

**Judge Mosbarger – Law & Motion – Wednesday, January 21, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1. 21CV02330 DECKER, MICHAEL P ET AL V. SIERRA PACIFIC LAND & TIMBER COMPANY ET AL

EVENT: Defendant's Motion for Attorney's Fees

Defendants/Cross-Complainants Sierra Pacific Land & Timber Company; and Sierra Pacific Industries, Inc.'s ("Sierra Pacific" herein) Request for Judicial Notice is granted. As to the argument by Plaintiffs/Cross-Defendants Michael P. Decker and Decker Ranch, L.L.C ("Decker" herein) that the invoices provided are too heavily redacted to allow for proper evaluation, the Court finds that it is in fact possible to determine the tasks for which Sierra Pacific billed even with the redactions, and that such redactions are reasonably limited. Further, it is correct that California courts consistently hold that a fee claimant is not required to submit actual billing invoices to meet its evidentiary burden; rather, competent evidence of the hours worked, and the rates charged is all that is required to support of fee claim. *Sweetwater Union High School Dist. v. Julian Union Elementary School Dist.* (2019) 36 Cal.App.5th 970, 994 ["it is not necessary to provide detailed billing timesheets to support an award of attorney fees under the lodestar method."]. Here, Sierra Pacific submitted a detailed attorney declaration describing the work performed, the time expended, and the rates charged, and also its actual billing invoices reflecting: (1) all hours actually billed to Sierra Pacific; (2) the hourly rates charged by each timekeeper; and (3) the amounts actually paid. Thus, Sierra Pacific has met their burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates.

As to the issue of apportionment, the Court finds that there is no meaningful difference between Decker's easement claims and Sierra Pacific's claims for trespass, so any apportionment on this basis is impossible.

Finally, as to whether the requested fees are reasonable, the trial court has broad authority to determine the amount of a reasonable fee. *PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095. The Court finds that Sierra Pacific has provided ample evidence to support a finding that the requested attorney fees are reasonable. Therefore, the Court awards attorneys' fees of \$880,000. Counsel for Sierra Pacific shall prepare and submit a form of order consistent with this ruling within two weeks.

2. 22CV01203 MILLER, MARK V. TOGNERI, ROSALINA

EVENT: Status Conference (Status of Acceptance of Appointment by Rob Haley as Referee)

The Court continues this matter to Wednesday, January 28, 2026 at 10:30 a.m.

3. **22CV02312 ROE, MOLLY V. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY ET AL**

EVENT: Motion to Quash – Defendant CSU’s Records-Only Subpoenas to Gretchen Maurer & Kai Lucid

On the Court's own motion, this matter is continued to February 4, 2026 at 9:00 a.m.

4. **23CV00479 ROGERS, KELSI V. KENNEMER, FRANKLIN ET AL**

EVENT: Plaintiff’s Motion for Attorney’s Fees

The Proof of Service indicates that the Motion was served electronically on December 26, 2025, which is only 16 Court days’ notice. Pursuant to *Code of Civil Procedure* §1010.6(3)(B), an additional 2 Court days’ notice is required for electronic service. Thus, notice here is insufficient. The Court continues this matter to February 18, 2026 at 9:00 a.m. to allow for proper notice. Any Opposition and/or Reply shall be filed and served pursuant to *Code of Civil Procedure* §§1005 and 1010.6 in accordance with the new hearing date.

5. **23CV03395 VAUGHAN, DONALD E, II ET AL V. FITCH, JAMES MICHAEL ET AL**

EVENT: Plaintiff’s Motion to Continue Trial Dates

Plaintiff’s Motion is GRANTED, the Court finding good cause for the requested continuance. The Court vacates the trial date of March 2, 2026, the trial readiness conference set for February 26, 2026, and the mandatory settlement conference set for January 26, 2026. This matter is set for a case management conference on February 18, 2026 at 10:30 a.m. for resetting of trial dates. All discovery deadlines are to run with the new trial date. The Court will sign the form of order submitted by counsel.

6-7. **24CV02811 POJE, CHRISTINE ET AL V. REINHARD MUELLERS, CO-TRUSTEE OF THE MUELLERS LIVING TRUST DATED DECEMBER 27, 2022 ET AL**

EVENTS: (1) Defendants’ Motion to Compel Plaintiff Christine Poje’s Responses

(2) Defendants’ Motion to Compel Plaintiff Matthew Poje’s Responses

Based upon the Declaration of Nicole B. Reimer, filed December 8, 2025, at ¶¶3-8 and Exhibits 6-7, the Court concludes that further responses were provided after the last attempt to meet and confer. Specifically, Ms. Reimer indicates in her Declaration that various meet and confer attempts were made between September 2025 to November 11, 2025. Thereafter Plaintiffs served supplemental responses on November 19, 2025 and November 25, 2025 [See Motions at Pg. 3, Lines 8-9 (“Further discovery responses with verifications were not served until November 25, 2025.”); and see Declarations of Alison Diaz, filed on January 7, 2026 at ¶5; Exhibit 4 (“Plaintiffs served two rounds of supplemental responses: ... and the second on November 19, 2025... with verifications

served on November 25.")], prior to the filing of the instant Motion on December 8, 2025, there were no additional meet and confer efforts in regard to these supplemental responses. The Court therefore deems Defendants' attempts to meet and confer insufficient.

Plaintiffs argue that Butte County Local Rule 2.14(C) requires Defendants to participate in the informal discovery process as mandated by the Court. However, the first sentence of the Rule states: "Should any party wish to voluntarily avail themselves of the procedure, or in the event that the Court orders the parties to comply with an informal Pretrial Discovery Conference then,..." Here, no such order has been made in this case and therefore Defendants were not required to make such a request prior to the filing of the instant Motions. The Court finds that Plaintiffs provided supplemental responses to the discovery at issue on November 19, 2025 and November 25, 2025 [See Declarations of Alison Diaz at ¶5], and further supplemental responses on January 7, 2026 [See Declarations of Alison Diaz at ¶7]. Consequently, the Court deems the Motions to Compel to be moot and are, for that reason, denied.

The parties' respective requests for sanctions are denied. Counsel for the Plaintiffs shall prepare and submit a form of order within two weeks.

8. 24CV02890 RAY, ROWENA V. SIERRA CENTRAL CREDIT UNION

EVENT: Motion for Preliminary Approval of Class Action and PAGA Settlement

Plaintiff's Motion for Preliminary Approval of Class and PAGA Settlement is granted. The Case Management Conference on March 25, 2026 is vacated, and the matter is set for a hearing for final settlement approval on May 20, 2026 at 9:00 a.m. The Court will sign the form of Order provided by counsel.

9. 25CV00369 SMITH, MELANIE V. WOOD, TATE

EVENT: Defendant's Motion for an Order to Compel Responses to Request for Production of Document Production, Answers to Interrogatories and for Sanctions

Defendant's Motion for an Order to Compel Responses to Request for Production of Document Production, Answers to Interrogatories and for Sanctions is granted. Plaintiff Melanie Smith shall provide verified responses to Defendants' Form Interrogatories, Special Interrogatories, and Demand for Production of Documents, without objections, within 10 days' notice of the Order. Monetary sanctions are awarded against Plaintiff and her attorney of record, Lisa G. Salisbury/Salisbury Group Inc, in the amount of \$810, which are to be paid within 30 days' notice of this Order. Counsel for the Defendant shall submit a form of order (that is filed as a separate document not attached to the Motion) within two weeks.

10. 25CV00744 FISHER, JEFF V. FISHER, JENNIFER

EVENT: Plaintiff's Motion for Relief from Attorney Fee Order

A judgment debtor generally cannot file a claim of exemption before a levy is made on their property. According to *Code of Civil Procedure* §703.520, a claim of exemption must be filed with the levying officer after the notice of levy is served on the judgment debtor. The statute specifies timeframes for filing the claim depending on the method of service of the notice of levy, but it does not provide for filing a claim of exemption prior to the levy itself. Additionally, CCP §703.510 states that property that has been levied upon may be claimed as exempt, further indicating that the exemption process is triggered by the levy. Similarly, in the context of enforcement proceedings, the court in *Imperial Bank v. Pim Electric, Inc.* (1999) 33 Cal.App.4th 540 clarified that the determination of exemptions generally arises when the judgment creditor seeks to apply the judgment debtor's property toward satisfaction of the judgment, such as through a levy or other enforcement action. *Id.* at 552-553 [“...the determination whether property is exempt shall be made under the circumstances existing at the earliest of the following times: (1) the time of levy; (2) the time of the commencement of court proceedings for the application of the property to the satisfaction of the money judgment; or (3) the time a lien is created under the EJL (citation omitted). Section 703.100 ‘adopts the principle that HN12 the question of exemptions does not arise until the judgment creditor has sought to apply the judgment debtor's property toward the satisfaction of the judgment.’ (citation omitted).”] Thus, Plaintiff's Motion is premature is denied on that basis.

Additionally, because it is unclear under which statutory authority Plaintiff seeks relief by way of this motion, should the Court deem the motion a Motion for Reconsideration under *Code of Civil Procedure* §1008, the Court makes the following findings.

While of course a court may always reconsider a prior order on its own motion, a party must show new or different facts or law. In so doing, a party must provide a satisfactory explanation for failing to present the information at the first hearing; i.e., a showing of reasonable diligence. See, *Garcia v. Hejmadi* (1997) 58 Cal.App.4th 674, 690. A motion for reconsideration may only be brought if the party moving for reconsideration can offer “new or different facts, circumstances, or law” which it could not, with reasonable diligence, have discovered and produced at the time of the prior motion. CCP §1008(a); see *Jade K. v. Viguri* (1989) 210 Cal.App.3d 1459, 1467; *Mink v. Superior Court* (1992) 2 Cal.App.4th 1338, 1342. Here, Plaintiff has failed to show new or different facts or law, no changed circumstances alleged, nor has Plaintiff offered any explanation as to why these exemption arguments could not have been raised earlier. Therefore, the Motion would be denied on this basis as well.

The Court awards additional monetary sanctions in the amount of \$1,800 against Plaintiff Jeff Fisher, which are to be paid within 30 days' notice of this ruling. Counsel for the Defendant shall prepare and submit a form of order consistent with this ruling within two weeks.

11. 25CV04698 CITY OF GRIDLEY V. NUNES, RICHARD ET AL

EVENT: Petition for Order to Abate Substandard Building and Appoint Receiver

The petition must be served on the property owner in accordance with the procedures outlined in Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the *Code of Civil Procedure* [re: Service of Summons]. See, *Health & Safety Code* §17980.7. Here, based on the proofs of service in the Court's file, only Respondent Loretta M. Davis Arnold has been served with the Summons. Notice is therefore insufficient, and the matter is continued to March 4, 2026 at 9:00 a.m. to allow for proper notice.

12. 25CV04715 AHERN, MATTHEW, DO ET AL V. WEBBER, SALINA, RN

EVENT: Defendant's Motion to Disqualify Balestra-Webb Law and Nicholas R. Webb, Esq. From Representation Adverse to Former Client and Stay of the Proceedings

As an initial matter, Plaintiffs Matthew Ahern, D.O. and Blissfusion Lake Oroville (collectively "Plaintiffs" herein) argue that Defendant Salina Webber, RN ("Defendant" herein) has waived any right to disqualification proceedings because she knew of the alleged basis for disqualification as early as December 11, 2025, but did not promptly seek judicial relief. The Court disagrees and finds that there has been no unreasonable delay that would justify a finding that Plaintiff waived her right to seek this relief.

A trial court's authority to disqualify an attorney derives from its inherent power to control the conduct of its ministerial officers and all persons connected with a judicial proceeding in furtherance of justice. *Great Lakes Construction, Inc. v. Burman* (2010) 186 Cal.App.4th 1347, 1355. Disqualification motions are typically based on conflicts of interest, breaches of confidentiality, or other violations of ethical standards under the California Rules of Professional Conduct. See, e.g., *Jessen v. Hartford Casualty Ins. Co.* (2003) 111 Cal.App.4th 698, 705. Courts must balance the competing interests of the client's right to counsel of choice, the attorney's interest in representing the client, the financial burden on the client to replace disqualified counsel, and the need to maintain ethical standards and public trust in the judicial process. Judges must carefully examine disqualification motions to ensure they are not used as a tactical device to gain an unfair advantage. Disqualification is a drastic remedy and should only be granted when necessary to address ethical violations that would have a continuing effect on the proceedings. *People ex rel. Dept. of Corporations v. SpeeDee Oil Change Systems, Inc.* (1999) 20 Cal.4th 1135, 1145. The paramount concern in disqualification motions is the preservation of public trust in the administration of justice and the integrity of the bar. Ethical considerations must take precedence over the right to counsel of choice when they affect the fundamental principles of the judicial process. *Great Lakes Construction, Inc. v. Burman* (2010) 186 Cal.App.4th 1347, 1355.

Here, the Court finds that Attorney Nicholas R. Webb and BalestraWebb Law were counsel of record in relation to the formation and governance documentation on behalf of Plaintiff Blissfusion Lake Oroville, that counsel and the firm provided ongoing legal advice and compliance guidance in that corporate counsel role over time, and Defendant

never gave informed written consent to the subsequent representation of Plaintiffs against Defendant. The Motion is granted and the Court will utilize the form of order submitted by the Defendant with modification striking the following language: “[including further assistance with the filing and/or prosecution of administrative complaints lodged against Defendant Webber’s professional nursing license].”

This matter is stayed, but will remain on calendar on May 27, 2026 at 10:30 a.m. for a Case Management Conference and status of Plaintiffs’ retention of new counsel. Case Management Conference Statements are to be timely filed and served.