

**Judge Mosbarger – Law & Motion – Wednesday, April 23, 2025 @ 9:00 AM  
TENTATIVE RULINGS**

**1-4. 23CV00595 ALICE MACMULLEN, BY AND THROUGH HER SUCCESSOR IN INTEREST, KELLY SPASBO ET AL V. THE INN OPERATIONS, LP ET AL**

*EVENTS: (1) Plaintiffs' Motion Compel Defendant The Inn Operations, LP dba The Inn at the Terraces to Provide Further Responses to Special Interrogatories, Set Two, and to Strike Meritless Objections*

*(2) Plaintiffs' Motion Compel Defendant The Inn Operations, LP dba The Inn at the Terraces to Provide Further Responses to Request for Admissions, Set One, and to Strike Meritless Objections*

*(3) Plaintiffs' Motion Compel Defendant Westmont Living, Inc. to Provide Further Responses to Special Interrogatories, Set One, and to Strike Meritless Objections*

*(4) Plaintiffs' Motion Compel Defendant Westmont Manager GP, LLC to Provide Further Responses to Special Interrogatories, Set One, and to Strike Meritless Objections*

Plaintiffs' Motion Compel Defendant The Inn Operations, LP dba The Inn at the Terraces to Provide Further Responses to Special Interrogatories, Set Two, and to Strike Meritless Objections.

The Court finds that Plaintiffs are entitled to the information requested in Special Interrogatory Nos. 109-136, specifically finding that Plaintiffs are entitled to information concerning Defendant's contentions and evidence underlying those contentions. Plaintiffs also request the Court "strike defendants' meritless and boilerplate objections..." In that regard, the Court finds that the objection as to the number of Interrogatories propounded (over 35), the objection that the Interrogatories are vague, ambiguous, and overbroad, and the objection that the Interrogatories are premature, all lack merit and are hereby stricken. The remaining objections, if they apply to the specific Interrogatory, may be raised in Defendant's further responses to these Interrogatories. The Court orders that Defendant The Inn Operations, LP dba The Inn at the Terraces shall provide further responses to Special Interrogatories, Set Two, Nos. 109-136 within 14 days' notice of this Order. In regard to Plaintiffs' request that the Court also strike Defendant's objections to Special Interrogatory Nos. 84-87 and 100-108, even in light of the fact that substantive, and admittedly sufficient responses were provided by Defendant, the Court finds that the only objection that has merit is to the extent that a specific Interrogatory calls for disclosure of information protected by the attorney-client privilege and/or attorney work product doctrine. If that is the case, such an objection may be raised in Defendant's further responses to Special Interrogatory Nos. 84-87 and Special Interrogatory Nos. 100-108. The Court strikes the remaining objections. The Court orders that Defendant The Inn Operations, LP dba The Inn at the Terraces shall provide further responses to Special Interrogatories, Set Two, Nos. 84-87 and 100-108, without objection (other than when the attorney-client privilege and/or attorney work

product doctrine are applicable) within 14 days' notice of this Order. Counsel for the Plaintiffs shall prepare and submit a form of order within two weeks.

Plaintiffs' Motion Compel Defendant The Inn Operations, LP dba  
The Inn at the Terraces to Provide Further Responses to  
Request for Admissions, Set One, and to Strike Meritless Objections

The Court finds that Defendant's responses are insufficient, but only to the extent that they do not include an indication that Defendants have not withheld any information on the basis of the stated objections. The responses are otherwise substantive and appropriate. The Court therefore grants the Motion, but only to extent that Defendant The Inn Operations, LP dba The Inn at the Terraces is to provide further responses that indicate that a reasonable and diligent inquiry has been made and no information has been withheld. Defendant The Inn Operations, LP dba The Inn at the Terraces shall provide further responses to Request for Admissions, Set One Nos. 3-33 within 14 days' notice of this Order. Counsel for the Plaintiffs shall prepare and submit a form of order within two weeks.

Plaintiffs' Motion Compel Defendant Westmont Living, Inc.  
to Provide Further Responses to Special Interrogatories,  
Set One, and to Strike Meritless Objections

The Court finds that Plaintiffs are entitled to the information requested in Special Interrogatory Nos. 42-47, finding that the requested information is relevant and discoverable. Likewise, the Court finds that Plaintiffs are entitled to the information requested in Special Interrogatory Nos. 67-75, specifically finding that Plaintiffs are entitled to information concerning Defendant's contentions and evidence underlying those contentions. Plaintiffs also request the Court "strike defendants' meritless and boilerplate objections..." In that regard, the Court finds that the objection as to the number of Interrogatories propounded (over 35), the objection that the Interrogatories are vague, ambiguous, and overbroad, and the objection that the Interrogatories are premature, all lack merit and are hereby stricken. The remaining objections, if they apply to the specific Interrogatory, may be raised in Defendant's further responses. The Court orders that Defendant Westmont Living, Inc. shall provide further responses to Special Interrogatories, Set One, Nos. 42-47 and 67-75 within 14 days' notice of this Order. In regard to Plaintiffs' request that the Court strike Defendant's objections to Special Interrogatory Nos. 21-32 and 53-60, even in light of the fact that substantive, and admittedly sufficient responses were provided by Defendant, the Court finds that the only objection that has merit is to the extent that a specific Interrogatory calls for disclosure of information protected by the attorney-client privilege and/or attorney work product doctrine. If that is the case, such an objection may be raised in Defendant's further responses to Special Interrogatory Nos. 67-75. The Court strikes the remaining objections. The Court orders that Defendant Westmont Living, Inc. shall provide further responses to Special Interrogatories, Set Two, Nos. 21-32 and 53-60, without objection (other than when the attorney-client privilege and/or attorney work product doctrine are applicable) within 14 days' notice of this Order. Counsel for the Plaintiffs shall prepare and submit a form of order within two weeks.

Plaintiffs' Motion Compel Defendant Westmont Manager GP, LLC  
to Provide Further Responses to Special Interrogatories,  
Set One, and to Strike Meritless Objections

The Court finds that Plaintiffs are entitled to the information requested in Special Interrogatory Nos. 42-47, finding that the requested information is relevant and discoverable. Likewise, the Court finds that Plaintiffs are entitled to the information requested in Special Interrogatory Nos. 67-75, specifically finding that Plaintiffs are entitled to information concerning Defendant's contentions and evidence underlying those contentions. Plaintiffs also request the Court "strike defendants' meritless and boilerplate objections..." In that regard, the Court finds that the objection as to the number of Interrogatories propounded (over 35), the objection that the Interrogatories are vague, ambiguous, and overbroad, and the objection that the Interrogatories are premature, all lack merit and are hereby stricken. The remaining objections, if they apply to the specific Interrogatory, may be raised in Defendant's further responses. The Court orders that Defendant Westmont Manager GP, LLC shall provide further responses to Special Interrogatories, Set One, Nos. 42-47 and 67-75 within 14 days' notice of this Order. In regard to Plaintiffs' request that the Court strike Defendant's objections to Special Interrogatory Nos. 21-32 and 53-60, even in light of the fact that substantive, and admittedly sufficient responses were provided by Defendant, the Court finds that the only objection that has merit is to the extent that a specific Interrogatory calls for disclosure of information protected by the attorney-client privilege and/or attorney work product doctrine. If that is the case, such an objection may be raised in Defendant's further responses to Special Interrogatory Nos. 67-75. The Court strikes the remaining objections. The Court orders that Defendant Westmont Manager GP, LLC shall provide further responses to Special Interrogatories, Set Two, Nos. 21-32 and 53-60, without objection (other than when the attorney-client privilege and/or attorney work product doctrine are applicable) within 14 days' notice of this Order. Counsel for the Plaintiffs shall prepare and submit a form of order within two weeks.

**5. 24CV00332 TACALO, ALEXANDRA V. LARA, ANTHONY ET AL**

*EVENT: Defendant City of Gridley's Demurrer to Second Amended Complaint*

As an initial matter, the Court notes that the "Opposition" filed by Plaintiff on April 8, 2025 and not served on the Defendant, appears to relate to the prior Demurrer to the First Amended Complaint, and in any case, provides no legal argument in relation to the issues raised by Defendant in the instant Demurrer. Defendant's Request for Judicial Notice is denied. Plaintiff has again failed to plead the elements with the required specificity, to sustain a cause of action for municipal liability for failure to train. *Merritt v. Cnty. of Los Angeles* (9th Cir. 1989) 875 F.2d 765, 770. There are no facts regarding the City's alleged defective training nor any facts that give rise to a causal link between the alleged inadequacy of the training and Plaintiff's excessive force or failure to render medical aid claim. The Demurrer to the Third Cause of Action for Municipality Liability

for Failure to Train is sustained without leave to amend. Counsel for the Defendant shall submit a form of order consistent with this ruling within two weeks.

**6-7. 24CV02342 LOZADA, RACHEL ROMERO V. KEPLEY, DON ET AL**

*EVENTS: (1) Motion for Summary Judgment*

*(2) Case Management Conference \*Special Set*

A defendant moving for summary judgment has the initial burden of showing that the cause of action lacks merit (because one or more elements cannot be established or there is a complete defense). *Code of Civil Procedure* §437c(o); See also, *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 861. The requirement that there be “no triable issue of material fact” means that summary judgment can be granted only where the essential facts are either conceded or beyond dispute. If there is one single material fact in dispute, the motion must be denied. California Rules of Court, Rule 3.1350(a)(2); *Versa Technologies, Inc. v. Superior Court* (1978) 78 Cal.App.3d 237. Here, the Court finds that a triable issue of material fact exists as to whether Plaintiff has a claim to quiet title by way of a prescriptive easement, and thus concludes that Defendants have failed to meet their initial burden of establishing a complete defense to Plaintiff’s claim. The Court notes that Defendants failed to submit a separate statement in violation of California Rules of Court, Rule 3.1350(c)(2) and (d), failed to submit evidence to support any issue presented by the pleadings, failed to present any relevant legal authority or analysis, and have thus failed to establish that the cause of action for quiet title lacks merit. The Motion is denied. The Court continues the Case Management Conference to June 11, 2025 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

**8. 24CV04186 SCALES, TONY V. MARR, LINDA GAIL ET AL**

*EVENT: Defendant Amelia Hoke’s Demurrer*

While the Court finds that Plaintiff has sufficiently alleged that he was a member of a “protected class”, the Court finds that Plaintiff has failed to allege facts sufficient to establish that the harassment so severe or pervasive that it created a hostile work environment. Plaintiff has therefore failed to state a cause of action for work environment harassment and the Demurrer is sustained as to the Fourth Cause of Action – Work Environment Harassment (Gov. Code §12940(j)). The Court does grant leave to amend, and any amended Complaint is to be filed within 10 days’ notice of entry of this order. The Court will utilize the form of order submitted by the Defendant with modification to include the Court’s granting of leave to amend.

**9. 24CV04338 TORRES, KIMBERLY V. PARK, WILLIAM**

*EVENT: Defendant William Park's Motion to Strike Ports of Plaintiff's First Amended Complaint*

The Court finds that the First Amended Complaint includes allegations of harassment prior to Plaintiff's employment at Butte Psychological Services ("BPS" herein). [See First Amended Complaint at ¶8]. As such, the text messages attached to the First Amended Complaint, which Defendant seeks to strike by way of this Motion, are within the alleged employment relationship making them relevant. The Motion to Strike is denied. Counsel for the Plaintiff shall prepare and submit a form of order within two weeks.

**10. 24MH00508 CHICO POLICE DEPARTMENT V. WEBER, KRISTOPHER**

*EVENT: Petition Hearing*

The Request for Entry of Default, filed on April 4, 2025 is insufficient for entry of default. The Court requires the filing of a Petition for Default and Order on Petition for Judicial Determination Re: Return of Firearms, supported by the required Declarations and sufficiently establishing the required notice. See, *Health & Safety Code* §11488.5. Counsel for the Petitioner is to set the hearing on the Petition for Default on the Court's Law & Motion calendar for a date allowing sufficient notice. The matter is set for a status hearing on June 25, 2025 at 10:30 a.m. for status of default.