

**Judge Mosbarger – Law & Motion – Wednesday, December 10, 2025 @ 9:00 AM
TENTATIVE RULINGS**

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

EVENT: Defendant Leslie Sousa and Brian Sousa's (each individually and dba Sousa's Air and Safety) Motion for Determination of Good Faith Settlement

The Court finds that the settlement between Defendants Leslie Sousa and Brian Sousa, individually and dba Sousa's Air & Safety and Plaintiffs Dorothy Daun, Rebecca Daun-Widner, and Stacey Elizabeth Owen; and Ayumi Suemoto, was made in good faith pursuant to *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488. Defendants Leslie Sousa and Brian Sousa, individually and dba Sousa's Air & Safety's Motion for Determination of Good Faith Settlement is granted, and the Court will sign the form of order submitted by counsel.

2. 22CV00073 DUBUG NO 7, INC A CALIFORNIA CORPORATION V. SODERLINE, JAY ET AL

EVENT: Order to Show Cause to Jay Soderling

The Court will hear from Defendant Jay Soderling in regard to the Order to Show Cause issued on October 16, 2025.

3. 22CV02021 DELMAR, KYLE V. NORTH LIGHT SPECIALTY INSURANCE COMPANY ET AL

EVENT: Defendants North Light Specialty Insurance Company and Allstate Insurance Company's Motion for Summary Judgment or Summary Adjudication of Issues

An attorney's declaration that they assembled or reviewed documents, without more, does not establish the authenticity of the documents unless the attorney has personal knowledge of their origin or content. *Newport Harbor Offices & Marina, LLC v. Morris Cerullo World Evangelism* (2018) 23 Cal.App.5th 28; *Hooked Media Group, Inc. v. Apple Inc.* (2020) 55 Cal.App.5th 323. In *Hooked Media Group, Inc. v. Apple Inc.*, the Court emphasized that while an attorney's declaration may sometimes suffice, when supported by additional evidence, such as the documents' form or circumstantial evidence indicating authenticity. In that case, documents were authenticated through both the attorney's statement and their clear indicia of authenticity, such as emails bearing identifying features. *Hooked Media Group, Inc. v. Apple Inc.* (2020) 55 Cal.App.5th 323, 338 ["As with any other fact, the authenticity of a document can be established by circumstantial evidence (citations omitted)."] The Court finds that the evidence to which Plaintiff objections includes clear indicia of origin. Plaintiff's Objections to Evidence Submitted in Support of by [sic] Defendants' Motion for Summary Judgment/Adjudication are overruled.

A violation of California Rule of Court 3.1350(d), which sets forth the requirements for a separate statement, is not a mandatory basis for denial of a motion for summary

adjudication under California law. The decision to deny a motion based on noncompliance with Rule 3.1350(d) is discretionary, not mandatory, and there must be a finding of prejudice to the opposing party. See, *Holt v. Brock* (2022) 85 Cal.App.5th 611; *Truong v. Glasser* (2009) 181 Cal.App.4th 102; *Oh v. Teachers Ins. & Annuity Assn. of America* (2020) 53 Cal.App.5th 71. Here, the Court finds that because each of the alternatively argued issues in the Motion for Summary Adjudication, are based on the same set of facts set forth in support of the Motion for Summary Judgment, there is no prejudice to the Plaintiff here and the Court in its discretion declines to deny the Motion for Summary Adjudication based on a violation of California Rule of Court 3.1350(d).

Finally, in regard to the last procedural issue, the Court finds that Plaintiff's argument that the Motion omits important aspects of the summary judgment standard that materially affect the outcome of the instant Motion, is not persuasive to support a finding that such requires denial of the Motion.

Turning then to the merits of the Motion, the Court finds a triable issue of material fact as to whether Defendants mailed the renewal notice to the Plaintiff and the result of that alleged failure, including whether the policy remained in effect even in light of Plaintiff's nonpayment of premiums. See, *Insurance Code* §678(b), Defendants' Undisputed Material Facts Nos. 5, 6, 7, 8, 9, 12, 16 and Plaintiff's Additional Undisputed Material Facts Nos. 27, 32, 35, 46, 47, 50, 51, 52, 54, 55, 56, 57, 58, 61, as well as all evidence cited in support thereof. The Motion for Summary Judgment is denied.

Based on the above finding and cited evidence, the Motion for Summary Adjudication is likewise denied as to each of the six issues raised by the Defendants.

Counsel for the Plaintiff shall submit a form of order within two weeks.

4. 25CV00373 PRESLEY, LINDA D V. PRESLEY, MICHAEL A

EVENT: Motion to be Relieved as Counsel

The Court advances the Review Hearing on calendar December 10, 2025 at 10:30 a.m. to be heard at 9:00 a.m. prior to the Motion to be Relieved as Counsel. Counsel, including Ms. Power, are to appear to provide the Court with a status update in relation to the sale and final judgment. The Motion to Be Relieved as Counsel filed by Stacie Power will thereafter be granted, and Ms. Power will be relieved as counsel for Defendant Michael Presley, effective upon the filing of the proof of service of the signed order upon the client. The Court will sign the form of order submitted by counsel with modification to Paragraph 7.a. to indicate the next scheduled hearing as determined by the Court and counsel at the conclusion of the Review Hearing.