

**Judge Mosbarger – Law & Motion – Wednesday, April 1, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1-2. 25CV02891 JANE DOE CFL V. CHICO UNIFIED SCHOOL DISTRICT

EVENTS: (1) Plaintiff's Motion to Compel Defendant Chico Unified School District's Further Responses to Request for Production of Documents

(2) Plaintiff's Motion to Compel Defendant Chico Unified School District's Further Responses to Form Interrogatories

Plaintiff's Motion to Compel Defendant Chico Unified School District's
Further Responses to Request for Production of Documents

As an initial matter, counsel for the Defendant is ordered to submit a fully executed copy (including the signatures of both parties' counsel) of the Stipulation for Protective Order; [Proposed] Order, which is attached as Exhibit B to the Declaration of Katherine L. Marlink in Support of Defendant's Oppositions to these Motions, which the Court will approve.

Additionally, it appears that Defendant has now produced in response to Request for Production No. 19, a copy the Job Description for Jennifer Smith's position, and in response to Request for Production No. 22, a copy of the deposition transcript of Jennifer Smith, redacted for privacy of third parties, which is appropriate as discussed herein. As such, the Court deems the Motion moot as to those Requests.

Both parties acknowledge that Jennifer Smith has a right of privacy in her personnel records, which is supported by California law that has expressly states that personnel files, employment records, and communications to the employer are private. *Board of Trustees v. Superior Court* (1981) 119 Cal.App.3d 516, 528. Here, the Court finds that Plaintiff has satisfied her burden of showing a compelling state interest, and the absence of alternative means to accomplish that interest to compel the production of the requested documents. See, *Williams v. Superior Court* (2017) 3 Cal.5th 531, and *Hill v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1. As such the Motion is granted as to Ms. Smith's personnel file.

As to third-party privacy concerns, the Court agrees with the Defendant that such information is protected, and such information is not sufficiently protected with a protective order that only prevents the parties from disclosing the names and factual information relating to other individuals outside the scope of this litigation. As such, while the Court grants the Motion as to documents that may contain third party information, the Court orders that any third-party names, addresses, or other personal identifying information be redacted.

Specifically, as to Request for Production Nos. 6, 14 and 15, the Court finds that while further responses are required, the Court's order does not extend to those investigations or statements protected by the attorney-client and/or work-product privileges.

Specifically, as to Request for Production No. 10, the Court orders Defendant to produce all responsive documents, finding that the argument that such documents are equally available to Plaintiff, to lack merit in this instance.

Finally, as to Request for Production Nos. 7 and 34, the Court finds that Request No. 7 is not vague and ambiguous. However, in regard to Request No. 34, the Court does agree that the scope of the Request is overbroad. Therefore, as suggested by the Plaintiff, Request for Production No. 34 is modified to read as follows: "All communications, including but not limited to emails, text messages, letter, voicemail messages, facsimiles, and any other form of correspondence, between Chico Unified School District, its employees, administrators, teachers, staff, and any other personnel that relate to JENNIFER SMITH's SEXUAL MISCONDUCT allegations between 2012 and present."

Further verified responses shall be provided by Defendant to Request for Production of Documents Nos. 1, 2, 6, 7, 10, 12, 13, 14, 15, 18 and 34, with the limitations discussed here, within 14 days' notice of this order.

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

Plaintiff's Motion to Compel Defendant Chico Unified School District's
Further Responses to Form Interrogatories

As an initial matter, only Form Interrogatory No. 12.1 is included in Plaintiff's Separate Statement in Support of Plaintiff's Motion to Compel Defendant Chico Unified District's Further Responses to Plaintiff's General Form Interrogatories, Set One. As such, while the Reply seems to seek a broader ruling in regard to Form Interrogatory Nos. 12.1 through 12.7, the Court's ruling only applies to Form Interrogatory No. 12.1.

The Court finds that Defendant's response to Form Interrogatory No. 12.1 does not comply with *Code of Civil Procedure* §2030.220. Due to the language used in the response that "this party has no firsthand information any "incident" occurred involving Plaintiff and can only speculate as to any witnesses", the response suggests information possibly exists but is not being provided. That is different from what Defendant argues in Opposition to the instant Motion that Defendant "possesses no information regarding witnesses to or those who have knowledge of such abuse." As such, the Motion is granted, and a further response shall be provided by Defendant to Form Interrogatory No. 12.1 within 14 days' notice of this order.

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

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3. 25CV04143 ROBINSON, JOSEPHE V. SELLAND, DAMON

EVENT: Defendant City of Chico Code Enforcement Officer Damon Selland's Demurrer to Plaintiff Joseph Robinson's Entire First Amended Complaint

Defendant City of Chico Code Enforcement Officer Damon Selland's ("Defendant" herein) Request for Judicial Notice is granted pursuant to *Evidence Code* §452(d) [Court Records].

The language in the First Amended Complaint that Defendant argues is beyond the scope of the Court's prior Ruling on the Demurrer is found at Page 4, Paragraph 5, and states "5. Defendant knowingly, intentionally, willfully and maliciously abused the power of his office to inflict emotional distress upon Plaintiff under color of law." The Court agrees that this additional theory of liability is beyond the scope of the Court's Ruling on the prior Demurrer and does not directly address the Court's reason for sustaining the Demurrer. See, *Community Water Coalition v. Santa Cruz County Local Agency Formation Com.* (2011) 200 Cal.App.4th 1317, 1329 ["It is the rule that when a trial court sustains a demurrer with leave to amend, the scope of the grant of leave is ordinarily a limited one. It gives the pleader an opportunity to cure the defects in the particular causes of action to which the demurrer was sustained, but that is all."]; See also, *Patrick v. Alacer Corp.* (2008) 167 Cal.App.4th 995. As such should the Complaint be amended further following the Court's ruling on the instant Demurrer, no such allegation shall be included.

The Demurrer to the entire First Amended Complaint is granted on the grounds that (1) Plaintiff has again failed to allege he exhausted administrative remedies subject to the claim presentation requirements set forth in the *Government Code* §810 et seq.; and (2) Plaintiff has again failed to allege facts sufficient to show an exception to the discretionary immunity in *Government Code* §820.2, and statutory immunity in *Government Code* §§820.4 and 821.6, thus the First Amended Complaint again fails to state facts to support any cause of action pursuant to *Code of Civil Procedure* §430.10(e). The Court further finds that that the First Amended Complaint remains uncertain, ambiguous, and unintelligible, and therefore fails to state facts sufficient to constitute a cause of action pursuant to *Code of Civil Procedure* §430.10(f) and (e).

The Demurrer is overruled in all other respects. The Court grants leave to amend. Any amended complaint shall be filed and served within 20 days' notice of this ruling. Counsel for the Defendant shall prepare and submit a revised form of order consistent with this ruling within two weeks.