

**Judge Mosbarger – Law & Motion – Wednesday, February 25, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV02312 ROE, MOLLY V. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY ET AL

EVENT: Defendant Board of Trustees of the California State University’s Motion to Compel Independent Psychiatric Examination of Plaintiff and Request for Sanctions

Defendant Board of Trustees of the California State University’s (“CSU” herein) Motion to Compel Independent Psychiatric Examination of Plaintiff and Request for Sanctions is granted. Plaintiff shall undergo an Independent Medical Examination to be conducted by Dr. Anlee Kuo, which is to be scheduled on the next available date that is mutually convenient for the parties, counsel, and Dr. Kuo, but no later than March 13, 2026, and consistent with the scope and forth set forth in CSU’s Demand for Independent Medical Examination of Plaintiff dated February 2, 2026. The deadline for CSU to produce Dr. Kuo’s expert report is 30 days after Dr. Kuo completes her examination of Plaintiff. CSU’s request for sanctions is granted. Plaintiff shall pay to CSU sanctions in the amount of \$3,000 within 30 days’ notice of this order. The Court will utilize the form of order submitted by CSU with modification as indicated above.

2-3. 22CV02560 PETERSEN, CHELSEA ET AL V. 1271 WHITEWOOD WAY RESIDENCE, ET AL

EVENTS: (1) Defendant DAREC, Inc. dba IPM Chico’s Demurrer to Plaintiffs’ First Amended Complaint

(2) Defendant DAREC, Inc. dba IPM Chico’s Motion to Strike Portions of Plaintiffs’ First Amended Complaint

Pursuant to *Code of Civil Procedure* §1005(b), a timely opposition was to be filed and served no later than February 10, 2026 [9 Court days before the hearing]. No timely opposition was filed. The Court does note that an *untimely* opposition was filed on February 20, 2026, 10 days after the deadline for filing an opposition and 2 days after the Reply deadline. The Court declines to consider the untimely Opposition and deems the Demurrer unopposed. 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.”). Defendant DAREC, Inc. dba IPM Chico’s Demurrer to Plaintiffs’ First Amended Complaint is unopposed and is sustained in its entirety without leave to amend. The Court will sign the form of order submitted by the Defendant. Based on the Court’s ruling on the Demurrer, Defendant DAREC, Inc. dba IPM Chico’s Motion to Strike Portions of Plaintiffs’ First Amended Complaint is moot and is denied on that basis.

4. 22CV02761 BRANCH, BRANDON ET AL V. ARTHUR, LINDBERG, III

EVENT: Defendant's Motion to Compel Discovery Responses; and Request for Sanctions

Defendant's Motion to Compel Discovery Responses; and Request for Sanctions is unopposed and is granted. Plaintiffs Brandon Branch, Lacy Bruning, and Beau Branch, a minor (collectively "Plaintiffs" herein) are to provide verified responses to Defendants' Form Interrogatories Set One, Special Interrogatories Set One, and Requests for Production of Documents Set One, without objections, within 10 days' notice of the Order. Monetary sanctions are awarded against Plaintiffs and their attorney of record, Stephen L. Ramazzini, in the amount of \$935 which are to be paid within 30 days' notice of this Order. The Court will utilize the form of order submitted by counsel.

5-6. 23CV00211 NOLL, TIMOTHY ET AL V. 1 SOURCE SOLUTIONS INC

EVENTS: (1) Plaintiff's Motion for an Order Lifting the Stay of Proceedings Imposed Pursuant to CCP §1281.4 Following the Court's Grant of Defendant's Petition to Compel Arbitration

*(2) Case Management Conference *Special Set*

Based on what is presently before the Court, it does not appear as though Defendant is either unwilling or unable to continue to pay for arbitration. It is indicated that the arbitrator has proposed a hearing on the issue of possibly streamlining the trial to further reduce the number of days in an attempt to reduce the costs associated with arbitration. That issue remains before the arbitrator and at this time, the evidence is insufficient to warrant granting Plaintiff the requested relief. The Motion is denied. The Court continues the Case Management Conference to July 1, 2026 at 10:30 a.m. for status of arbitration. Case Management Conference Statements are to be timely filed and served.

7. 23CV00826 RUSSELL, JENNIFER ET AL V. TRC ENVIORNMENTAL CORPORATION ET AL

EVENT: Unopposed Motion for Preliminary Approval of Class and Representative Action Settlement

Plaintiffs' Unopposed Motion for Preliminary Approval of Class and Representative Action Settlement is granted. The Case Management Conference on April 29, 2026 is vacated and the matter is set for a hearing for final settlement approval on July 8, 2026 at 9:00 a.m. The Court will sign the form of Order provided.

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8. **23CV03426 HARDIMAN, MARK ET AL V. JOY SIGNAL TECHNOLOGY, LLC ET AL**

EVENT: Plaintiffs' Motion to Approve Settlement Agreement Pursuant to the Private Attorney General Act

Plaintiffs' Motion to Approve Settlement Agreement Pursuant to the Private Attorney General Act is granted. The Case Management Conferences on March 25, 2026 and April 29, 2026 are vacated. The Court will sign the Order and Judgment submitted by counsel.

9. **25CV02783 RODRIGUES, DANIEL V. PREMIER SOLAR ENERGY, INC.**

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

Plaintiff's Motion for Leave to File Second Amended Complaint is granted. The Second Amended Complaint shall be filed and served within ten days' notice of this ruling. The Court will utilize the form of order submitted by counsel with modification to Page 2, Lines 9-10, striking the following language: "Plaintiff's Second Amended, which is attached to the Motion as Exhibit 1, Complaint shall be deemed filed as of the day this order is signed" and instead requiring that the Second Amended Complaint be filed as indicated above.

10-12. **25CV03075 JUNE HOWARD, BY AND THROUGH HER ATTORNEY IN FACT, GENEVIEVE BAUGUESS V. AOCL, LLC ET AL**

EVENTS: (1) Defendant AOCL, LLC's Demurrer to Plaintiff's Complaint

(2) Defendants Sequoia Healthcare Group, LLC and Aspen Skilled Healthcare Services, LLC's Demurrer to Plaintiff's Complaint

(3) Defendants AOCL, LLC; Sequoia Healthcare Group, LLC; and Aspen Skilled Healthcare Services, LLC's Motion to Strike Portions of Plaintiff's Complaint

Due to the filing of Defendants' Peremptory Challenge of Hon. Tamara L. Mosbarger Pursuant to CCP Section 170.6 on January 16, 2026, which was honored on February 11, 2026, this matter is continued to April 1, 2026 at 9:00 a.m., pending reassignment.

13. **25CV04050 DADCO CONSTRUCTION ET AL V. HAMZAJ, GAZIM ET AL**

EVENT: Defendants Aditya A. Mehta and Taz Regal Holdings, LLC's Demurer to Plaintiff's Complaint

Plaintiff Dadco Construction's ("Plaintiff" herein) Complaint sufficiently pleads that Defendants Aditya A. Mehta and Taz Regal Holdings, LLC (collectively "Moving Defendants" herein) were "engaged in any agency, partnership, or joint venture...wherein each Defendant is jointly and severally liable for the liabilities, debts, and obligations of said agency, partnership, or joint venture" [see Complaint at ¶16], thus

the Court finds that Plaintiff has sufficiently alleged causes of action for breach of contract and breach of the implied covenant of good faith and fair dealing, unjust enrichment, and violation of prompt payment statutes. The Demurrer is overruled as to the First Cause of Action – Breach of Contract and Breach of the Implied Covenant of Good Faith and Fair Dealing, Second Cause of Action – Unjust Enrichment, and Third Cause of Action – Violation of Prompt Payment Statutes.

Additionally, demurrers for uncertainty are disfavored and will be "granted only if the pleading is so incomprehensible that a defendant cannot reasonably respond." *Lickiss v Financial Indus. Regulatory Auth.* (2012) 208 Cal.App.4th 1125, 1135. Additionally, because ambiguities can be clarified through discovery, courts will strictly construe demurrers for uncertainty. *Likiss v Financial Indus. Regulatory Auth., supra; Khoury v Maly's of Cal., Inc.* (1993) 14 Cal.App.4th 612, 616. The Court finds that the Complaint is not so incomprehensible that the Moving Defendants cannot reasonably respond and the Demurrer is overruled on that basis.

As to the foreclosure of the mechanic's lien, the Court finds that Plaintiff has failed to sufficiently state a cause of action because Plaintiff has failed to allege compliance with the mechanic's lien notice requirements as to these Moving Defendants, and the Demurrer is sustained on that basis as to the Fourth Cause of Action – Foreclosure of Mechanic's Lien. Based on Plaintiff's opposition, and the statements regarding Plaintiff's reliance on the Town of Paradise permit records and refusal to provide owner information under *Civil Code* §8208, the Court grants leave to amend. Any amended Complaint shall be filed and served within 20 days' notice of this order.

14. 25CV04054 BLOW, TRAVIS ET AL V. MENTUS, AUDREY ET AL

EVENT: Plaintiff's Motion for Discretionary Trial Preference

The Court finds that in the interests of justice weighs in favor of the Defendant and Plaintiffs' Motion for Discretionary Trial Preference is denied. The Court will sign the proposed form of order submitted by the Defendant.