

**Judge Mosbarger – Law & Motion – Wednesday, January 29, 2025 @ 9:00 AM
TENTATIVE RULINGS**

1. 21CV00994 TARMAN, THOMAS A V. PARKER, ROBERT F

EVENT: Motion for Judgment on the Pleadings

The Court finds that the title of the pleading filed by Defendant and Cross-Complainant Robert F. Parker (“Parker” herein) on May 7, 2024 is not determinative or controlling and Parker was expressly authorized to file the document by Order of this Court dated May 1, 2024, in relation to his unopposed Motion for Leave to File a First Amended Cross Complaint. The Court further finds that the new cause of action arises out of the original claims and is therefore permitted. The Motion is denied. Counsel for Parker shall submit a form of order within two weeks.

2. 21CV02398 ACOSTA, RUBI ET AL V. OROVILLE HOSPITAL ET AL

EVENT: Defendant’s Motion to Continue Trial

Defendants’ Motion to Continue Trial is GRANTED, the Court finding good cause for the requested continuance. The Court vacates the trial date of March 10, 2025, and the trial readiness conference set for March 6, 2025. This matter is set for a mandatory settlement conference on June 13, 2025 at 10:00 a.m. with Judge Heithecker, a trial readiness conference on July 10, 2025 at 1:30 p.m., and a jury trial on July 14, 2025 at 8:00 a.m. with a 10-day estimate. The Court will utilize the form of order submitted by counsel.

3. 21CV02434 KITCHEN, IVANELL ET AL V. WINDSOR CHICO CREEK CARE AND REHABILITATION CENTER, LLC

EVENT: Defendants’ Motion to Bifurcate Trial into Two Phases

Defendants’ Motion to Bifurcate Trial into Two Phases is granted in part and denied in part. The Motion is unopposed and is granted as to punitive damages. See, *Civil Code* §3295(d). However, as it relates to the remaining requested bifurcation on the issue of alter ego, the Court finds that Defendants have failed to show that bifurcation meets the requirements of *Code of Civil Procedure* §§598 and/or 1048(b), and that the financial information relating to alter ego goes to the heart of Plaintiffs’ causes of action and liability. See, *Notrica v. State Compensation Ins. Fund* (1999) 70 Cal.App.4th 911, 939. As such, the Motion is denied in that regard. Counsel for the Defendants shall submit a revised form of order consistent with this ruling within two weeks.

4-5. 22CV02669 SHABAZZ, JAMEL ET AL V. MANN & COMPANY, INC.

EVENTS: (1) Motion for Final Approval of Class Action and PAGA Settlement

(2) Motion for Attorneys' Fees, Litigation Costs, and Class Representative Payments

Plaintiffs' Motion for Final Approval of Class Action and PAGA Settlement and Motion for Attorneys' Fees, Litigation Costs, and Class Representative Payments are granted. A compliance hearing is scheduled for July 30, 2025 at 10:30 a.m. The Court will sign the proposed Order of Final Approval and Judgment submitted by Plaintiffs.

6. 23CV02343 DENNY, CINDY V. GENERAL MOTORS, LLC

EVENT: Plaintiff's Motion for Attorneys' Fees and Costs Pursuant to Civil Code Section 1794(d)

The Court reduces the amount of attorney's fees requested by \$15,580 based upon the Court's finding that the billed time for discovery, meet and confer correspondence, and motions to compel, were unreasonable and excessive. The Motion is otherwise granted. The Court awards attorney's fees of \$23,042.50. Due to Defendant's filing of a Motion to Tax, the Court has not considered the arguments raised by the parties in relation thereto. The issue of costs will be decided based upon the papers submitted and arguments raised in the briefing on the Motion to Tax. The Court will sign the form of order with modification as indicated.

7. 23CV03504 CHEROKEE PROPERTIES, LLC V. BOWEN, CAMERON

EVENT: Motion to Set Aside Default Judgement Pursuant to Civil Code Section 473

The Court finds that Defendant has satisfied the statutory requirements for relief under the mandatory relief provisions of Code of Civil Procedure §473(b) and the Motion to Set Aside Default is granted. The Default entered on August 1, 2024 is set aside and Defendant shall file and serve his responsive pleading within 10 days' notice of this ruling. The Court awards reasonable compensatory legal fees and costs in amount of \$146.20 against defense counsel, Daniel Shepherd Henderson, pursuant to Code of Civil Procedure §473(b) ["...[t]he court shall, whenever relief is granted based on an attorney's affidavit of fault, direct the attorney to pay reasonable compensatory legal fees and costs to opposing counsel or parties."] Those fees and costs are to be paid within 30 days. The Case Management Conference is continued to May 7, 2025 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

8. 24CV00434 MAHNKE, TIM V. JUSTESON, JEREMY ET AL

EVENT: Motion to Strike Portions of Complaint

Dismissal having been entered on January 15, 2025 as to the prayer for Punitive Damages and Exemplary Damages, the Motion to Strike is moot as to that regard and denied in part. However, because the dismissal pertains only to the punitive damages prayer, and not the allegations in the body of the Complaint, the Motion to Strike is granted as to the entirety of Paragraph 21. Counsel for the Defendant to submit a form of order within two weeks.

9. 24CV02138 VILLALPANDO, MONIQUE V. JUAREZ, LAZARO

EVENT: Status Conference (Proof of Deposit into Blocked Account)

The Court will hear from counsel regarding the status of deposit of funds into blocked account and receipt of the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356).