

Judge Mosbarger – Law & Motion – Wednesday, April 10, 2024 @ 9:00 AM
TENTATIVE RULINGS

1. 22CV01862 D, M V. COUNTY OF BUTTE

EVENT: County of Butte’s Motion for Leave to File Cross-Complaint Against Dwayne Cliff Watkins and to Continue the Current Trial Date and PreTrial Deadlines

Defendant’s Request for Judicial Notice is granted. The Motion is granted in part and denied in part. The Court grants leave to Defendant County of Butte to file a Cross-Complaint against Dwayne Cliff Watkins within thirty days of the Notice of Entry of this Order. However, the Court denies without prejudice the request for a continuance of the trial date, Defendant having failed to satisfy the requirement of showing good cause at this time and finding that a continuance of this matter would prejudice the Plaintiff. Counsel for the Defendant shall submit a revised form of order consistent with this ruling within two weeks.

2. 23CV00768 XUE, XINMIN V. ESCHOO, GEORGE ET AL

EVENT: Defendant and Cross-Complainant 32 & Bruce Partners, LLC’s Motion to Quash or Limit Deposition Subpoena for the Production of Business Records from Custodian of Records for Citibank 3996 Barranca Parkway, Irvine, CA 92606; and/or Request for Protective Order; and Request for Reasonable Expense in Making This Motion Against Plaintiff and Cross-Defendant Xinmin Xue, Cross-Defendant Bin Zhi, and Their Attorneys Brook John Changala and David M. Lawrence in the Sum of \$7,560.00

Defendant’s Request for Judicial Notice is granted. The Motion to Quash is granted, in part. The Court finds that a subpoena issued and acknowledged has the same force and effect as a subpoena personally served and therefore based upon the acceptance of the electronically served subpoena by Citibank, service is deemed sufficient. The Court finds that the Subpoena seeks information that is relevant to the allegations of the Cross-Complaint and does not seek privileged information. However, the Court limits the scope of the Subpoena to the time period of December 2014 to the present, finding the request in the Subpoena to be overbroad. In regard to Defendant’s alternative request for a “First Look Procedure”, the Court denies that request, finding that the Defendant has failed to establish good cause for such an Order. The parties’ respective requests for sanctions are denied. Counsel for the Defendant shall submit a revised form of order consistent with this ruling within two weeks.

3. 23CV00825 DANLY, ADAWNA V. RALEY’S HOLDING COMPANY

EVENT: Motion to be Relieved as Counsel

The Motion to be Relieved as Counsel is granted, effective upon the filing of the proof of service of the signed order upon the client. The Court will sign the form of order submitted by counsel with modification to Paragraph 5.a. to reflect the effective date of the order.

4. **24CV00176 IN RE: TRACY, BRANDEE LEE**

EVENT: Amended Petition for Change of Name

If proper proof of publication is submitted at or before the hearing, the Petition will be granted.