

**Judge Mosbarger – Law & Motion – Wednesday, November 26, 2025 @ 9:00 AM
TENTATIVE RULINGS**

1-4. 21CV00888 DAUN, DOROTHY ET AL V. STRATUS TOOL TECHNOLOGIES, LLC ET AL

EVENTS: (1) Defendant Air Carriage, Inc.'s Motion to File Documents Under Seal (Daun)
(2) Defendant Air Carriage, Inc.'s Motion to File Documents Under Seal
(Suemoto)
(3) Defendant Air Carriage, Inc.'s Motion for Determination of Good Faith
Settlement (Daun)
(4) Defendant Air Carriage, Inc.'s Motion for Determination of Good Faith
Settlement (Suemoto)

The Court may seal filed records only if it expressly finds facts that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest. California Rules of Court, Rule 2.550(d); *McNair v. National Collegiate Athletic Assn.* (2015) 234 Cal.App.4th 25, 32. The burden to make such a showing is on the party seeking to seal the documents. *H.B. Fuller Co. v. Doe* (2007) 151 Cal.App.4th 879, 894. The Court finds that here, Defendant has met its burden and Defendant Air Carriage, Inc.'s Motion to File Documents Under Seal (Daun) and Defendant Air Carriage, Inc.'s Motion to File Documents Under Seal (Suemoto) are granted. The Court will sign the forms of order submitted by counsel.

The Court finds that the settlement between Defendant Air Carriage, Inc. and Plaintiffs (1) Dorothy Daun, Rebecca Daun-Widner, and Stacey Elizabeth Owen; and (2) Ayumi Suemoto, was made in good faith pursuant to *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488. Defendant Air Carriage, Inc.'s Motions for Good Faith Settlement are granted, and the Court will sign the forms of order submitted by counsel.

5. 22CV02560 PETERSON, CHELSEA ET AL V. 1271 WHITEWOOD WAY RESIDENCE, ET AL

EVENT: Defendant DAREC Inc. dba IPM Chico's Motion for Judgment on the Pleadings as to Plaintiffs' Complaint

Pursuant to *Code of Civil Procedure* §1005(b), a timely opposition was to be filed and served no later than November 13, 2025 [nine Court days before the hearing]. The Court notes that an untimely opposition was filed on November 18, 2025 at 9:44 PM, which is only six Court days before the hearing. The Court thus deems the opposition untimely and refuses to consider it. See, *Code of Civil Procedure* §1005(b), and Butte County Local Rule 3.11.B. ["The Court may, in its discretion, refuse to consider late filed papers or may impose sanction, including monetary sanctions. Where opposition papers are late or entirely omitted, no oral argument by the opposing party will be allowed unless the Court otherwise directs..."] The Court deems the Motion for Judgment on the Pleadings unopposed and the failure to file a written opposition may be construed as having

abandoned the claims. See *Herzberg v. County of Plumas* (2005) 133 Cal.App.4th 1, 20 (“Plaintiffs did not oppose the County’s demurrer to this portion of their seventh cause of action and have submitted no argument on the issue in their briefs on appeal. Accordingly, we deem plaintiffs to have abandoned the issue.”). However, while the Court may grant the Motion for Judgment on the Pleadings in its entirety on the grounds that Plaintiffs have failed to file a timely opposition, the Court in its discretion has considered the merits of the Motion and rules as follows: The Court finds that the Complaint is uncertain, ambiguous, and unintelligible as to Defendant DAREC Inc. dba IPM Chico, and Plaintiffs have failed to state a cause of action for (1) Battery; (2) Negligence; (3) Intentional Infliction of Emotional Distress; (4) Statutory Breach of Warranty of Habitability; (5) Tortious Breach of Implied Warranty of Habitability; (6) Violation of Business and Professions Code §17200 et seq.; (7) Breach of Covenant of Quiet Enjoyment; (8) Violation of Civil Code §1941.3; (9) Violation of Civil Code §1942.4; (10) Negligent Violation of Statutory Duty to Maintain Habitable Conditions; (11) Breach of Contract; (12) Private Nuisance; and (13) Public Nuisance. Defendant DAREC Inc. dba IPM Chico’s Motion for Judgment on the Pleadings as to Plaintiffs’ Complaint is unopposed, has legal merit, and is granted with leave to amend. The Court will sign the form of order submitted by the Defendant.

6. 24CV01277 13290 CONTRACTORS LANE, LLC V. WISHBONE RANCH, LLC ET AL

EVENT: Plaintiff’s Motion and Motion for Leave to Amend Complaint

The Court finds that the Plaintiff has sufficiently established the necessary elements of California Rules of Court, Rule 3.1324, including when the facts giving rise to the amended allegations were discovered and the reasons why the request for amendment was not made earlier. In the Court’s discretion, and upon finding that a denial of the Motion would deprive Plaintiffs of the right to assert a meritorious cause of action and will not prejudice the opposing party, the Motion is granted. The Third Amended Complaint shall be filed and served within ten days’ notice of this ruling. Counsel for the Plaintiff shall prepare and submit a form of order within two weeks.

7-8. 24CV04368 GOODWIN, MICHELLE RENEE V. WELLPATH

EVENTS: (1) Defendant Wellpath’s Motion to Dismiss

(2) Case Management Conference

The Motion is granted, the Case Management Conference is vacated, and the Court will sign the form of order submitted by counsel.

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9. 25CV00691 DOE 1, JANE V. GROZE, MELISSA ET AL

EVENT: Plaintiff's Motion for Leave to File First Amended Complaint

The Motion fails to comply with *any* of the procedural requirements of California Rules of Court Rule 3.1324. The Motion is 5 pages long and consists of less than 2 pages of legal argument and factual support. Additionally, the proposed changes are only vaguely identified as necessary "to more clearly articulate her claims and conform the pleading to facts discovered through ongoing investigation." As such, there is nothing on which the Court can base a ruling on the merits or make a determination as to whether the proposed amendments are proper. The Motion is denied.

10. 25CV01576 OROSCO, KATRINA LYNN V. CHICO HEIGHTS REHABILITATION AND WELLNESS CENTRE, LP ET AL

EVENT: Defendants' Motion to Compel Arbitration and Stay or Dismiss Proceedings

The Court is in receipt of the Joint Stipulation to Submit Plaintiff's Individual Claims to Arbitration and Stay Proceedings Pending Arbitration and has executed the proposed Order. It is Ordered that, pursuant to the Stipulation of the Parties hereto, this action is hereby dismissed with prejudice. No appearances are required.

11. 25CV03168 HUTCHRO, MONICA A V. PACIFIC GAS & ELECTRIC ET AL

EVENT: Defendant Robert Baron's Demurrer to Complaint

The Court finds that a plaintiff may allege matters on information and belief if those matters are not within the plaintiff's personal knowledge, but the plaintiff has information leading them to believe the allegations are true. This principle is codified in *Code of Civil Procedure* §446 and supported by case law. See, *Pridonoff v. Balokovich* (1951) 36 Cal.2d 788, 792-793 [the California Supreme Court held that a plaintiff may allege on information and belief any matters not within their personal knowledge, provided they have information leading them to believe the allegations are true. This is particularly appropriate for facts that are peculiarly within the knowledge of the defendant or can only be learned from statements made by others]. Thus, the Demurrer is overruled on the grounds that the Plaintiff presently "lacks evidence of trespass." However, the Court finds that Plaintiff has failed to sufficiently allege intentional, reckless, or negligent acts by Defendant [Demurrer at Page 6, Line 13 – Page 7, Line 2], is vague as to timing [Demurrer at Page 7, Lines 3-5], and vague as to damages [Demurrer at Page 7, Lines 6-16]. As such the Demurrer is sustained on those grounds. The Court grants leave to amend. Additionally, Plaintiff acknowledges the clerical error in relation to DOES 11-15, so while the Demurrer is sustained on that basis as well [Demurrer at Page 7, Lines 18-24], the Court again grants leave to amend so that DOES 11-15 can be properly addressed in the caption and elsewhere in the pleadings were necessary. Any amended Complaint shall be filed and served within 20 days' notice of this ruling. Counsel for the Defendant shall prepare and submit a form of order within two weeks.