Judge Birss – Law & Motion – Friday, November 6, 2026 @ 1:30 PM
TENTATIVE RULINGS

1-2. 26CV03254 GRAYSON IV, JOHN I v. MOSBARGER, TAMARA L

EVENTS: (1) Defendant's Demurrer to Complaint

(2) Plaintiff's 3rd Amended Granted Tentative Ruling Order Motion

Defendant's Request for Judicial Notice is granted. Pursuant to *Code of Civil Procedure* §1005(b), a timely opposition was to be filed and served no later than October 26, 2026 [9 Court days before the hearing]. No timely opposition having been filed, the Court deems the Demurrer unopposed. Failure to file a written opposition may be construed as having abandoned the claims. See *Herzberg v. County of Plumas* (2005) 133 Cal.App.4th 1, 20. However, the Court also finds merit in Defendant's arguments that the Complaint is barred by lack of subject matter jurisdiction and absolute judicial immunity, fails to state facts sufficient to constitute a cause of action, and is uncertain. Defendant's Demurrer to Complaint is sustained in its entirety without leave to amend. Defendant shall prepare and submit a form of order within two weeks.

As to Plaintiff's Third Amended Granted Tentative Ruling Order Motion, based on the Court's ruling on Defendant's Demurrer, the Motion is moot, and is denied on that basis. Further, there is no proof of service in the Court's file. Therefore the Court cannot confirm whether notice complies with *Code of Civil Procedure* §1005, and the Motion is denied on that basis as well.

Based on the Court's ruling on Defendant's Demurrer the Court vacates the Case Management Conference on February 5, 2027 and sets this matter for a Status Hearing on January 8, 2027 at 1:30 p.m. for status of judgment/dismissal.

3-5. 26CV03537 GRAYSON IV, JOHN I v. MOSBARGER, TAMARA L

EVENTS: (1) Defendant's Demurrer to Complaint

(2) Plaintiff's Granted Tentative Ruling Order Motion

(3) Plaintiff's Granted Tentative Ruling Order Motion

Defendant's Request for Judicial Notice is granted. Pursuant to *Code of Civil Procedure* §1005(b), a timely opposition was to be filed and served no later than October 26, 2026 [9 Court days before the hearing]. No timely opposition having been filed, the Court deems the Demurrer unopposed. Failure to file a written opposition may be construed as having abandoned the claims. See *Herzberg v. County of Plumas* (2005) 133 Cal.App.4th 1, 20. However, the Court also finds merit in Defendant's arguments that the Complaint is barred by lack of subject matter jurisdiction and absolute judicial immunity, fails to state facts sufficient to constitute a cause of action, and is uncertain. Defendant's Demurrer to Complaint is sustained in its entirety without leave to amend. Defendant shall prepare and submit a form of order within two weeks.

As to Plaintiff's Granted Tentative Ruling Order Motions, based on the Court's ruling on Defendant's Demurrer, the Motions are moot, and are denied on that basis. Further, there are no proofs of service in the Court's file and therefore the Court cannot confirm whether notice complies with *Code of Civil Procedure* §1005, and the Motions are denied on that basis as well.

Based on the Court's ruling on Defendant's Demurrer the Court vacates the Case Management Conference on March 5, 2027 and sets this matter for a Status Hearing on January 8, 2027 at 1:30 p.m. for status of judgment/dismissal.