

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

1. 22CV02560 PETERSEN, CHELSEA ET AL V. 1271 WHITEWOOD WAY RESIDENCE, ET AL

EVENT: Defendant Jared Treat's Demurrer to Plaintiffs' First Amended Complaint

Pursuant to *Code of Civil Procedure* §1005(b), a timely opposition was to be filed and served no later than March 12, 2026 [9 Court days before the hearing]. While Plaintiffs did file an untimely opposition at 10:48 PM on March 16, 2026, the Court deems that opposition untimely and pursuant to Butte County Local Rule 3.11.B., refuses to consider the arguments therein. No timely opposition having been filed, the Court 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. Defendant Jared Treat's Demurrer to Plaintiffs' First Amended Complaint is sustained in its entirety without leave to amend. The Court will sign the form of order submitted by the Defendant. Additionally, based on the Court's ruling herein, the Court vacates the Mandatory Settlement Conference on April 13, 2026, the Trial Readiness Conference on May 7, 2026, and the Jury Trial on May 11, 2026. This matter is set for a Status Hearing on April 29, 2026 at 10:30 a.m. for status of dismissal.

2. 24CV02590 GOODLIN, SCOTT ET AL V. WILLIAMS AG SERVICES, INC ET AL

EVENT: Defendants' Motion for Summary Judgment, or, in the Alternative, Summary Adjudication

Defendants Williams Ag Services, Inc., Clarence Williams, and Karen Williams' (collectively "Defendants" herein) Request for Judicial Notice is granted pursuant to Evidence Code §452(d). Plaintiffs Scott Goodlin and Shawna Goodlin's ("Plaintiffs" herein) Request for Judicial Notice is granted pursuant to *Evidence Code* §452(c), (d).

Plaintiffs' "General Objection" to the Declarations of Clarence Williams and Karen Williams are overruled. As to the specific objections to the Declarations of Clarence and Karen Williams, those Objections are likewise overruled. Defendants' Evidentiary Objections to the Declaration of Scott Goodlin are overruled.

Alter Ego Liability

While Defendants argue that "in order for the corporate form to be disregarded, Plaintiffs must demonstrate some conduct amounting to bad faith that makes it inequitable for the individual defendants to hide behind the corporate form, like bankruptcy", the analysis in relation to the application of the alter ego theory of liability involves much more. The case cited by Plaintiffs - *Zoran Corp. v. Chen* (2010) 185 Cal.App.4th 799, discusses this:

"The alter ego test encompasses a host of factors: '[1] [c]ommingling of funds and other assets, failure to segregate funds of the separate entities, and the unauthorized diversion of corporate funds or assets to other than corporate uses ... ; [2] the treatment by an individual of the assets of the corporation as his own ... ; [3] the

failure to obtain authority to issue stock or to subscribe to or issue the same ... ; [4] the holding out by an individual that he is personally liable for the debts of the corporation ... ; the failure to maintain minutes or adequate corporate records, and the confusion of the records of the separate entities ... ; [5] the identical equitable ownership in the two entities; the identification of the equitable owners thereof with the domination and control of the two entities; identification of the directors and officers of the two entities in the responsible supervision and management; sole ownership of all of the stock in a corporation by one individual or the members of a family ... ; [6] the use of the same office or business location; the employment of the same employees and/or attorney ... ; [7] the failure to adequately capitalize a corporation; the total absence of corporate assets, and undercapitalization ... ; HN11 [8] the use of a corporation as a mere shell, instrumentality or conduit for a single venture or the business of an individual or another corporation ... ; [9] the concealment and misrepresentation of the identity of the responsible ownership, management and financial interest, or concealment of personal business activities ... ; [10] the disregard of legal formalities and the failure to maintain arm's length relationships among [*812] related entities ... ; [11] the use of the corporate entity to procure labor, services or merchandise for another person or entity ... ; [12] the diversion of assets from a corporation by or to a stockholder or other person or entity, to the detriment of creditors, or the manipulation of assets and liabilities between entities so as to concentrate the assets in one and the liabilities in another ... ; [13] the contracting with another with intent to avoid performance by use of a corporate entity as a shield against personal liability, or the use of a corporation as a subterfuge of illegal transactions ... ; [14] and the formation and use of a corporation to transfer to it the existing liability of another person or entity.' ... [¶] This long list of factors is not exhaustive. The enumerated factors may be considered '[a]mong' others 'under the particular circumstances of each case.' " (Morrison Knudsen Corp. v. Hancock, Rothert & Bunshoft (1999) 69 Cal.App.4th 223, 249–250 [81 Cal.Rptr.2d 425], citation omitted, quoting Associated Vendors, Inc. v. Oakland Meat Co. (1962) 210 Cal.App.2d 825, 838–840 [26 Cal. Rptr. 806]; see also VirtualMagic Asia, Inc. v. Fil-Cartoons, Inc. (2002) 99 Cal.App.4th 228, 245 [121 Cal. Rptr. 2d 1].) "No single factor is determinative, and instead a court must examine all the circumstances to determine whether to apply the doctrine. [Citation.]" (VirtualMagic Asia, Inc. v. Fil-Cartoons, Inc., supra, 99 Cal.App.4th at p. 245.)"

Alter ego is ordinarily a question of fact not appropriate for summary adjudication where evidence is incomplete. *Zoran Corp. v. Chen* (2010) 185 Cal.App.4th 799, 811; *Mesler v. Bragg Management Co.* (1985) 39 Cal.3d 290, 301. Such is the case here. The Court finds that Defendants here have failed to meet their burden on summary judgment of showing that there is no triable issue of material fact and the Motion is denied as to alter ego liability.

First Cause of Action – Negligence: Negligent Hiring and Retention

The Court finds that there exist triable issues of material fact as to whether Defendants' were aware of Defendant Karen Williams' conduct and whether Defendant Williams Ag exercised reasonable care in supervising or retaining Defendant Karen Williams [See

UMF Nos. 57-59]. The Motion as to the First Cause of Action for Negligence – Negligent Hiring and Retention is denied.

Second Cause of Action – Negligence: Respondeat Superior

The Court finds there exist triable issues regarding course-and-scope, ratification, and whether sexual misconduct was facilitated because of the employment relationship. Specifically, there are questions of fact as to whether Defendant Karen Williams leveraged her supervisory authority to induce Plaintiff's compliance, whether Defendant Karen Williams committed sexual misconduct outside the scope of her employment, if the employment relations facilitated the harm, and/or the employer ratified the conduct [See UMF Nos. 3, 37, 41]. The Motion as to the Second Cause of Action – Negligence: Respondeat Superior is denied.

Third Cause of Action – Breach of Contract

The Court finds that there exists a triable issue of material fact as to whether the parties agreed on the material terms of the Plaintiff's employment [see UMF Nos. 25-26]. Additionally, the Court agrees with the Plaintiffs in relation to issue of the parties to the contract. A corporation is an artificial legal entity that may act only through natural persons. See e.g., *Frances T. v. Village Green Owners Assn.* (1986) 42 Cal.3d 490, 513.) Any employment agreement between Plaintiff Scott Goodlin and Defendant Williams Ag necessarily had to be formed through an authorized human agent acting on the corporation's behalf. Here, the evidence establishes that Defendant Williams Ag did not act – Defendant Clarence Williams did. Further, as it relates to Defendant Karen Williams, as discussed above, there exists a triable issue of material fact in regard to the alter ego theory of liability. At the summary judgment stage, Defendants bear the burden of demonstrating that no legal theory permits individual liability. Defendants have failed to meet this burden. The Motion as to the Third Cause of Action – Breach of Contract is denied.

Fourth Cause of Action – Wrongful Discharge in Violation of Public Policy: Sexual Harassment

There exist triable issues of material fact as to whether the alleged unwelcome conduct was sufficiently severe or pervasive to establish a hostile work environment [See UMF Nos. 39-41], and whether such conduct is imputed to Defendants Clarence Williams and Karen Williams, as discussed herein. The Motion as to the Fourth Cause of Action – Wrongful Discharge in Violation of Public Policy: Sexual Harassment is denied.

Fifth Cause of Action – Wrongful Discharge in Violation of Public Policy: Discrimination in Violations of Government Code §12940 and FEHA

Plaintiffs' fifth cause of action for wrongful termination in violation of public policy is predicated on a statutory claim for discrimination in violation of *Government Code* §12940. Specifically, Plaintiff claims he was discharged because of his status as a married, straight male. In order to prove discrimination, Plaintiffs must prove Defendant Williams Ag engaged in intentional discrimination. *Guz v. Bechtel National* (2000) 24

Cal.4th 317, 353-356 (*Guz*); *Heard v. Lockheed Space & Missiles Co.* (1996) 44 Cal.App.4th 1735, 1748.

To establish a prima facie case under the four-part test, a plaintiff must demonstrate: that (1) he belongs to a protected class; (2) he was qualified for the position; (3) he was subject to an adverse employment action; and (4) similarly situated individuals outside his protected class were treated more favorably. *McDonnell Douglas Corp. v. Green* (1973) 411 U.S. 792. While Plaintiffs argue that they have done so [“Under McDonnell Douglas, Plaintiffs establish a prima facie case under the four-part test: 1) Marital status, 2) qualified pilot 3) unlawful termination, and 4) other married pilots were not terminated for refusing Karen's sexual advances” [See Opposition at Pg. 13, Lines 20-22], no evidence is provided in support thereof.

The Court finds that no triable issue of material fact exists in regard to the fourth element as there has been no evidence presented that Defendant Karen Williams (1) made any sexual advances to anyone other than Plaintiff Scott Goodlin, or (2) if such advances were made, that those advances were refused with those individuals subsequently not being terminated. Thus, Plaintiffs have failed to establish that “similarly situated individuals outside his protected class were treated more favorably”, and the Motion as to the Fifth Cause of Action – Wrongful Discharge in Violation of Public Policy: Discrimination in Violations of Government Code §12940 and FEHA is granted.

Sixth Cause of Action – Wrongful Discharge in Violation of Public Policy: Whistle Blower Retaliation

Plaintiffs' position in regard to this Cause of Action is that the 2021 aircraft incident, Defendants' knowledge, and subsequent termination present triable issues of retaliatory motive. However, Plaintiffs acknowledge that Defendants did not believe Plaintiff Scott Goodlin reported the 2021 aircraft incident to any agency, and confirm that Plaintiff Scott Goodlin continued working after the incident and returned in 2022. Plaintiffs continue, and argue that Plaintiff Scott Goodlin did in fact report the airplane accident to the authorities which is also a protected activity, and cite to Plaintiffs' Index of Evidence at Exhibit D - Plaintiff Scott Goodlin's Complaint of Employment Discrimination before the State of California with the Civil Rights Department. That Complaint/Report however, is dated December 28, 2023, which as Defendants rightfully point out is after the date of the separation (April 2022) and therefore irrelevant for purposes of any alleged whistle blower retaliation.

To establish a violation, a plaintiff must make a prima facie case of retaliation. *Hawkins v. City of Los Angeles* (2019) 40 Cal.App.5th 384, 393. To do that, plaintiff must show he engaged in protected activity, his employer subjected him to an adverse employment action, and the existence of a causal link between the two. *Id.* Plaintiffs have failed to meet their burden, as the Court finds no triable issue of material fact exists as to Plaintiff Scott Goodlin's engaging in a protected activity [See UMF No. 19], or a causal link between any protected activity and an adverse employment action [See UMF Nos. 15 and 24]. The Motion as to the Sixth Cause of Action – Wrongful Discharge in Violation of Public Policy: Whistle Blower Retaliation is granted.

Seventh Cause of Action – Negligent Misrepresentation

While both parties argued in detail in regard to alleged misrepresentations made by Defendant Karen Williams to third party “The Quads at Meriam Park apartment complex”, the Court finds that Defendants have failed to meet their burden to show that no triable issue of material fact exists as to each theory under which Plaintiffs may prevail as to this cause of action. Specifically, Defendants fail to establish no triable issue of material fact exists as to the alleged misrepresentation by Defendants to Plaintiff in regard to the employment contract [See Second Amended Complaint at ¶¶32, 101, 102; UMF Nos. 25, 28]. The Motion as to the Seventh Cause of Action – Negligent Misrepresentation is denied.

Eighth Cause of Action – Intentional [or Negligent] Infliction of Emotional Distress

The Court finds that triable issues of material fact exist as to whether the alleged conduct by Defendants was extreme or outrageous conduct, and whether Plaintiffs suffered severe emotional distress as a result of Defendants' conduct [See UMF Nos. 39-41]. The Motion as to the Eighth Cause of Action – Intentional [or Negligent] Infliction of Emotional Distress is denied.

Ninth Cause of Action – Loss of Consortium

The Court finds a triable issue of material fact exists as to whether there was loss of consortium suffered by the Plaintiffs [See UMF Nos. 61, 63-65], and Motion as to the Ninth Cause of Action – Loss of Consortium is denied.

To summarize, Defendants’ Motion for Summary Judgment, or, in the Alternative, Summary Adjudication is granted as to the Fifth and Sixth Causes of Action, and denied as to Alter Ego Liability, and the First, Second, Third, Fourth, Seventh, Eighth, and Ninth Causes of Action. Counsel for the Defendants shall submit a form of order consistent with this ruling within two weeks.

3. 24CV02731 CRAMER, ELTON F ET AL V. FCA US, LLC

EVENT: Order to Show Cause (Breana Michelle Rucker)

The Court will hear from Breana Michell Rucker regarding the Order to Show Cause issued on March 12, 2026.

4. 24CV02857 PLATTS, TOBIAS, II ET AL V. JOHNSON, MARK ET AL

EVENT: Defendants’ Motion for Sanctions for Failure to Comply with Court Order Compelling Discovery Responses; Request for Issue and Evidentiary Sanctions

Defendants’ Motion for Sanctions for Failure to Comply with Court Order Compelling Discovery Responses; Request for Issue and Evidentiary Sanctions is unopposed and is granted in its entirety. In addition to the issue and evidence sanctions, which are granted, the Court also awards additional monetary sanctions in the amount of \$1,000 which are

imposed jointly and severally against Plaintiffs and Plaintiffs' counsel. The additional monetary sanctions shall be paid to Defendants' counsel within thirty (30) days. The Court will sign the form of order submitted by counsel.

5. 25CV00605 FREISE, RANDAL SCOTT V. FCA US, LLC ET AL

EVENT: Defendants' Motion for Judgment on the Pleadings

There being no evidence before the Court that Defendant completed the necessary opt-in prior to the date the Complaint was filed in this action, February 13, 2025, the Court concludes that the action was brought prior to the opt in and thus the *Code of Civil Procedure* §§871.20 and 871.21 Statute of Limitations does not apply in this instance. Additionally, Defendant argues that the action is time-barred under *Commercial Code* §2725, *Civil Code* §1791.1(c), and *Code of Civil Procedure* §338(d). While *Commercial Code* §2725 is referenced in the moving papers [see Pg. 13, Lines 16-19], the citation therein is only to *Commercial Code* §2725(2), which relates to the accrual of a cause of action, and therefore any argument that the action is barred by the statute of limitations in *Commercial Code* §2725(1), is a new argument presented for the first time in the Defendant's Reply and will not be considered. Likewise, there is no discussion in the moving papers about the statute of limitations in *Civil Code* §1791.1(c), so the Court likewise declines to consider that new argument. As to *Code of Civil Procedure* §338(d), the Court finds that Plaintiffs argue delayed discovery. Consequently, the statute of limitations defense is not clearly and affirmatively apparent from the allegations in the Complaint and the Motion is denied on that basis. The Motion is denied as to the First and Second Causes of Action for Violation of the Song-Beverly Act Under 1793.2(b) and (d).

The Court finds that the Plaintiff has failed to state a cause of action for violation of *Civil Code* §1793.2(a)(3), by failing to include any allegations that Plaintiff presented the subject vehicle to an authorized dealership at any time or that the subject dealership was unable to complete a repair due to lack of sufficient service literature and replacement parts. The Motion is granted as to the Third Cause of Action for Violation of Song-Beverly Act Under Section 1793.2(a)(3), with leave to amend.

The statute of limitations on a claim for breach of an implied warranty of merchantability is four years. *Commercial Code* §2725; *Montoya v. Ford Motor Co.* (2020) 46 Cal.App.5th 493, 495. However, in *Mexia*, the court clarified that the duration provision in *Civil Code* §1791.1, which limits the implied warranty of merchantability to a period of no less than 60 days and no more than one year following the sale of new consumer goods, does not operate as a statute of limitations. Instead, it defines the prospective duration of the implied warranty. The court explicitly rejected the argument that a consumer must discover and report a defect within this duration period. The court emphasized that the statute does not impose a deadline for discovering latent defects or notifying the seller, as such an interpretation would undermine the consumer protection purpose of the Song-Beverly Act. The Motion is denied as to the Fourth Cause of Action for Breach of Implied Warranty of Merchantability.

As discussed in *Dhital v. Nissan North America, Inc.* (2022) 84 Cal.App.5th 828, Plaintiff's Sixth Cause of Action - Fraudulent Inducement-Concealment alleges presale conduct by Defendant (concealment) that is distinct from Defendant's alleged subsequent conduct in breaching its warranty obligations. The Court finds that only the latter conduct requires the transactional relationship as discussed in *Rattagan v. Uber Technologies, Inc.* (2024) 17 Cal.5th 1. "The elements of common law fraud in California are (1) a misrepresentation of a material fact (false representation, concealment, or nondisclosure); (2) knowledge of falsity; (3) intent to defraud; (4) justifiable reliance; and (5) resulting damage." *Collins v. eMachines* (2011) 202 Cal.App.4th 249, 259. "The facts constituting the fraud, including every element of the cause of action, must be alleged 'factually and specifically'" to survive demurrer. *Apollo Capital Fund, LLC v. Roth Capital Partners, LLC* (2007) 158 Cal.App.4th 226, 240 [citing *Committee on Children's Television, Inc. v. General Foods Corp.* (1983) 35 Cal.3d 197, 216-17]. Here, the Court finds that the Sixth Cause of Action for Fraudulent Inducement – Concealment has been sufficiently pled [Complaint at ¶¶67-75], and the Motion for Judgment on the Pleadings is denied in this regard.

As to the Economic Loss Rule, it is "improper" to "recast" a breach of contract cause of action as a tort claim under the economic loss doctrine. *BFGC Architects Planners, Inc. v. Forum/Mackey Constr., Inc.*, (2004) 119 Cal.App.4th 848, 853. "That judicially created doctrine bars recovery in negligence for pure economic losses when such claims would disrupt the parties' private ordering, render contracts less reliable as a means of organizing commercial relationships, and stifle the development of contract law." *Sheen v. Wells Fargo Bank, N.A.* (2022) 12 Cal.5th 905, 915 ("[T]he rule functions to bar claims in negligence for pure economic losses in deference to a contract between litigating parties."). The doctrine extends to all tort-based claims "when they arise from—or are not independent of—the parties' underlying contracts." *Id.* at 633; *Aas v. Superior Court* (2000) 4 Cal.4th 627, 643 ("[A] person may not ordinarily recover in tort for the breach of duties that merely restate contractual obligations"). Here, the Court finds that the alleged facts suggest that Defendant's duty, if any, to repair the vehicle derives/derived from Plaintiff's contract and warranties rather than from an independent duty owed to Plaintiff and thus the Sixth Cause of Action for Fraudulent Inducement – Concealment, is barred by the Economic Loss Rule. The Motion is granted in this regard, without leave to amend.

The Court finds that the Complaint sufficiently states facts to support a cause of action for negligent repair [Complaint at ¶¶62-66] and the Motion is denied as to the Fifth Cause of Action for Negligent Repair.

Finally, a motion for judgment on the pleadings challenges the sufficiency of an entire cause of action or defense, while a motion to strike can target specific portions of a pleading, such as a claim for punitive damages, without challenging the entire cause of action. *Code of Civil Procedure* §92(d) explicitly allows motions to strike to remove improper content from a pleading, including claims for damages that are not supported by the allegations in the complaint. Additionally, case law supports the use of motions to strike for challenging punitive damages claims. For example, in *PH II, Inc. v. Superior Court* (1995) 33 Cal.App.4th 1680, the court clarified that a motion to strike is the

appropriate mechanism to challenge portions of a cause of action, such as punitive damages, when the defect is apparent on the face of the complaint. The Motion is therefore denied as to the Plaintiff's claim for punitive damages.

Any Amended Complaint shall be filed and served within 14 days' notice of this ruling. Counsel for the Defendant shall prepare and submit a form of order within two weeks.

6-7. 25CV00691 DOE 1, JANE V. GROZE, MELISSA ET AL

EVENTS: (1) Defendant Butte-Glenn Community College District's Demurrer to Plaintiff's Complaint

(2) Defendant Butte-Glenn Community College District's Motion to Strike Plaintiff's Complaint

Defendant Butte-Glenn Community College District's
Demurrer to Plaintiff's Complaint

Defendant Butte-Glenn Community College District's ("Defendant" herein) Request for Judicial Notice is granted.

"A plaintiff suing the state or a local public entity must allege facts demonstrating either compliance with the claim presentation requirement or an excuse for noncompliance as an essential element of the cause of action." *Ovando v. County of Los Angeles* (2008) 159 Cal.App.4th 42, 65. Further, a plaintiff has the burden of pleading every essential fact establishing compliance with specificity and particularity. See *Zipperer v. County of Santa Clara* (2005) 133 Cal.App.4th 1013, 1020. Here, the Court finds that Plaintiff Jane Doe 1 ("Plaintiff" herein) has failed to plead any facts establishing compliance with the Government Tort Claims Act, and the Demurrer to the First, Third and Fourth Causes of Action is sustained on that basis. However, even if the applicable Government Claim Form had been attached to the Complaint to satisfy this pleading requirement, or allegations relating to the submission of the Government Claim included in the Complaint, Plaintiffs' First, Third and Fourth Causes of Action would be (and are) barred by the Statute of Limitations. Pursuant to *Government Code* §945.6(a), a lawsuit subject to the Government Tort Claims Act must be filed within six months of the Notice of Rejection. Here, with a service date of the Rejection of March 21, 2023 [see Defendant's Request for Judicial Notice; Exhibit H to the Declaration of Kristie Nash], the last date to file a lawsuit subject to the Tort Claims Act was on September 21, 2023. *Code of Civil Procedure* §12a. This action was not filed until February 18, 2025, and is therefore time-barred. The Demurrer to the First, Third and Fourth Causes of Action is sustained without leave to amend.

In regard to the Second Cause of Action, the Court finds that the Complaint fails to plead facts establishing the Defendant knew or should have known of any alleged conduct by Defendant Melissa Groze and then failed to take corrective action and also fails to allege harassing conduct that is work related and imputable to the employer. The Demurrer is sustained on that basis, with leave to amend.

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

Defendant Butte-Glenn Community College District's
Motion to Strike Plaintiff's Complaint

Plaintiff acknowledges that punitive damages cannot be alleged against the Defendant as a matter of law pursuant to *Government Code* §818. Accordingly, Defendant Butte-Glenn Community College District's Motion to Strike Plaintiff's Complaint is granted and the punitive damage allegations against Defendant Butte-Glenn Community College are stricken without leave to amend. Counsel for the Defendant shall prepare and submit a form of order consistent with this ruling within two weeks.

8. 25CV04173 ZUCCOLILLO, MICHAEL ET AL V. COPELAND, MATTHEW ET AL

EVENT: Defendant State Farm General Insurance Company's Motion to Strike Claim for Punitive Damages

The Court finds that the factual allegations of the Complaint are sufficient to support a claim of punitive damages (Complaint at ¶¶23, 26, 43, 44), and Defendant State Farm General Insurance Company's Motion to Strike Claim for Punitive Damages, is denied.

9. 26CV00395 BUTTE COUNTY ANIMAL CONTROL V. BREWER, DONALD

EVENT: Trial de Novo – Appeal on Petition to Determine if Dog is Vicious

Food & Agriculture Code §31622 states in relevant part that "... If the petitioner or the owner or keeper of the dog contests the determination, they may, within five days of the receipt of the notice of determination, appeal the decision of the court or hearing entity of original jurisdiction." Here, the notice of determination was made in open Court on February 11, 2026, with an order signed on February 19, 2026, and mailed to Petitioner on February 23, 2026. Respondents indicate that they received a copy of the Order on February 25, 2026. The instant appeal was then filed until March 12, 2026, which is 15 days later. The Appeal is untimely and is denied.