

**Judge Mosbarger – Law & Motion – Wednesday, September 13, 2023 @ 9:00 AM
TENTATIVE RULINGS**

1. 20CV01755 ASTLEY, RICHARD V. ABOVE GROUND POOL EXPERTS

EVENT: Plaintiff's Motion to Compel Production of Documents of Chase Bank

Although Plaintiff cites to CCP §2025.450 in support of the Motion to Compel Production of Documents of Chase Bank, that Section applies only to oral depositions and is therefore inapplicable here. Rather, the proper Code Section is CCP §1985.3, which imposes a 20-day deadline. See, CCP §§1985.3(g), 1985.6(f)(4); *Thai v. Richmond City Center, L.P.* (2022) 86 Cal.App.5th 282, 287-288 [the proper vehicle to contest third party consumer's objection to production is CCP §1985.3, which imposes a 20-day deadline, rather than CCP §2025.480, which applies when a third party fails to produce records under the third party's control and provides a 60-day deadline for bringing a motion to compel]. Here, the objections were served on July 12, 2023 [Decl. of Stacie Power at ¶18] and thus the 20-day deadline would have run on August 1, 2023. The Motion was not filed until August 7, 2023, and is therefore untimely. The Motion is denied.

2. 21CV02155 IECOB'S INDUSTRIAL EQUIPMENT, A CALIFORNIA CORPORATION V. HANSEN, CHRISTINE

EVENT: Motion to be Relived as Counsel

A Substitution of Attorney having been filed on August 3, 2023 substituting in as counsel Andrea M. Close for Defendant/Cross-Complainant Christine Hansen, Sara Knowles' Motion to be Relived as Counsel is denied as moot.

3. 22CV01821 CHAMBERS, PATRICIA V. NEWBERN, MICHAEL ET AL

EVENT: Motion to Excuse the Imposition of Sanctions on Defendant Clayanna Newbern

As an initial matter, the Court acknowledges that the citation to *Code of Civil Procedure* §2033.280(c) in its Order dated June 21, 2023 was in error. The Court hereby corrects its prior Order to read that sanctions are imposed pursuant to *Code of Civil Procedure* §2033.290(d), as there was no prior finding by the Court of substantial justification for Plaintiff's unsuccessful opposition to the Motion to Compel, and it thus remains that sanctions are mandatory. The Court will prepare a revised Order in this regard and the instant Motion to Excuse the Imposition of Sanctions on Defendant Clayanna Newbern is denied. As indicated, the Court will prepare the form of order.

4. **22CV02005 DENVER, DENNIS V. WALMART, INC.**

EVENT: Motion to be Relieved as Counsel

The Motion to be Relieved as Counsel is granted. The Court will sign the form of order previously submitted by counsel with modification to Paragraph 7.a. to indicate that the next scheduled hearing is a Case Management Conference on October 18, 2023 at 10:30 a.m.

5. **23CV00189 VOLLRATH, MICHAEL DAVID V. MID VALLEY TITLE AND ESCROW COMPANY ET AL**

EVENT: Motion for Order Establishing Admission

Defendant's Motion for Order Establishing Admissions is moot, the Defendant having subsequently received Code compliant responses; however, sanctions are mandatory under CCP §2033.280(c), and the Court awards sanctions against Plaintiff Michael David Vollrath in the amount of \$977.20, which are to be paid within 30 days' notice of this ruling. Counsel for the Defendant shall submit a form of order consistent with this ruling within two weeks.

6. **23MH00382 BUTTE COUNTY SHERIFF'S OFFICE V. TRIBBLE, BRIGETTE ANN**

EVENT: Request for Hearing for Relief from Firearms Prohibition

The Court will hear from the parties.

7. **23MH00400 PETITION OF: GOMES, TREVER JAMES**

EVENT: Request for Hearing for Relief from Firearms Prohibition

The Court will hear from the parties.