

Judge Mosbarger – Law & Motion – Wednesday, October 25, 2023 @ 9:00 AM
TENTATIVE RULINGS

1. 21CV00759 SIMS, SHARON ET AL V. SINGH, JOBANIT ET AL

EVENT: Defendants Shaheen Transport LLC and Jobanit Singh's Motion for Determination of Good Faith Settlement

The Court finds that the settlement between Defendants/Cross-Defendants/Cross-Complainants Shaheen Transport LLC and Jobanjit Singh, and Plaintiffs (1) Sharon Sims, as the surviving parent of David Sims, deceased, through her successor in interest Melissa Gillenwaters-Reddish, (Butte Co. Case No. 21CV00759); (2) Lori Sims, as surviving spouse of David Sims, deceased, (Butte Co. Case No. 21CV01524); (3) Ariel De Jesus Ortiz, Cassandra Ortiz and Christian Ortiz, as surviving adult children of Lupe Ortiz, deceased (Butte Co. Case No. 22CV01478); (4) Rachael Phan individually (Butte Co. Case No. 22CV002988); (5) Linda Garcia, individually (Butte Co. Case No. 22CV001993); (6) Jada Green and (7) Brandon Vitale, individually (Sacramento Co. Case No.34-2022- 00319842), as well as (8) the property damage claim of Elia Barbalace; and (9) RAH Environmental (Butte Co. Case No. 20SC02055), was made in good faith pursuant to Tech-Bilt, Inc. v. Woodward-Clyde & Associates (1985) 38 Cal.3d 488. Defendants/Cross-Defendants/Cross-Complainants Shaheen Transport LLC and Jobanjit Singh's Motion for Good Faith Settlement is granted and the Court will sign the form of order submitted by counsel.

2. 21CV02330 DECKER, MICHAEL P ET AL V. SIERRA PACIFIC LAND & TIMBER COMPANY ET AL

EVENT: Plaintiff's' Motion Objecting to Amount of Bond

Plaintiffs' Request for Judicial Notice is granted. Defendants' Request for Judicial Notice is granted. Defendants filed the \$10,000 preliminary injunction bond on September 12, 2023, and served Plaintiffs by mail with notice that the bond was filed on the same day. [See Notice of Filing of Bond and Proof of Service, attached as Exhibit A to the Declaration of William R. Warne.] Thus, pursuant to CCP §995.930(b) and 1013(a) a timely Motion objecting to the bond was to be filed on or before September 27, 2023, the date on which the instant Motion was filed. As such, the Motion is timely. The Court finds that the bond set for the preliminary injunction in this matter is sufficient and declines to modify its prior ruling in this regard. Defendants shall submit a form of order within two weeks.

3. 22CV01041 HARLES, BRET V. OROVILLE UNION HIGH SCHOOL DISTRICT

EVENT: Motion for Summary Adjudication

Plaintiff's Evidentiary Objections are overruled.

The Court finds that the first cause of action fails as a matter of law as there is no cause of action for monetary damages for the alleged due process violation of Skelly

rights. See, *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194, 197; *Barber v. State Pers. Bd.* (1976) 18 Cal.3d 395, 399; *Katzberg v. Regents of Univ. of California* (2002) 29 Cal.4th 300. Defendant's Motion for Summary Adjudication as the first cause of action is therefore granted. As to the third cause of action alleging wrongful termination in violation of public policy, the Court finds that no such common law cause of action can be brought against a public entity. See, *Miklosy v. Regents of the University of California* (2008) 44 Cal.4th 876; *Lloyd v. City of Los Angeles* (2009) 172 Cal.App.4th 320. Thus, Defendant is entitled to summary adjudication as a matter of law and Defendant's Motion for Summary Adjudication as the third cause of action is therefore granted. Defendant shall submit a form of order consistent with this ruling within two weeks.

4. 22CV01376 VANNI-WAGNER, VICTORIA V. HAWES, PAUL MARTIN

EVENT: Motion to Continue Trial

Plaintiff's Motion to Continue Trial Date is unopposed and is granted, the Court finding good cause for the requested continuance. The Court vacates the trial date of December 18, 2023, the trial readiness conference set for December 14, 2023, and the mandatory settlement conference on November 15, 2023. This matter is set for a Case Management Conference on January 10, 2024 at 10:30 a.m. for resetting of trial dates. The Court will sign the form of order submitted by counsel.

5. 22CV02187 A, C V. COUNTY OF BUTTE

EVENT: Motion for Leave to File Cross-Complaint

The Motion is unopposed and is granted. Leave is granted to Defendant County of Butte to file a Cross-Complaint against Randy Loseth and Carey Loseth, within thirty days of the Notice of Entry of this Order. Additionally, the Court vacates the trial date of April 22, 2024, the trial readiness conference set for April 18, 2024, and the mandatory settlement conference on March 27, 2024. This matter is set for a Case Management Conference on February 21, 2024 at 10:30 a.m. for resetting of trial dates. The Court will sign the form of order submitted by Defendant.