

TENTATIVE RULINGS

*****This calendar will be heard by Judge Benson*****

1-2. 24CV02342 LOZADA, RACHEL ROMERO V. KEPLEY, DON ET AL

EVENTS: (1) Defendant's Motion to Dismiss

*(2) Case Management Conference *Special Set*

There is no proof of service in the Court's file therefore the Court cannot confirm whether notice complies with *Code of Civil Procedure* §1005. Defendant's Motion to Dismiss is denied.

However, even if the Court were to reach the merits of the Motion, which although titled a "Motion to Dismiss" appears to be in substance, a Demurrer, the Court finds as follows:

Before filing a demurrer, the demurring party is required to meet and confer with the party who filed the pleading demurred to for the purposes of determining whether an agreement can be reached through a filing of an amended pleading that would resolve the objections to be raised in the demurrer. *Code of Civil Procedure* §430.41. Here, there is no evidence that Defendant complied with this requirement.

Additionally, *Code of Civil Procedure* §430.40 provides that "(a) A person against whom a complaint or cross-complaint has been filed may, ***within 30 days after service of the complaint*** or cross-complaint, demur to the complaint or cross-complaint." Here, the operative Complaint was filed and served on February 3, 2026, and therefore the instant Motion, filed 55 days later, on March 30, 2026, is untimely.

Therefore, the Motion is denied on these additional grounds as well.

The Court will conduct a Case Management Conference, and the parties are to appear. However, this is not an invitation to present oral argument in regard to the Motion to Dismiss. If the parties wish to argue the tentative ruling, they must comply with Butte County Local Rule 2.9 and California Rules of Court Rule 3.1308(a)(1). In regard to the Case Management Conference, the Court will hear from parties as to whether they are ready to set the matter for trial, or if they wish to set the matter out for a further Case Management Conference.

3. 25CV00439 TBF FINANCIAL I, LLC V. GREASE MONKEY TRUCK REPAIR, INC ET AL

EVENT: Plaintiff's Second Motion for Terminating Sanctions Against Defendant Mohammad Assad Khan, Striking his Answer

Defendant Mohammad Assad Khan ("Defendant" herein) failed to comply with the Court's September 24, 2025 Order compelling Defendant to respond to Plaintiff's discovery requests and pay \$1,863.75 in monetary sanctions; Defendant failed to comply with the Court's December 30, 2025 Order again compelling Defendant to provide discovery responses and pay the aforementioned sanctions; and Defendant failed to comply with the Court's February 4, 2026 Order to Meet and Confer about providing Plaintiff with the outstanding discovery responses. The Court finds that there has now

been a showing of ongoing and willful disobedience of a Court's discovery order and blatant and ongoing abuse of the discovery process that rises to the level of discovery abuse to support terminating sanctions. See, *Liberty Mutual Fire Ins. Co. v. LcL Administrators, Inc.* (2008) 163 Cal.App.4th 1093. As such, terminating sanctions are warranted on this record, the Motion is granted, and Defendant Mohammad Assad Khan's General Denial filed on April 7, 2025 is hereby stricken. The Court will sign the form of order submitted by Plaintiff.

4-5. 25CV00678 KRULDER, WILLIAM D V. GENERAL MOTORS, LLC

EVENTS: (1) Defendant General Motors LLC's Motion for Compliance Pursuant to C.C.P. § 871.26; and Request for Sanctions [Deposition]

(2) Defendant General Motors LLC's Motion for Compliance Pursuant to C.C.P. § 871.26; and Request for Sanctions [Production]

Defendant General Motors LLC's Motion for Compliance Pursuant to C.C.P. §871.26; and Request for Sanctions [re: Plaintiff William D. Krulder's Deposition] is unopposed and is GRANTED. Plaintiff William D Krulder is hereby ordered to sit for deposition pursuant to *Code of Civil Procedure* §871.26(c)(1) within ten (10) days of the hearing on this Motion. Monetary sanctions are also issued against Plaintiff William D Krulder's attorneys of record, Strategic Legal Practices, APC, in the amount of \$1,500 for violation of *Code of Civil Procedure* §871.26(j)(2). These sanctions are to be paid to Defendant within fifteen (15) business days of the hearing on this Motion. The Court will sign the form of order submitted.

Defendant General Motors LLC's Motion for Compliance Pursuant to C.C.P. §871.26; and Request for Sanctions [re: Plaintiff's Initial Document Production] is unopposed and is GRANTED. Plaintiff William D Krulder is hereby ordered to serve his documents, including repair orders, sale contract, registration, payment history, and any other documents related to the subject vehicle pursuant to *Code of Civil Procedure* §871.26(b), (f), and (g) within ten (10) days of the hearing on this Motion. Monetary sanctions are also issued against Plaintiff William D Krulder's attorneys of record, Strategic Legal Practices, APC, in the amount of \$1,500 for violation of *Code of Civil Procedure* §871.26, subdivision (j)(1). These sanctions are to be paid to Defendant within fifteen (15) business days of the hearing on this Motion. The Court will sign the form of order submitted.

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6. 25CV02105 BISHOP, LILLIAN K ET AL V. GENERAL MOTORS, LLC

EVENT: Defendant General Motors LLC's Motion for Compliance Pursuant to C.C.P. § 871.26; and Request for Sanctions

Defendant General Motors LLC's Motion for Compliance Pursuant to C.C.P. §871.26; and Request for Sanctions is GRANTED. Plaintiffs Lilian K. Bishop and Nicholas D. Bishop are hereby ordered to sit for deposition pursuant to *Code of Civil Procedure* §871.26(c)(1) within ten (10) days of the hearing on this Motion.

Monetary sanctions are also issued against Plaintiffs Lilian K. Bishop and Nicholas D. Bishop's attorneys of record, Strategic Legal Practices, APC, in the amount of \$1,500 for violation of *Code of Civil Procedure* §871.26(j)(2). These sanctions are to be paid to Defendant within fifteen (15) business days of the hearing on this Motion. The Court will sign the form of order submitted.

7-8. 25CV02798 TYLER, MATHEW V. STATE OF CALIFORNIA ET AL

EVENTS: (1) State Defendants' Demurrer

(2) Demurrer to Complaint by Former Senator Dahle, Assembly Member Gallagher, Deputy Legislative Counsel Benjamin Herzberger, and the Office of Legislative Counsel

The Court is not yet in receipt of the Supplemental Complaint, that was authorized by this Court's Order of January 14, 2026. It is the Court's understanding that the Plaintiff has attempted on at least two occasions to file the Supplemental Complaint electronically, but that the filings were rejected due to being incorrectly formatted for filing through the electronic service provider. Additionally, it appears that Plaintiff attempted to file a Motion for Judgment on the Pleadings for hearing this date (given the Joint Opposition filed thereto by Defendants on April 2, 2026), but the Court does not have any such Motion in its file, it also having been rejected for the same formatting issues. The Court therefore continues this matter (both pending Demurrers and the Motion for Judgment on the Pleadings) to April 29, 2026 at 9:00 a.m. to allow Plaintiff to file his Supplemental Complaint and Motion for Judgment on the Pleadings.

9. 25CV03575 CHAMBERS, ALICIA V. GEICO GENERAL INSURANCE CO

EVENT: Motion to Compel Arbitration and Appoint Arbitrator in an Underinsured Motorist Action with Request for Sanctions

The Proof of Service indicates that the Motion was served electronically on March 27, 2026, which is only 12 Court days' notice. Pursuant to *Code of Civil Procedure* §1005(b), an additional 4 Court days' notice is required, and 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. However, based on the Court's receipt of a substantive opposition, the Court in its discretion has considered the merits of the Motion.

Pursuant to *Code of Civil Procedure* §1281.6, “[i]f the arbitration agreement provides a method of appointing an arbitrator, that method should be followed.” Here, Claimant Alicia Chambers and Respondent Geico General Insurance Company contractually agreed that “matter(s) in dispute shall then be settled according to American Arbitration Association rules” [See, Declaration of Andria J. Jaramillo, filed with the Opposition on April 3, 2026; at Paragraph 3; Exhibit A at Page 21 of 27 – DISPUTES BETWEEN US AND AN INSURED]. The AAA Consumer Arbitration Rules R-15 expressly states that “AAA maintains a National Roster of Arbitrators (“National Roster”) and shall appoint arbitrators from this National Roster to resolve the parties’ dispute(s)” [See, Declaration of Andria J. Jaramillo, filed with the Opposition on April 3, 2026; at Paragraph 6; Exhibit B at Page 14 – R-15. Number and Appointment of Neutral Arbitrators].

The Court finds that because the arbitration agreement references application of the AAA Consumer Arbitration Rules, the entirety of those Rules apply, including the selection of an arbitrator. The arbitration agreement thus provides a method of appointing an arbitrator and that method should be followed.

The Motion is denied.

10-11. 25CV04754 DONNA MCLAUGHLIN, BY AND THROUGH HER SUCCESSOR IN INTEREST HEIDI BLIDE ET AL V. ENLOE MEDICAL CENTER ET AL

EVENTS: (1) Defendants Francisco Javier Alvarez, M.D. and Enloe Primary Physicians Medical Group, Inc., dba Chico Hospitalist Group’s Demurrer to Plaintiffs’ Complaint

(2) Defendants Francisco Javier Alvarez, M.D. and Enloe Primary Physicians Medical Group, Inc., dba Chico Hospitalist Group’s Motion to Strike Punitive Damages and Attorneys’ Fees and Costs From Plaintiffs’ Complaint

On the Court’s own motion this matter is continued to April 22, 2026 at 9:00 a.m.