

Judge Benson – Law & Motion – Wednesday, March 15, 2023 @ 9:00 AM
TENTATIVE RULINGS
To be heard by Judge Mosbarger

1. 20CV00765 Mungia, James v. Consensus Orthopedics, Inc.

EVENT: Plaintiff's Second Motion to Enforce Settlement Agreement

The Court will hear from Plaintiff. In reviewing the file, taking into account (10) payments have been received, and another (3) have been accounted for in the January 24, 2023 judgment, that leaves a maximum of (5) payments outstanding according to the Court's calculation. This does not match the requested amount of \$76,336.36.

2-3. 21CV00385 Alvarado, Eduardo et al v. Worroll, Rodney D. et al.

EVENT: (1) Cross-Defendants Eduardo Alvarado and Natalie Alvarado's Motion to Compel Cross-Complainant's Depositions and Request for Terminating Sanctions

(2) Cross-Defendants Eduardo Alvarado and Natalie Alvarado's Motion Finding Cross-Complainant Rodney Worroll in Violation of Prior Discovery Orders and Request for Terminating Sanctions

Cross-Defendants Eduardo Alvarado and Natalie Alvarado's Motion to Compel Cross-Complainant's Depositions and Request for Terminating Sanctions is GRANTED. The Worrolls' Cross-Complaint is dismissed with Prejudice. The Worrolls' documented history of discovery abuse in this case supports the issuance of terminating sanctions against both Rodney Worroll and Amanda Worroll. Those abuses include an order compelling further responses to written discovery, a subsequent order finding the Worrolls in violation of the aforementioned order, an order requiring Rodney Worroll to provide medical authorization, the present motion demonstrating Mr. Worroll's continued failure to provide medical authorization, the present motion demonstrating the Worrolls have failed to make themselves available for deposition testimony, and the failure to attend case management conferences on multiple occasions.

Additional monetary sanctions are awarded against Rodney Worroll and Amanda Worroll jointly and severally in the amount of \$750.00 corresponding to the Motion to Compel Cross-Complainant's Depositions and Request for Terminating Sanctions. Further, Rodney Worroll is sanctioned the additional amount of \$750.00 corresponding to the Motion Finding Cross-Complainant Rodney Worroll in Violation of Prior Discovery Orders.

Cross-Defendants shall prepare and submit a form of order consistent with this ruling within 2 weeks.

4. **22CV02249 Omnimax International LLC v. Aryus Manufacturing**

EVENT: Motion to Serve the Secretary of State

Motion to Serve the Secretary of State is GRANTED. The Court will sign the proposed order.

5. **22CV02845 In re: Poliquin**

EVENT: Petition for Change of Name (minor) (continued from 2/8/23)

The Court will hear from petitioner.

6. **22CV02975 LL Jane Doe DJ v. Doe 1 et al**

EVENT: Motion for an In Camera Review and Order to Seal and Keep Confidential All Certificates of Merit; Approving Certificates of Merit; and Granting Permission to Serve The Complaint on Defendants

Motion for an In Camera Review and Order to Seal and Keep Confidential All Certificates of Merit; Approving Certificates of Merit; and Granting Permission to Serve The Complaint on Defendants is continued to April 5, 2023 at 9:00 am. Although the Court is in receipt of the “Notice of Lodging Certificates of Merit, Under Seal, For Plaintiff LL Jane Doe DJ v. Defendant Doe Religious Organization 1, et al., Confidentially For In Camera Review, Pursuant to CCP Section 340.1”, the Certificates of Merit have yet to be lodged with the Court.

7. **23CV00020 In re: Leiker, Silvia Jean**

EVENT: Change of Name (Adult)

The Petition is in order and the Court and is signing the decree provided. No appearance is necessary.

8. **22CV02854 In re: Hakimzada, Abdul Qadir**

EVENT: Change of name (adult and children) (Continued from 3/1/23)

The Court is in receipt of the proof of publication and is signing the decree provided. No appearance is necessary.

9-10. **19CV02194 Lefevers, Kathleen et al v. Enloe Medical Center et al.**

EVENT: (1) Motion for Final Approval of Class and PAGA Settlement (Continued from 3/8)

(2) Status Conference

Motion for Final Approval of Class and PAGA Settlement is GRANTED. The Court will sign the proposed order.