

**Judge Mosbarger – Law & Motion – Wednesday, February 18, 2026 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 20CV00531 BERTAGNA, BERTON N ET AL V. DEAL REAL INTERNATIONAL, INC ET AL**

*EVENT: Motion of Defendant Norman P. Marshall to Determine Good Faith Settlement Pursuant to CCP §877.6(a)(1)*

The Court finds that the settlement between Defendant Norman P. Marshall and Plaintiffs Berton Bertagna, Wade Porter, Jeremy Funk, Sebastian Tamarelle, B. Scott Hood, Carey Jeanne Galliani Lowe, Ciara Thorup and Douglas Roberts, was made in good faith pursuant to *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488. The Motion of Defendant Norman P. Marshall to Determine Good Faith Settlement Pursuant to CCP §877.6(a)(1) is granted. Counsel for the Defendant shall submit a form of order within two weeks.

**2. 22CV02762 PRYDE, DONALD C V. PRYDE, GARY A ET AL**

*EVENT: Defendant's Demurrer to Plaintiff's Amended Answer*

While it appears that all parties are operating under the assumption that an Answer to the First Amended Cross-Complaint has been filed with the Court, that is incorrect. There is no Answer to the First Amended Cross-Complaint in the Court's file. As such, Defendant's Demurrer to Plaintiff's Amended Answer is premature. The Court continues this matter to March 4, 2026 at 9:00 a.m. to allow for the filing of the Answer.

**3. 23CV00479 ROGERS, KELSI V. KENNEMER, FRANKLIN ET AL**

*EVENT: Plaintiff Kelsi Roger's Motion for Attorney's Fees Under Labor Code §218.5 and 1194; and for Prejudgment Interest*

The Court finds that the Opposition was untimely filed pursuant to Code of *Civil Procedure* §1005(b). However, pursuant to California Rules of Court, Rule 3.1300(d), in its discretion, the Court has considered the substantive arguments raised in the Opposition. Plaintiff's Evidentiary Objections to the Declaration of Patricia A. Savage in Support of Defendants' Opposition are sustained as to Objection Nos. 5 and 6, on relevance grounds, and overruled as to Objection Nos. 1-4, and 7.

The Court finds that Plaintiff prevailed only on narrow wage-and-hour claims for meal and rest break premiums and associated waiting time penalties. The Court agrees with the Defendants that liability on the break claims was conceded, and the waiting time penalties flowed from statutory calculation based on the date of separation from employment. The litigation effort in this matter was focused primarily on Plaintiff's discrimination and retaliation theories, including testimony and evidence directed to alleged discriminatory conduct and adverse employment actions. The wage-and-hour issues were limited in scope and did not require expert testimony, complex accounting analysis, or extensive factual development. The Court does not find that the issue of termination, and the proof of termination, is enough to render Plaintiff's wage and hour claims inseparable from her discrimination claims. As such, the Court reduces the

requested attorneys' fees by 86.667%. There being fifteen causes of action, each cause of action is approximately worth 6.6667%. Plaintiff was successful on two causes of action, which based on the percentage above, is approximately 13.333% of the action. Attorneys' fees are therefore awarded in the amount of \$35,776 (\$268,320 x 13.333%, rounded). To further clarify, in determining the reasonable fees in this matter, the Court divided the total fees requested of \$268,320 by 15 (the number of causes of action) and then multiplied that amount by 2 (for the number of causes of action on which Plaintiff was successful). This results in an attorney fee award of \$35,776.

As to the issue of pre-judgment interest, that issue is unopposed and the Court awards pre-judgment interest in the amount of \$3,488.53.

Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

#### **4-11. 23CV02667 PATRICIA SCARBROUGH, MELISSA V. LALLY, KULWINDER ET AL**

- EVENTS: (1) Plaintiff's Motion to Compel Responses to Requests for Production, Set One, Propounded on Kulwinder Lally; Request for Monetary Sanctions of \$660 Against Kulwinder Lally and His Counsel of Record*
- (2) Plaintiff's Motion to Compel Responses to Requests for Production, Set One, Propounded on Kuldeep Lally; Request for Monetary Sanctions of \$660 Against Kuldeep Lally and His Counsel of Record*
- (3) Plaintiff's Motion to Compel Responses to Form Interrogatories – Employment, Set One, Propounded on Harry Harwinder; Request for Monetary Sanctions of \$660 Against Harry Harwinder and His Counsel of Record*
- (4) Plaintiff's Motion to Compel Responses to Form Interrogatories – Employment, Set One, Propounded on Kulwinder Lally; Request for Monetary Sanctions of \$660 Against Kulwinder Lally and His Counsel of Record*
- (5) Plaintiff's Motion to Compel Responses to Form Interrogatories – Employment, Set One, Propounded on Kuldeep Lally; Request for Monetary Sanctions of \$660 Against Kuldeep Lally and His Counsel of Record*
- (6) Plaintiff's Motion for Order to Deem Admitted Plaintiff's Requests for Admission, Set One, Propounded on Harry Harwinder; Request for Monetary Sanctions of \$660 Against Harry Harwinder and His Counsel of Record*
- (7) Plaintiff's Motion for Order to Deem Admitted Plaintiff's Requests for Admission, Set One, Propounded on Kulwinder Lally; Request for Monetary Sanctions of \$660 Against Kulwinder Lally and His Counsel of Record*

*(8) Plaintiff's Motion for Order to Deem Admitted Plaintiff's Requests for Admission, Set One, Propounded on Kuldeep Lally; Request for Monetary Sanctions of \$660 Against Kuldeep Lally and His Counsel of Record*

The Proofs of Service indicate that the Motions were served electronically on January 22, 2026, which is only 17 Court days' notice. Pursuant to *Code of Civil Procedure* §1010.6(3)(B), one additional Court days' notice is required for electronic service. Thus, notice here is insufficient and the Motions are denied on that basis.

**12. 24CV02093 PEDERSEN, ZACHARY R V. FCA US LLC**

*EVENT: Plaintiff's Motion to Compel Further Production of Documents and Testimony from Defendant's Person Most Qualified; Request for Monetary Sanctions*

Plaintiff's Motion to Compel Further Production of Documents and Testimony from Defendant's Person Most Qualified; Request for Monetary Sanctions is granted, in part. The Court orders Defendant FCA US LLC ("Defendant" herein) to produce within 10 days' notice of this ruling, the following documents which were identified by Defendant but not yet produced, or a statement that the specifically identified documents are not in Defendant's possession, custody or control:

1. Document 26723 Lemon Law - Level 1 and 2 Handling and Escalation Process;
2. Document 16925 Routing an Email to Another Area (CAC);
3. Document 18681 Definition of Vehicle Restriction Codes;
4. Document 18470;
5. Any internal investigation documents regarding the vehicle defects;
6. Any aggregated complaint data regarding the defect in other vehicle;
7. Defendant's document retention policies;
8. Defendant's current warranty administrative manual;
9. Any organizational charts for the relevant time period; and
9. Any agreements, contracts, or operating procedures governing its customer service call centers.

Defendant is ordered to produce their Person Most Qualified for a further deposition, which shall be limited to inquiries in relation to the above documents, if any exist.

Sanctions are awarded to Plaintiff and against Defendant in the amount of \$2,500. Counsel for the Plaintiff shall submit a revised form of order consistent with this ruling within two weeks.

**13. 24CV03247 SHILLER, SUSAN V. FARHAN, SAIF, MD**

*EVENT: Plaintiff's Motion to Compel Further Production of Documents and Testimony from Defendant's Person Most Qualified; Request for Monetary Sanctions*

Based upon the Notice of Stay of Proceedings filed on January 13, 2026, the Court vacates the hearing on Defendant's Motion to Tax Costs and sets this matter for a Status Conference on Wednesday, June 24, 2026 at 10:30 a.m. for status of bankruptcy and resetting of the hearing on Defendant's Motion to Tax Costs.

**14-21. 25CV04143 ROBINSON, JOSEPH V. SELLAND, DAMON**

*EVENTS: (1) Motion for Ruling Upon the Number of Legitimate Complaints Produced by Defendant*

*(2) Motion That This Court Schedule an Evidentiary Hearing to Resolve Issue of Sean Morrissey Perjury in his Declaration in Support of Defendant's Demurrer*

*(3) Motion for Ruling on Plaintiff's Due Process Right to be Heard in Case Number CE23-01510*

*(4) Motion That This Court Schedule an Evidentiary Hearing to Resolve the Issue of the Sufficiency of Plaintiff's Claim*

*(5) Motion That This Court Rule Whether Tiana Gray's Denial of Plaintiff's Claim Exhausted Plaintiff's Administrative Remedy as a Matter of Law*

*(6) Motion to Stay Proceedings if This Court Rules That Plaintiff Does Not Have a Due Process Right to be Heard in Case Number CE23-01510*

*(7) Motion That This Court Take Judicial Notice of California and United States Constitutions Before Ruling Upon Plaintiff's Due Process Right to be Heard in Case Number CE23-01510*

Courts have identified as grounds for denial . . . failure to comply with rule 3.1113 of the California Rules of Court, concluding that it would not "go through the paperwork backwards and forwards to try to figure out how the law applies to the facts." *Quantum Cooking Concepts, Inc. v. LV Associates Inc.* (2011) 197 Cal.App.4th 927, 931. Such submissions must be supported by memoranda containing "a statement of facts, a concise statement of the law, evidence and arguments relied on, and a discussion of the statutes, cases, and textbooks cited in support of the position advanced," and provides that . . . failure to provide such a memorandum can be construed "as an admission that the motion . . . is not meritorious . . ." [(Rule 3.1113(b) & (a), emphasis added).] Here, Plaintiff has not cited any applicable statutes, any relevant case law, or other legal authority in support of any of his seven motions and therefore each of the motions lack any substantive legal analysis. The Motions are denied.

**22. 25CV04196 GILLILAND, ROY V. WINDSOR CHICO CREEK CARE & REHAB, LLC**

*EVENT: Defendants' Petition to Compel Binding Arbitration and Stay Proceedings*

The Defendants' Petition to Compel Binding Arbitration and Stay Proceedings is granted. The Court finds that Defendants have established the existence of a valid and enforceable arbitration agreement and Plaintiff Roy Gilliland is hereby ordered to arbitrate, in binding arbitration, his claims against Defendants and the matter is hereby stayed pending completion of arbitration. The Case Management Conference on June 10, 2026 is vacated and the matter is set for a Review Hearing on August 18, 2026 at 10:30 a.m. for status of arbitration. The Court will sign the form of order submitted by counsel.