

TENTATIVE RULINGS

****This calendar will be heard by Judge Benson.***

1-2. 24CV02514 JANE CDE DOE ET AL V. CHICO UNIFIED SCHOOL DISTRICT ET AL

EVENTS: (1) Petition for Approval of Compromise as to Jane CLM Doe

(2) Petition for Approval of Compromise as to Jane CDE Doe

The Petitions for Approval of Compromise are granted. The minors are not required to attend the hearing, the Court finding good cause to dispense with their personal appearance. The Status Conference on October 1, 2025 is vacated, and the Court sets this matter for a Status Conference on November 5, 2025 at 10:30 a.m. for status of funding the annuities and status of dismissal. The Court will sign the forms of order submitted by counsel.

3. 25CV00436 TBF FINANCIAL I, LLC V. GREASE MONKEY TRUCK REPAIR, INC ET AL

EVENT: Motion for Order that Plaintiff's Request for Admissions of Fact and Genuineness of Documents be Deemed Admitted, and Compelling Defendant Mohammad Assad Khan to Respond to Plaintiff's Form and Special Interrogatories, Requests for Production of Documents, and for Monetary Sanctions, Including Attorneys' Fees

Plaintiff's Motion is unopposed and is granted. Pursuant to *Code of Civil Procedure* §2033.280, Plaintiff's Requests for Admission of Fact and Genuineness of Documents, Set One, is deemed admitted; Defendant Mohammad Assad Khan shall provide full and complete responses, without objection, to Plaintiff's Requests for Production of Documents, Set One, Plaintiff's Special Interrogatories, Set One, and Plaintiff's Form Interrogatories, Set One, within 14 days of the hearing on this matter; and Defendant Mohammad Assad Khan shall pay sanctions in the amount of \$1,863.75 to Glassberg, Pollak & Associates within 30 days of notice of this Court's ruling. The Court will sign the form of order submitted by the Plaintiff.

4. 25CV01733 SAETEUN, LIEW ET AL V. CHING, BRIAN TROY, MD ET AL

EVENT: Defendants' Demurrer to Plaintiffs' Third Cause of Action for Elder Abuse

The Court finds that the provision of medical care, without more, does not establish a custodial relationship. See, *Winn v. Pioneer Medical Group, Inc.* (2016) 63 Cal.4th 148, 158; *Kruthanooch v. Glendale Adventist Medical Center* (2022) 83 Cal.App.5th 1109, 1128-1133. Plaintiffs fail to allege facts showing that Defendants were responsible for Plaintiff Liew Saeteun's basic needs, such as food, shelter, or hygiene, as opposed to providing medical treatment. Accordingly, Plaintiffs' allegations are insufficient to establish the requisite custodial relationship for an elder abuse claim. Additionally, the Elder Abuse Act is not intended to address claims of professional negligence, even when the negligence occurs in the context of medical treatment for an elder. See, *Covenant Care, Inc. v. Superior Court* (2004) 32 Cal.4th 771, 783. Here, there are no allegations that support a finding of neglect beyond those related to Defendants' alleged

professional negligence in providing medical care to Plaintiff Liew Saeteun. Thus, the Court finds that the cause of action for elder abuse is not supported by the allegations in the First Amended Complaint. Plaintiffs have also failed to allege facts showing that the Defendants engaged in egregious conduct amounting to recklessness, oppression, fraud, or malice. *Carter v. Prime Healthcare Paradise Valley LLC* (2011) 198 Cal.App.4th 396, 406. Lastly, the Court finds that Plaintiffs' elder abuse claim is duplicative of their medical negligence claim. Defendants' Demurrer to Plaintiffs' Third Cause of Action for Elder Abuse is sustained with leave to amend. Any amended Complaint shall be filed and served within 10 days' notice of this ruling. Counsel for the Defendants shall submit a form of order within two weeks.