

**Judge Mosbarger – Law & Motion – Wednesday, August 27, 2025 @ 9:00 AM
TENTATIVE RULINGS**

1. 23CV01684 CASTOR, KIMBERLY ET AL V. CHUN, LORRAINE, MD ET AL

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 clients. Counsel shall submit a revised form of order with the new future hearing date(s) following the Court's execution of the Stipulation to Continue Trial, Trial Readiness Conference and Settlement Conference and all Related Dates and Order Granting Continuing Trial, Trial Readiness Conference, Settlement Conference, and All Related Dates on August 18, 2025.

2. 24CV04221 CORTINA HULLING & SHELLING, LLC V. INTERNATIONAL FARM MANAGEMENT, LLC

EVENT: Order of Examination (Rocelia Camerana, as Manager/Member of Judgment Debt- or International Farm Management LLC)

The Court will swear in the Judgment Debtor for examination.

3. 25CV02090 RUIZ ENRIQUEZ, EDGAR V. CSAA INSURANCE EXCHANGE

EVENT: Claimant's Motion to Quash or Modify Deposition Subpoenas

The Court finds that it has previously ruled on an identical motion as it relates to the Subpoenas issued to Claimant's medical providers and to the extent that this Motion seeks the same relief, the Motion is denied. The Court finds that the only issue remaining is as to the Subpoena issued to Claimant's employer, Target Stores c/o C.T. Corporation Systems. As to that Subpoena, the Motion is granted, in part. The Court finds that the information requested is overbroad and limits the Subpoena to the time period of January 1, 2022 to the present. The Court denies both the Claimant and Respondent's requests for sanctions. Counsel for the Claimant shall submit a revised form of order within two weeks.

4. 25CV02670 SANCHEZ, CHARLES L ET AL V. FARMERS INSURANCE EXCHANGE

EVENT: Motion to Appoint Arbitrator in an Underinsured Motorist Action and Compel Arbitration Within 120 Days Pursuant to CCP §1281.6, Insurance Code §11580.2(f), CCP §36(a)(1) and Motion Preference Pursuant to CCP §36(a)(1)

The Court finds that service of the instant Motion, as well as service of the underlying Petition for Assignment of Superior Court File Number, to be insufficient. Both the Motion and Petition were served on Rick Musgrove who is identified in Hank G. Greenblatt's Declaration as "Farmer's adjuster". Because notice is insufficient, the Motion is denied. However, even if the Court were to reach the merits of the Motion, the Court concludes

that *Code of Civil Procedure* §36(a) preference for an expedited trial setting does not directly apply to underinsured motorist (UIM) arbitrations in the same way it applies to civil actions in court, and the Court has no authority to grant preference in relation to a UIM arbitration. Further, the appointment of an arbitrator by the Court is governed by *Code of Civil Procedure* §1281.6, which sets forth a procedural framework for such appointment that has not been followed here. Thus, even if the Court were to consider the merits of the Motion, it would be denied in its entirety.

5-7. 25PR00196 LOWRY REVOCABLE INTER VIVOS TRUST, DATED JANUARY 7, 2006

EVENTS: (1) Demurrer to Petition to Enforce No-Contest Clause

*(2) Petition to: 1. Review Objections to Trust Accounting and Surcharge Trustee; 2. Suspend Powers of Trustee; 3. Appoint Interim Trustee *Special Set to Trail Hearing on Demurrer*

*(3) Petition to Enforce No-Contest Clause*Special Set to Trail Hearing on Demurrer*

The Demurrer is overruled in its entirety. The Court finds that Barbara J. Bowen's allegation in her Petition filed April 24, 2025 that she "claims reimbursement from the Trust in the amount of \$10,000" based upon an alleged agreement with the Settlor, meets the definition of a creditor's claim under *Probate Code* §19000 and Section 7.3 of The Lowry Revocable Inter Vivos Trust dated January 17, 2006. The Demurrer is overruled on that basis. As to the issue of whether the Petition sufficiently alleges probable cause, the Court finds that the Petition to Enforce the No Contest Clause does sufficiently allege facts that Barbara's creditor's claim lacks probable cause [See Petition to Enforce the No Contest Clause at Page 2, Lines 7-14; and Page 3, Lines 12-27]. The Demurrer is therefore overruled on that basis as well. Counsel for Mildred I. Buchanan shall prepare and submit a form of order consistent with this ruling within two weeks. In addition, the Court will hear from counsel regarding the Petition to: 1. Review Objections to Trust Accounting and Surcharge Trustee; 2. Suspend Powers of Trustee; 3. Appoint Interim Trustee; and the Petition to Enforce No-Contest Clause, specifically as to whether the parties are ready to set the matter for trial. However, this is not an invitation to present oral argument in regard to the Demurrer. If the parties wish to argue the tentative ruling, they must comply with Butte County Local Rule 2.9 and California Rules of Court Rule 3.1308(a)(1).

8. 22PR00579 JAMES AND AMY WELLS REVOCABLE TRUST OF 2008

EVENTS: Motion for Discovery Sanctions

Respondent's Objections to Evidence are over-ruled. The Court finds that there has been no showing of ongoing and willful disobedience of a Court's discovery order nor blatant and ongoing abuse of the discovery process that rises to the level of discovery abuse to support terminating sanctions. As such, terminating sanctions are not warranted on this record. See, *Liberty Mutual Fire Ins. Co. v. LcL Administrators, Inc.*

(2008) 163 Cal.App.4th 1093. Respondent's request for further monetary sanctions is granted and the Court awards sanctions to against Petitioner in the sum of \$5,280.95. Sanctions are to be paid within 30 days' notice of this order. Respondent shall submit a revised form of order consistent with this ruling within two weeks. The Court is aware of counsel's intent to appear at the hearing, and no further notice to the Court or opposing counsel is required.