico LLC and Asset Living Corporation's Demurrer to Plaintiff's Second Amended Complaint

Defendants AMCAL Chico LLC and Asset Living Corporation's Demurrer to Plaintiff's Second Amended Complaint is SUSATINED WITH LEAVE TO AMEND as unopposed. The Court is not considering Plaintiff's opposition which was over a week late. Plaintiff shall amend, if he so chooses, within 10 days' notice of this order. Defendant shall prepare the form of order.

5-6. 25CV04235 Armour, Katie v. Chico Healthcare & Wellness Centre, LP et al

EVENT: (1) Defendant Chico Healthcare & Wellness Centre, LP's Motion to Compel Individual Arbitration and Stay or Dismiss Proceedings

(2) Defendant Modern Hero Inc.'s Joinder to Co-Defendant Chico Healthcare & Wellness Centre LP's Motion to Compel Individual Arbitration

Defendant Chico Healthcare & Wellness Centre, LP's Motion to Compel Individual Arbitration and Stay or Dismiss Proceedings is DENIED.

As the Court noted in its ruling in case no. 25CV03148, we found that the language of the agreement did not require PAGA claims to go to arbitration – rather the agreement banned PAGA outright regardless of the forum for which the claim could be heard. The agreement does not indicate PAGA claims will go to arbitration. A court may compel arbitration only if "an agreement to arbitrate the controversy exists." (*Code Civ. Proc., 1281.2.*) We noted in our previous ruling that a ban on a PAGA claim is a substantively unconscionable term. (*Hasty v. American Automobile Assn. etc.* (2023) 98 Cal.App.5th 1041, 1062-1063)

Per *Adolph v. Uber Technologies, Inc.* (2023) 14 Cal.5th 1104, 1118-1119 Plaintiff's individual PAGA claim may be subject to arbitration, but representative claims cannot be compelled to arbitration. However, as discussed, there is no language in the agreement compelling Plaintiff's individual PAGA claim to arbitration.

Defendants shall file and serve a responsive pleading within 20 days' notice of this order. Plaintiff shall prepare and submit the form of order.

7. 25CV04746 Vranich, Jessica Lee v. Breedon, Robert Beau

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

Plaintiff's Motion for Leave to File First Amended Complaint is DENIED WITHOUT PREJUDICE. There is no proof of service on file demonstrating Defendant was served with the motion in conformity with CCP 1005 et seq. Counsel is advised that because no substitution of attorney has been filed, counsel is not yet attorney of record for purposes of the court file.

8. 25CV04935 Capital One, NA v. Irvine, Fleet W

EVENT: Motion for Order that Matters in Request for Admission of Truth of Facts be Deemed Admitted

Motion for Order that Matters in Request for Admission of Truth of Facts be Deemed Admitted is GRANTED. The Court will sign the proposed order.

9. 26CV00982 Cole, Juan v. Neher, Timothy

EVENT: Specially Appearing Defendant Timothy Neher's Motion for Reconsideration of Order Denying Motion to Quash

Specially Appearing Defendant Timothy Neher's Motion for Reconsideration of Order Denying Motion to Quash is DENIED. Plaintiff's notice objection is noted.

The Court has considered the evidence provided by Mr. Neher in this motion, including his testimony about what occurred at the jail when service was attempted. After considering this evidence in conjunction with Mr. Chamberlin's representations at the July 1, 2026 hearing, as well as the proof of service executed by Mr. Chamberlin, the Court makes the factual finding Mr. Neher was properly served in compliance with the Code of Civil Procedure.

Mr. Neher shall file a responsive pleading within 10 days' notice of this order.

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

10. 26CV01697 Brazos, Joseph v. Humphries, Ben A et al

EVENT: Defendants Dolgen California, LLC, Dollar General Corporation, Ben A. Humphries and Megan Hearson's Motion to Compel Individual Arbitration of Plaintiff's Claims and Stay Proceeding Pending Ruling on Motion and Completion of Court Ordered Arbitration

Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (Hereinafter "the Act") Bars Arbitration

In determining whether a complaint adequately alleges a "sexual harassment dispute" for purposes of 9 USCS 401 and 402, we employ federal pleading standards similar to California pleading standards on demurrer, *see Decloedt v. Radnet Management, Inc.* (2026) 121 Cal.App.5th 732, 745. This includes the requirement that facts in the complaint are liberally construed in the plaintiff's favor and are generally accepted as true. (*Id*)

Defendants argue the complaint does not sufficiently allege harassment based on sex/gender. The Court disagrees. The allegations essentially allege Plaintiff was not conforming to masculine stereotypes or the perception that he was effeminate. *Nichols v. Azteca Rest. Enters.* (9th Cir. 2001) 256 F. 3d 864, 874 specifically held such allegations sufficiently allege harassment based on sex.

Next Defendants argue Plaintiff has failed to sufficiently allege severe or pervasive conduct. *Nichols, supra* stands for the proposition that men being chastised for not conforming to male stereotypes is sufficient to meet the severe or pervasive requirement. (*Nichols, supra* at p. 873)

The complaint sufficiently alleges pervasive conduct: "This conduct was part of a pattern of harassment" (Paragraph 25 of the FAC); and "continued harassment" (Paragraph 27 of the FAC). Bearing in mind GC 12923(e) which provides that hostile working environment cases involve issues "not determinable on paper", the Court finds the pleading sufficiently alleges, for pleading purposes, severe and/or pervasive conduct.

Based on the foregoing the Court finds the sexual harassment claim sufficiently pled. Consequently, pursuant to the Act, the motion is denied. Defendants shall file a responsive pleading within 20 days' notice of this ruling. Plaintiff shall prepare the form of order within 2 weeks.

11. 26CV01872 Davis, Katherine v. Arredondo Automotive Group Inc et al.

EVENT: Temporary Restraining Order

Plaintiff's Motion for a Temporary Restraining Order is DENIED. Preliminarily, Plaintiff has put the cart before the horse by purporting to set an OSC re: preliminary injunction on October 7. The Court never granted an OSC. The Court construes this motion as a request for a TRO and a request for an OSC and a further hearing date on a preliminary injunction.

The motion fails to explain why Plaintiff is likely to succeed on the merits. Although the pleading asserts a cause of action for wrongful repossession based on an assignment that Plaintiff argues is prohibited by the contract, the contract attached to the pleading appears to contradict Plaintiff's position.

Defendant Adesa LLC shall prepare a form of order within 2 weeks.

12. 26CV02009 Escheman Construction Company v. County of Butte

EVENT: Petition for Relief from Claims Presentation Requirement

Petition for Relief from Claims Presentation Requirement is GRANTED as unopposed. The Court will sign the proposed order.

13. 26CV02219 O'Shaughnessy, Stephen R v. Porras Corporon, Josie M.

EVENT: Event: Defendant Josie M. Porras Corporon's Special Motion to Strike Pursuant to Code of Civil Procedure 425.16

On the Court's motion, the hearing is continued to October 21, 2026 at 9:00am. Note: The continuance is not granted based on Plaintiff's request. Rather the continuance is issued due to the Court's docket. (See CCP 425.16(g))

Plaintiff's request for an extension to file an opposition is denied. CCP 425.16 provides no authority for a continuance of the opposition deadline based on the grounds stated in Plaintiff's

filing. Accordingly, the matter is fully briefed and the Court will not be considering any subsequent briefs on the matter.

14. 26CV02308 Morejohn, Robert et al v. James, Chris et al.

EVENT: Petition for Order Releasing Expired Mechanics Lien (Continued from 7/29/26 and 9/2/26)

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

15. 26CV02357 In re: Brines, Michael Wayne

EVENT: Change of name (minor) (Continued from 9/9/26)

There is no proof of publication on file. Additionally, in the event the parents cannot be served, CCP 1277 requires notice to any living grandparents if they can be located. If there are no appearances the Petition will be denied without prejudice.

16. 26CV02427 In re: Pinocchio-Illes, Rachel Elizabeth

EVENT: Change of name (minor)

There is no proof of publication on file. Additionally, there is no proof of service on the non-consenting parent as required by CCP 1277.

17. 26CV02445 In re: MillerHart, Ammie Dean

EVENT: Change of name (adult)

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

18. 26CV02614 In re: Boring, Vianna

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.

19. 26CV02805 In re: O'Donnell, Daniel Kimberly

EVENT: Change of name (adult)

There is no proof of publication on file. Additionally, the Court is awaiting the results of the background check.

20. 26CV02877 In re: Mulligan, John William

EVENT: Change of name (adult and minor)

There is no proof of publication on file. The Court will hear from Petitioner concerning notice to the non-consenting parent. Additionally, the Court is awaiting the results of the background check.

21. 26CV02977 In re: Banegas, Kassarah Andrea

EVENT: Change of name (minor)

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

22. 26CV03090 Confidential Name Change

EVENT: Confidential name change

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

23. 26CV03555 Butte County Animal Control v. Wendi Hathaway

EVENT: Petition to Determine if Dog is Potentially Dangerous (Continued from 9/23/26)

The Court will conduct a hearing.

24. 26CV03557 Butte County Animal Control v. Shane Wilson

EVENT: Petition to Determine if Dog is Potentially Dangerous (Continued from 9/23/26)

The Court will conduct a hearing.