

**Judge Mosbarger – Law & Motion – Wednesday, May 6, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV02021 DELMAR, KYLE V. NORTH LIGHT SPECIALTY COMPANY ET AL

EVENT: Motion Seeking Leave to File a Second Amended Complaint

The Court finds that the request is untimely and Plaintiff's Motion Seeking Leave to File a Second Amended Complaint is denied. Counsel for the Defendants shall prepare and submit a form of order within two weeks.

2. 23CV02982 AMPLA HEALTH, ADM BY BETA HEALTHCARE GROUP V. BADOVINAC, DEREK

EVENT: Defendant Derek Badovinac's Motion to Consolidate Cases Pursuant to Code of Civil Procedure § 1048, Subd. (A)

Pursuant to the stipulation of the parties and good cause appearing, the Motion to Consolidate of Cases is granted. The Court orders that *AMPLA Health, Adm. by Beta Healthcare Group v. Derek Badovinac* (Case No. 23CV02982 and *Rosa Valdezdealeman v. Derek V. Badovinac* (Case No. 26CV00944), are consolidated for all purposes. The consolidated matter shall proceed under the lower-case number, 23CV02982, which shall be the lead case number. The consolidated matter is assigned to Judge Tamara L. Mosbarger for all purposes. The Court will sign the form of order submitted by Defendant, and the clerk is directed to file the Order in both cases.

3. 24CV00765 HATZIS, MORGAN V. PRIETO, MARIA

EVENT: Defendants' Motion to Continue Trial Date, Trial Readiness Conference, Discovery, and all Trial Related Deadlines

As an initial matter, pursuant to the Court's Order of April 24, 2026, a timely Opposition was to be filed and served no later than April 29, 2026 by 4:00 p.m. Here, the Opposition was not filed until April 30, 2026, which is untimely. However, in the Court's discretion, the arguments presented in the untimely Opposition have been considered in its ruling on the Motion. Defendants' Motion for Continuance of Trial is granted, the Court finding good cause for the requested continuance. The Court vacates the trial date of June 22, 2026, the trial readiness conference set for June 11, 2026, and the mandatory settlement conference set for May 13, 2026. The Court sets this matter for a mandatory settlement conference on October 5, 2026 at 8:30 a.m. with Judge Heithecker via Zoom, a trial readiness conference on November 5, 2026 at 1:30 p.m., and a jury trial on November 9, 2026 at 8:00 a.m., with a 7-day estimate. All statutory deadlines, including fact and expert discovery deadlines/cut-off dates set by *Code of Civil Procedure* §§2024.020 and 2024.030, shall be recalculated in accordance with the new trial date. The Court will sign the form of order submitted by Defendants.

4. 24CV01428 LARSON, COREEN V. PUTZMEISTER AMERICA, INC

EVENT: Defendant Putzmeister America, Inc.'s Motion for Summary Judgment, or Alternatively Summary Adjudication

Plaintiffs' Objections to Defendant's Undisputed Material Facts and Supporting Evidence in Support of Their Motion for Summary Judgment are sustained as to Objection No. 7 regarding Fact No. 24, the Court finding that there is a lack of evidentiary support for the proffered material fact and overruled as to the remainder of the objections. With regard to any objections raised by Defendant in the Defendant's Reply in Support of Separate Statement of Undisputed Material Facts, those objections are improperly raised solely as part of the Separate Statement, in violation of California Rules of Court, Rule 3.1354(b) ["All written objections to evidence must be served and filed separately from the other papers in support of or in opposition to the motion. Objections to specific evidence must be referenced by the objection number in the right column of a separate statement in opposition or reply to a motion, but the objections must not be restated or reargued in the separate statement."] Defendant's evidentiary objections are overruled.

The Court finds a triable issue of material fact exists as to whether any alleged defect existed when the pump left Defendant's control, whether the incident occurred during a foreseeable or intended use, and whether Decedent's death was caused by any modification or misuse by the Decedent (UMF Nos 5, 11, 12, 13, 21, 22; PUMF Nos. 17, 18, 31, 33, 34). Thus, the Court finds a triable issue of material fact exists as to the Plaintiffs' Cause of Action for Strict Products Liability – Design Defect and the Motion for Summary Judgment/Adjudication is denied as to that Cause of Action.

The Court finds a triable issue of material fact exists as to the sufficiency of the warnings provided by Defendant (UMF Nos. 26-30; PUMF Nos. 12, 18, 36, 40-43, 45-46, 48), and in regard to the application of the sophisticated user and sophisticated intermediary defenses, the Court finds that Defendant has failed to meet its burden of proof to establish the applicability of those defenses. The Motion for Summary Judgment/Adjudication as to Plaintiffs' Cause of Action for Strict Products Liability – Failure to Warn, is denied as to that Cause of Action.

The Court finds a triable issue of material facts exists as to causation (UMF Nos 5, 11, 12, 13, 21, 22; PUMF Nos. 6, 7, 17, 18, 21-22, 24, 26,-29, 30-31, 33-35), and therefore the Motion for Summary Judgment/Adjudication as to Plaintiffs' Cause of Action for Negligence is denied as to that Cause of Action.

Defendant Putzmeister America, Inc.'s Motion for Summary Judgment, or Alternatively Summary Adjudication is denied. Counsel for the Plaintiffs shall prepare and submit a form of order consistent with this ruling within two weeks.