Judge Benson – Law & Motion – Wednesday, October 28, 2026 @ 9:00 AM

1. 22CV03054 John Doe 1 JC v. General Council of the Assemblies of God et al

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.

2-9. 23CV03127 Wilson Daedalys et al v. Park, Lisa et al

EVENT: (1) Motion to Compel Daedalys Wilson Further Responses to Requests for Production of Documents, Set Two and for sanctions;

(2) Motion to Compel Daedalys Wilson Further Responses to Requests for Admissions, Set Two, and for sanctions;

(3) Defendant's Motion to Compel Daedalys Wilson Further Responses to Special Interrogatories, Set Two, and For Monetary Sanctions

(4) Motion to Compel Daedalys Wilson Further Responses to Form Interrogatories, Set Two, and for Monetary Sanctions

(5) Motion to Compel Kimberly Torres Further Responses toFform Interrogatories, Set One, and for Monetary Sanctions;

(6) Motion to Compel Kimberly Torres Further Responses to Request for Admissions, Set One, and for Monetary Sanctions

(7) Motion to compel Kimberly Torres Further Responses to Requests for Production of Documents, Set One, and for Monetary Sanctions

(8) Motion to Compel Kimberly Torres Further Responses to Special Interrogatories, Set One, and for Monetary Sanctions

Production of Documents Set Two to Daedalys Wilson

Request nos. 17-19, 21-25,27,29,31,32

The motion is DENIED.

Look v. Penovatz (2019) 34 Cal.App.5th 61, 73:

> "[I]ndividuals have a legally recognized privacy interest in their personal financial information." (*International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 330 [64 Cal. Rptr. 3d 693, 165 P.3d 488].) In the face of an objection based on privacy, the party seeking discovery of the information must show that the information is "directly relevant" to a cause of action or defense, such that disclosure is "essential to the fair resolution of the lawsuit." (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 859 [143 Cal. Rptr. 695, 574 P.2d 766]; *Harris v. Superior Court* (1992) 3 Cal.App.4th 661, 665 [4 Cal. Rptr. 2d 564], disapproved on other grounds in *Williams v. Superior Court* (2017) 3 Cal.5th 531 [220 Cal. Rptr. 3d 472, 398 P.3d 69].)
>
> [Emphasis added]

Here, the moving papers have not sufficiently explained why the financial information is directly relevant to a legal issue in the case. As noted from the above excerpt, it is the party seeking the discovery's burden to demonstrate direct relevance to a cause of action or a defense.

The moving papers vaguely reference a disgorgement offset and "a claimed measure of recovery". Nowhere in Plaintiffs' pleading does it appear they are seeking disgorgement. The cross-complaint seeks disgorgement of income Plaintiffs acquired while working at Defendants' business. It is unclear how Plaintiffs' income at their new business would be relevant to that issue.

The Court is not conclusively finding that the information is not directly relevant; simply that the moving parties have failed to meet their burden of demonstrating direct relevance.

Further, based on the record before the Court Defendants have not met their burden demonstrating the privacy objections were waived.

Am. Home Assurance Co. v. Societe Commerciale Toutelectric (2002) 104 Cal.App.4th 406, 430:

> A finding of waiver requires clear and convincing evidence of intentional relinquishment of a known right with awareness of the relevant facts. The waiver may be express, based on the party's words, or implied from conduct indicating an intent to relinquish the right.
>
> [Emphasis added]

Defense counsel's declaration states that in RFA 102 Plaintiff agreed to provide "additional compensation information later". The declaration does not attach the RFA response. While the Court does not doubt counsel's representations, in light of Plaintiffs' position that the they simply acknowledged the existence of the information, the Court needed the actual responses in order to meet the clear and convincing standard.

Request no. 33

The Motion is GRANTED.

The moving papers provide very minimal explanation regarding relevance. However, it is readily apparent that communication between Plaintiffs concerning their departure from Butte Psychological Services is relevant, and that information relating to the other categories prescribed in Request no. 33 could lead to admissible evidence.

Request Nos. 34,35,37,38

The Motion is GRANTED.

> CCP 2031.230 Representation of inability to comply
>
> A representation of inability to comply with the particular demand for inspection, copying, testing, or sampling shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand. This statement shall also specify whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party. The statement shall set forth the name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item.
>
> [Emphasis added]

The response is technically deficient because it does not indicate whether the item never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party. The "presently aware" language is not code complaint. Plaintiff must indicate whether the item ever existed. If it did, then Plaintiff needs to provide further information as required by the code. If it never existed, then that would complete the response, but Plaintiff must still indicate that it never existed.

Request No. 39

The motion is GRANTED.

Defendants' separate statement indicates that an objection only response was provided. However, in their explanation as to why a further responses required, they argue that the substantive response indicating Plaintiff is presently unaware of responsive documents is not code compliant.

The Court assumes this was a typo and that the "presently unaware" language was included in the actual response. Consistent with the ruling regarding Request no. 34,

Plaintiff shall provide a further response which complies with 2031.230. To the extent responsive documents exist that implicate privilege, a privilege log shall be provided.

Request Nos. 40, 42,43

The motion is GRANTED.

The request is limited to the categories prescribed in request no. 39. Otherwise, the response does not comply with section 2031.230 as previously discussed.

Motion To Compel Daedalys Wilson Further Responses to Requests for Admissions, Set Two

Request no. 97

The motion is GRANTED.

No substantive response was provided to this request. The privacy/HIPPA objections are unwarranted because the request does not require the identification of any individual.

Request no. 98

The motion is moot in light of the supplemental response.

Motion to Compel Daedalys Wilson Further Responses to Special Interrogatories, Set Two

Note: Although it appears Plaintiff provided supplemental responses to some requests, no supplemental responses appeared to have been served with respect to nos. 40,41,42,43, 46,52,53,54.

As to request no. 65, the supplemental response appears to be identical to the original response with the exception the supplemental response does not contain a substantive response. Therefore request no. 65 does not appear to be moot.

Interrogatory nos. 40,41

The Court reincorporates its discussion regarding document request nos. 17-19, 21-25,27,29,31,32. For those same reasons the motion is DENIED.

Interrogatory no. 43

The motion is GRANTED. Pursuant to CCP 2030.220(c) Plaintiff must indicate whether a reasonable and good faith effort to obtain the information has been made.

Interrogatory no. 46

The motion is GRANTED. The response is incomplete/evasive.

Interrogatory no. 52

The motion is GRANTED. The privacy objections are unwarranted because the request does not seek to identify the individuals or any related information to those individuals.

Interrogatory no. 53

The motion is DENIED.

Interrogatory no. 54

The motion is GRANTED. The substantive response is incomplete.

Request nos. 55,56,58,59,60,61,62,63,65,66,67

The Court reincorporates its discussion regarding document request nos. 17-19, 21-25,27,29,31,32. For those same reasons the motion is DENIED.

Interrogatory no. 71

The motion is DENIED.

Interrogatory no. 79

The motion is GRANTED. The response needs to comply with the requirements of 2030.220(c).

Motion to Compel Daedalys Wilson Further Responses to Form Interrogatories, Set Two

The motion is moot in light of the supplemental response.

Motion to Compel Kimberly Torres Further Responses to Form Interrogatories, Set One

Interrogatory nos. 4.1 and 15.1

The motion is DENIED.

Interrogatory no. 17.1

The motion is moot in light of the supplemental response.

Motion to Compel Kimberly Torres Further Responses to Requests for Admissions, Set One

Note: Regarding no. 20, Torres' points and authorities suggest a supplemental response was provided to this request. However, upon reviewing the attached supplemental responses, there is no supplemental response to request no. 20.

Request nos. 1-3

The motion is GRANTED. The response must include the language mandated in CCP 2033.220(c).

Request no. 17-19, 21

The motion is moot in light of the supplemental responses.

Request no. 20

The motion is GRANTED. The privacy/HIPPA objections are unwarranted because the request does not require the identification of any individual.

Motion to Compel Kimberly Torres Further Responses to Requests For Production of Documents, Set One

Request nos. 2,3,4,10,11,12,

Per CCP 2031.230 the response is technically deficient because it does not indicate whether the item never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party. The "presently aware" language is not code complaint. Plaintiff must indicate whether the item ever existed. If it did, then Plaintiff needs to provide further information as required by the code. If it never existed, then that would complete the response, but Plaintiff must still indicate that it never existed.

Request nos. 5,6

For the same reasons discussed in Production of Documents request nos. 17-19,21-25,27,29,31,32 propounded on Plaintiff Daedalys Wilson, the motion is DENIED.

Request no. 7

The motion is DENIED. Defendants have failed to meet their burden demonstrating the direct relevance of the request.

Request no. 8

The motion is GRANTED. The request is not overbroad as it is limited to work related communications and litigation related communications.

Motion to Compel Kimberly Torres Further Responses to Special Interrogatories, Set One

Interrogatory nos. 10,11

The Court reincorporates its discussion regarding document request nos. 17-19, 21-25,27,29,31,32 propounded on Plaintiff Daedalys Wilson. For those same reasons the motion is DENIED.

Interrogatory no. 12

The motion is GRANTED. The privacy objections are unwarranted because the request does not seek to identify the individuals or any related information to those individuals.

Interrogatory no. 13

The motion is DENIED.

Meet and Confer

Ultimately, we are presented with a he said, she said dispute as to whether the telephone conference was or was not a sufficiently thorough meet and confer effort. Certainly, the code does not require meet and confer efforts occur only in writing. However, when disputes involve issues which are somewhat complicated and not straightforward, a detailed written meet and confer letter is preferable. Especially in this instance of having to determine whether sufficient meet and confer efforts occurred in the context of a he said she said scenario with respect to a telephone call.

All requests for sanctions are denied.

To the extent the motion is granted, Plaintiffs shall serve further responses within 20 days' notice of this order.

Counsel is to take notice that the Court intends to refer all future discovery disputes to a discovery referee.

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

10. <u>24CV02883 Hostoski, Michael et al v. Flores, Antonio Salvatore et al</u>

EVENT: Motion to Set Aside Default and Default Judgment

Motion to Set Aside Default and Default Judgment is DENIED.

When relief under section 473 is available, there is a strong public policy in favor of granting relief and allowing the requesting party his or her day in court. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 981-982) [Internal citations omitted] Beyond this period there is a strong public policy in favor of the finality of judgments and only in exceptional circumstances should relief be granted. (*Id*)

Here, Defendants have not met the very high threshold of demonstrating extrinsic fraud. Indeed, the motion acknowledges Mr. Flores' illness did not begin until 4 months after the operative pleading was served. Nor does Defendants' contention that it was confused about the Court's jurisdiction due to an alleged arbitration clause in the contract meet the standard. Defendants' confusion did not justify inaction.

Defendant's alternative request to audit the default prove up hearing is also denied.

The Court will prepare the order.

11. 24CV04071 Jenkins, Nicholas et al v. Chico Healthcare & Wellness Centre, LP

EVENT: Motion for Reconsideration for Court's Order Regarding Plaintiffs' Motion to Compel Further Responses to Demand for Production of Documents, Set One

On the issue of whether counsel was or was not served with the motion to compel further responses to production of documents, the evidence suggests that he was. It appears to the Court that defense counsel's conduct amounted to excusable neglect under CCP 473(b). Accordingly, the October 5, 2026 order with respect to the production of documents motion is set aside.

A further hearing is scheduled on that motion for December 9, 2026 at 9:00am. Defendant's opposition is due no later than November 23, 2026. The reply is due no later than December 1, 2026.

Defendant shall prepare the order.

12. 25CV02680 JP Morgan Chase Bank v. Magnani, Justine M

EVENT: Plaintiff's Motion for Judgment on the Pleadings

Plaintiff's Motion for Judgment on the Pleadings is GRANTED. Plaintiff shall prepare an order. Once the order is submitted the Court will sign the proposed judgment.

13. 25CV02896 Casarotti, Rosemary v. Watts, Mikal C et al

EVENT: Defendants' Motion to Consolidate Cases for All Purposes

Defendants' Motion to Consolidate Cases for All Purposes is DENIED WITHOUT PREJUDICE. The motion is premature in light of the dismissal.

14-15. 25CV04067 Wells Fargo Bank, N.A. v. Sifton, Adrian

EVENT: (1) Plaintiff's Motion for Judgment on the Pleadings

(2) Case Management Conference

The Court will hear from counsel. Plaintiff's Motion for Judgment on the Pleadings is GRANTED. The Court will sign the proposed order.

Plaintiff seeks attorney fees based on the 20 page cardholder agreement but does not specifically identify where in the card holder agreement the attorney fee provision is located. Unless Plaintiff is inclined to withdraw the attorney fee request, counsel will need to submit a supplemental declaration.

16. 25CV04148 Bobbit, Ronald v. Atrium Transport

EVENT: Plaintiff's Motion to Compel Further Responses to Form Interrogatories Set One and Request for Production of Documents, Set One

Form Interrogatory no. 12.4

The motion is granted.

With respect to the unknown manufacturer, Defendant is technically correct in that the interrogatory as worded does not seek that information. Subdivision (d) of the interrogatory asks to identify the "individual" who took the video. Under these circumstances there was no individual taking the video; it was a dash camera. However, once Defendant volunteered that

the manufacturer was "presently unknown" in the discovery response, that triggered Defendant's obligation under CCP 2030.220(c) to state that it made a reasonable inquiry to discover the identity of the manufacturer. Accordingly, Defendant shall provide a further response in compliance with CCP 2030.220(c)

Note: Plaintiff's position concerning the alleged discrepancy goes beyond the scope of the interrogatory.

Request for Production no. 4

The motion is denied. Defendant's supplemental responses provide it is producing everything. On the surface the response is code complaint. Certainly, Plaintiff can propound follow up questions as appropriate. In most cases of purported spoilation the facts should be decided and any appropriate inference should be made by the trier of fact after a full hearing at trial. (*New Albertsons, Inc. v. Superior Court* (2008) 168 Cal.App.4th 1403, 1431) The Court is not going to resolve he said she said disputed issues regarding spoilation and/or disputed issues as to whether documents are being withheld in the context of a discovery motion.

Request for Production no. 5

In light of the documents produced, the motion is moot. As an aside, Plaintiff has cited no authority, nor is the Court aware of any, requiring a log for privacy redactions. In any event, if Plaintiff contends the response provided after this motion was filed is not code complaint, he can file a new motion. Counsel is directed to meet and confer on a protective order and submit a proposed order within 2 weeks. If counsel cannot agree on the form of a protective order, each shall submit a proposed order and the Court will select one.

Request for sanctions is denied.

To the extent the motion is granted, Defendant shall provide further responses within 20 days' notice of this order.

17. 25CV04783 Saint-Evans Jr, Roberts Beresford v. General Motors LLC

EVENT: Plaintiff's Motion for Attorney Fees

The Court awards attorney fees in the total sum of $13,055.00 itemized as follows:

Counsel: 13.5 hours x 525/hour: $7,087.50

Paralegal: 19.1 hours x 175/hour: $3,342.50

This motion: $2,625.00

(The Court reduced counsel's time by 1 hours and paralegal's time by 7.5 hours)

Costs are awarded in the sum of $555.72.

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

18. 26CV00632 Johnson, Michael Mac v. VanDuerr Industries Inc.

EVENT: Motion to be Relieved as Counsel (Defense Counsel)

Motion to be Relieved as Counsel is GRANTED. The Court will sign the proposed order.

19. 26CV02736 Henry, John F v. C Randy Landis DDS

EVENT: Petition to Compel Arbitration and Appoint Arbitrator

Petition to Compel Arbitration and Appoint Arbitrator is DENIED.

As a preliminary matter, the Court lacks jurisdiction to consider the statute of limitations issue in the context of this proceeding. Nor does the Court have jurisdiction to consider the legal sufficiency of the "First Amended Complaint". This is a petition to compel arbitration; the only issue before us is whether the case should go to arbitration.

The Court finds Plaintiff has waived arbitration pursuant to CCP 1281.2(a). Despite sending a formal letter in November 2024, Petitioner waited until July 2026 to seek arbitration.

As an aside, although Petitioner filed a "First Amended Complaint", the request for relief simply seeks that the Court compel arbitration. Accordingly, notwithstanding the label "First Amended Complaint" there is no operative pleading on file. The case is closed.

Defendant shall prepare and submit the form of order within two weeks.

20. 26PR00152 Nolta Family Trust-2008

EVENT: David Griffith's Demurrer to Amended Petition

Respondent David Griffith's ("Respondent" herein) Request for Judicial Notice is granted. However, while the Court is taking judicial notice of the existence of the identified court filings, the fact that the statements reflected in those filings were made, and any legal effect that properly follows from the filings, the Court is not taking judicial notice of the truth of disputed factual assertions, opinions, estimates, or characterizations contained in those documents.

As to standing, an "interested person", as defined in Probate Code 48 has standing to bring an elder abuse claim. Welfare and Institutions Code 15657.3(d)(1)(c). Probate Code 48(a) states, in relevant part:

> "interested person" includes any of the following;
>
> (1) An heir, devisee, child, spouse, creditor, beneficiary, and any other person having a property right in or claim against a trust estate or the estate of a decedent which may be affected by the proceeding.
>
> (2) Any person having priority for appointment as personal representative.
>
> (3) A fiduciary representing an interested person."

Here, the Court finds that a disinherited beneficiary of a trust possesses standing as an "interested person" under California law to bring a post-death financial elder abuse claim if they allege that the disinheriting trust amendments were the product of abuse or fraud, and their interest would be restored or affected by the invalidation of those amendments or the statutory forfeiture of the abuser's share. See, *Barefoot v. Jennings* (2020) 8 Cal.5th 822, 827-830; *Estate of Lowrie* (2004) 118 Cal.App.4th 220, 230. Thus, the Demurrer is overruled on this basis.

The allegations regarding unjust enrichment/constructive trust/involuntary trust against Respondent are sufficiently pled [see Verified Amended Petition at 117-120], and the Demurrer as to those claims is overruled.

The allegations relating to the invalidation of changes to Madeleine Nolta's estate plan and request for instructions are sufficient to withstand demurrer. The Amended Petition must be read as a whole rather than isolating each request from the incorporated factual allegations supporting it. A court tests whether the factual allegations are sufficient under any legal theory and does not limit its analysis to the pleader's title or characterization of the requested relief. *Sproul v. Vallee* (2025) 116 Cal.App.5th 285, 292. Here, the Court finds sufficient facts stated as to Respondent in the Verified Amended Petition to support these claims and the Demurrer is overruled in this regard.

As set forth in *Lucidio v. Superior Court* (1990) 51 Cal.3d 335:

> "Collateral estoppel precludes relitigation of issues argued and decided in prior proceedings. Traditionally, we have applied the doctrine only if several threshold requirements are fulfilled. First, the issue sought to be precluded from relitigation must be identical to that decided in a former proceeding. Second, this issue must have been actually litigated in the former proceeding. Third, it must have been necessarily decided in the former proceeding. Fourth, the decision in the former proceeding must be final and on the merits. Finally, the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding. The party asserting collateral estoppel bears the burden of establishing these requirements. [citations omitted]."

Id. at 334. Here, the Court finds that Respondent has failed to meet his burden of establishing the requirements necessary for the Court to apply the doctrine of collateral estoppel and the Demurrer is overruled on this basis.

Finally, the Court finds that the allegations as to Respondent fall outside the purview of both the Agent's Immunity Rule and Litigation Privilege and the Demurrer is therefore overruled on those bases.

The Demurrer is overruled in its entirety.

Counsel for the Petitioner Stephen B. Cowee, Lynn Meacham, and Jim Thompson shall prepare and submit a form of order consistent with this ruling within two weeks.

21. 144402 National Credit Acceptance, Inc v. Zuniga, Clemente

EVENT: OEX (Clemente Zuniga aka Zuniga Clemente)

The Court will swear in the witness.