Judge Benson – Law & Motion – Wednesday, October 21, 2026 @ 9:00 AM

1. **19CV00468 Kaur, Manjit v. Onkaar Inc, a California Corporation et al**

EVENT: Plaintiff's Motion to Enforce Settlement Agreement by Plaintiff Manjit Kaur and for Terminating Sanctions and Award of Attorney Fees and Costs (CCP 664.6)

Preliminarily the Court is not considering Defendants late filed opposition with the additional note that there appears to be no proof of service accompanying the opposition.

Plaintiff's Motion to Enforce Settlement Agreement by Plaintiff Manjit Kaur and for Terminating Sanctions and Award of Attorney Fees and Costs is GRANTED in PART. Terminating sanctions are denied without prejudice. Defendants are ordered to produce documents relating to the remaining categories outlined in Plaintiff's motion within 20 days' notice of this order. If defendants fail to comply with the order the Court will consider a renewed motion for terminating sanctions. Plaintiff is awarded $1,941.00 in attorney fees in addition to attorney fees previously ordered.

Plaintiff shall prepare and submit a form of order within 2 weeks.

2. **20CV01884 Tyler Edwards, Inc. v. McCain, Kevin et al**

EVENT: Hearing on Remittitur

On May 22, 2024 the Court granted Defendants James Edwards and Tyler Edwards' motion for attorney fees in the sum of $72,314.25. That was a universal award for all claims. The Third District court of Appeal ("3DCA") remanded the case "for the trial court to exercise its discretion to determine whether and how to apportion the attorneys' fees award". [Emphasis Added] Specifically, the 3DCA ruled the Edwards parties are not entitled to attorneys' fees on non-contract claims.

Both the Edwards and McCain parties suggest the Court should reconsider its lodestar calculation of the $72,314.25 award. The opinion directs us to apportion the fees award; it doesn't direct this Court to engage in a de novo review of the motion and consider new facts/evidence not presented in the initial motion with respect to the reasonableness of the $72k award generally.

It does not appear from the 3DCA opinion that either side contested on appeal the Court's lodestar calculation, i.e. whether the attorney fee award was inappropriate in a wholistic sense. Once judgment has been entered, the court may not reconsider it and loses its

unrestricted power to change the judgment. (*Passavanti v. Williams* (1990) 225 Cal.App.3d 1602, 1606)

The Court lacks jurisdiction to reconsider whether the $72k award is reasonable in a general sense. In any event, the Court declines reconsidering the $72k award in the context of reasonableness. The narrow issue considered, as directed by the 3DCA is whether and/or how to apportion the $72k award. Accordingly, the Court is not considering the Edwards' parties' argument for an award exceeding $72k, nor is it considering the McCains' arguments that the evidence presented by Edwards in support of the motion was inaccurate, therefore warranting a denial or a substantial reduction of the award.

The Court finds a significant majority (but not all) of the work incurred with respect to James and Tyler concerned the alter ego issue and contract claims. The Court apportions the $72,314.25 as follows:

$57,851.40 Compensable work for alter ego and contract claims

$14,462.85 Non-compensable non-contract work

Accordingly, Tyler and James Edwards are awarded $57,851.40 in attorney fees.

Edwards defendants shall prepare and submit a form of order within 2 weeks.

3. <u>22CV02855 Deere & Company v. Ellington, Antony R</u>

EVENT: OEX (Antony Ellington)

The Court will hear from counsel.

4. 23CV02709 Beacon Funding Corp v. Any Capital Recovery Inc et al.

EVENT: OEX (Daniel Milhoan, agent for Any Capital Recovery Inc.)

The Court will swear in the witness.

5. 24CV00063 TBF Financial I, LLC v. Burger Hut, Inc et al

EVENT: Plaintiff's Motion for Entry of Judgment Pursuant to Stipulation for Settlement or Judgment

Plaintiff's Motion for Entry of Judgment Pursuant to Stipulation for Settlement or Judgment is GRANTED. The Court will sign the proposed order and judgment.

6-7. 24CV00464 Greenwell, Cathleen v. Ishimoto, Gregory, MD et al

EVENT: (1) Defendant Mustafa Al Lami M.D.'s Motion for Undertaking

(2) Defendants Francisco Alvarez, M.D., Nathan Slesnick, D.O.; Sean Maiorano, D.O.; Pallav Shah, M.D.; Horacio Murillo, M.D.; Kevin Nash, M.D.; and Kenneth Petty, M.D.'s Motion to Dismiss Pursuant to CCP 583.42 & 583.410

Defendant Mustafa Al Lami M.D.'s Motion for Undertaking

Defendant Mustafa Al Lami M.D.'s Motion for Undertaking is DENIED. Defendant has failed to demonstrate a reasonable possibility of prevailing pursuant to CCP 1030(b).

Defendants Francisco Alvarez, M.D., Nathan Slesnick, D.O.; Sean Maiorano, D.O.; Pallav Shah, M.D.; Horacio Murillo, M.D.; Kevin Nash, M.D.; and Kenneth Petty, M.D.'s Motion to Dismiss Pursuant to CCP 583.42 and 583.410

The motion is DENIED WITHOUT PREJUDICE. Although the Court appreciates counsel's attempts to ascertain Defendants to be dismissed prior to service, this case needs to procedurally progress. Accordingly, Plaintiff is directed to serve the remaining Defendants with the summons and operative pleading no later than December 15, 2026.

8. 24CV04396 Medrano, Carla v. FCA US, LLC et al.

EVENT: Defendant FCA US LLC's Motion to Compel Response to Requests for Production of Documents, Set One

Defendant FCA US LLC's Motion to Compel Responses to Requests for Production of Documents, Set One, is GRANTED. Plaintiff's counsel, but not Plaintiff, is sanctioned in the amount of $1,750.00. Plaintiff shall provide responses without objection within 20 days' notice of this order. Defendant shall prepare a new order consistent with this ruling within 2 weeks.

9. 25CV04177 Owens, Noel Z v. Proctor, Dennis et al.

EVENT: (Dennis Proctor)

The Court will swear in the witness.

10. 26CV01406 In re: Newton, Victoria

EVENT: Change of name (minor) (Continued from 8/12/26 and 8/26/26)

The Court will hear from Petitioner as to the status of the proof of publication and notice to the non-consenting parent.

11. 26CV01430 McMillian, Shawn Anthony v. Google LLC

EVENT: Google LLC's Demurrer to First Amended Complaint

On the Court's motion, the hearing is continued to November 4, 2026 at 9:00am.

12. 26CV01667 Morris, Dawn v. AOCL LLC

EVENT: Petition to Compel Arbitration and Request to Stay Proceedings

This motion is substantially similar to the motion in case no. 26CV00710 which involves the same parties, the same arbitration agreement and the same evidence. As a result, the Court is adopting its ruling in case no. 26CV00710 dated September 2, 2026, granting Defendant's motion to compel arbitration. Consistent with *Adolph v. Uber Technologies, Inc.*, Plaintiff's individual PAGA claim is compelled to arbitration and the representative portion of the PAGA claim may proceed in court.

This case is hereby stayed pending the completion of arbitration.

The Case Management Conference scheduled for November 4, 2026 is vacated. A further Case Management Conference is scheduled for February 24, 2027 at 10:30am re: status.

Defendant AOCL shall prepare and submit a form of order consistent with this ruling within 2 weeks.

13. 26CV02219 O'Shaugnessy, Stephen R v. Porras Corporon, Jose M et al

EVENT: Defendant Jason Miller's Special Motion to Strike Pursuant to Code of Civil Procedure Section 425.16

Defendant Jason Miller's Special Motion to Strike Pursuant to Code of Civil Procedure Section 425.16 is GRANTED.

Defendant's Request for Judicial Notice is GRANTED.

Section 425.16 requires the trial court to undertake a two-step process in determining whether to grant a SLAPP motion. (*Kashian v. Harriman* (2002) 98 Cal.App.4th 892, 906) [Internal citations omitted] "First, the court decides whether the defendant has made a threshold prima facie showing that the defendant's acts, of which the plaintiff complains, were ones taken in furtherance of the defendant's constitutional rights of petition or free speech in connection with a public issue." (Id)

The Gravamen of the First Amended Complaint Implicate Defendant's Constitutional Right to Petition

CCP 425.16(e)

> As used in this section, "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue" includes: (1) any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, (2) <u>any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body</u>, or any other official proceeding authorized by law,
>
> …
>
> [Emphasis Added]

Here, the pleading pertains almost exclusively to statements made in connection with the probate proceeding. Indeed, the requested relief in the pleading either seeks to penalize Defendant for actions in connection with the probate proceeding and to prohibit Defendant from pursuing any type of monetary claim against Plaintiff.

Probability of Prevailing

At the outset, Plaintiff cannot establish a probability of prevailing for the simple fact that he has not filed a timely opposition. It is Plaintiff's burden to demonstrate a probability of prevailing with admissible evidence. (*Padres L.P. v. Henderson* (2003) 114 Cal.App.4th 495, 509)

Additionally, the litigation privilege under Civil Code 47 prevents Plaintiff from demonstrating a probability of prevailing. The analysis here parallels the analysis in the first prong. Because the allegations in the pleading are connected to a judicial proceeding (i.e. the Probate Case) the litigation privilege applies.

Attorney Fees

Defendant Jason Miller is awarded $8,250.00 in attorney fees and $519.65 in costs.

Defendant Jason Miller shall prepare and submit a form of order within 2 weeks.

14. 26CV02444 Blackburn, Colton D v. Dollar Tree Store Inc et al

EVENT: Defendant Dollar Tree Stores, Inc.'s Motion to Compel Arbitration and Stay Proceedings

Defendant Dollar Tree Stores, Inc.'s Motion to Compel Arbitration and Stay Proceedings is GRANTED. The case is stayed pending completion of arbitration.

The Court rules on Plaintiff's evidentiary objections that it deems material to the motion as follows:

Sustained: objection nos. 2,15

Overruled: objection nos. 3,4,5,11,12,13,14,16,17,18

Based on the evidence presented by Defendant and pursuant to the standards set forth in *Ruiz v. Moss Bros. Auto Group, Inc*. (2014) 232 Cal.App.4th 836 and *Espejo v. Southern California Permanente Medical Group* (2016) 246 Cal.App.4th 1047 the Court finds Plaintiff electronically signed the arbitration agreement.

Plaintiff does not dispute the agreement covers the claims pled, and the Court finds it does cover the claims pled.

The agreement contains a delegation clause that "the arbitrator shall have the exclusive authority to resolve any disputes or claims regarding arbitrability or the formation, interpretation, validity, applicability, unconscionability, or enforceability of this Agreement or any provision of this Agreement." This language is "clear and unmistakable evidence" that the parties agreed to litigate issues regarding enforceability, and in particular, unconscionability, in arbitration.

Accordingly, we need not address Plaintiff's unconscionability arguments as those are delegated to arbitration.

The Court will sign the proposed order.

15. 26CV02614 In re: Boring, Vianna

EVENT: Change of name (adult) (Continued from 10/7/26)

There is no proof of publication. If no proof of publication is submitted by the hearing and there are no appearances the petition will be dismissed without prejudice.

16. 26CV02805 In re: O'Donnell, Daniel Kimberly Elizabeth Creamer

EVENT: Change of name (adult) (Continued from 10/7/26)

As of this writing the Court is still awaiting the results of the background check.

17. 26CV02950 In re: Terrill, Serenity Paj Dawb

EVENT: Change of name (adult)

The Court is in receipt of the proof of publication. As of this writing the Court is awaiting the results of the background check.