

**Judge Mosbarger – Law & Motion – Wednesday, May 13, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV02594 MOFFITT, DEREK C ET AL V. MOFFITT, TERESA L ET AL

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

As an initial matter, the Court finds that the Reply filed by Plaintiffs Derek C. Moffitt and Sandi Moffitt ("Plaintiffs" herein) on May 7, 2026 is untimely pursuant to *Code of Civil Procedure* §1005(b), and the Court declines to consider the arguments raised therein. Additionally, the arguments raised therein are "new evidence" which the Court cannot consider. See, *San Diego Watercrafts, Inc. v. Wells Fargo Bank, N.A.* (2002) 102 Cal.App.4th 308, 312-316 [holding that trial court erred in considering new evidence submitted on reply and observing that "due process requires a party be fully advised of the issues to be addressed and be given adequate notice of what facts it must rebut in order to prevail."] The Court therefore declines to consider the untimely Reply on that basis as well. Defendants Teresa L. Moffitt and Theldor Farms, Inc.'s ("Defendants" herein) Request for Judicial Notice is granted pursuant to *Evidence Code* §452(d)(1). The Court finds that Plaintiffs have failed to comply with Rule of Court Rule 3.1324(a)(3) ["State what allegations are proposed to be added to the previous pleading, if any, and where, by page, paragraph, and line number, the additional allegations are located."] and Rule 3.1324(b)(4) ["The reasons why the request for amendment was not made earlier."]. Finally, even if the Court were to consider the merits of the untimely Reply, the arguments raised therein would not outweigh the finding that Plaintiffs' Motion is untimely and extremely prejudicial to the Defendants. Plaintiff's Motion for Leave to File Second Amended Complaint is denied. Counsel for the Defendants shall prepare and submit a form of order consistent with this ruling within two weeks.

2. 23CV00166 THEARD, DONRECKA V. BLACK, MISTY

EVENT: Plaintiff's Counsel's Motion to be Relieved as Counsel

There is no proof of service in the Court's file therefore the Court cannot confirm whether notice complies with California Rules of Court, Rule 3.1362(d) or *Code of Civil Procedure* §1005. The Motion is continued to May 27, 2026 at 9:00 a.m. to allow sufficient time for notice and filing of a proof of service. Based on what is before the Court at this time, the Court is inclined to find good cause to grant the Motion. Additionally, the Court advances the Case Management Conference on calendar May 13, 2026 at 10:30 a.m. to 9:00 a.m. and continues the Case Management Conference to July 15, 2026 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

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3. 24CV01006 PARRIS, LORI V. ISAKSON, BENJAMIN, MD ET AL

EVENT: Defendants Peter Wolk MD and Northstate Cardiology Consultants' Motion for Summary Judgment, or in the Alternative, Summary Adjudication of Plaintiff's Claims for Medical Negligence (Standard of Care & Causation)

Plaintiff Lori Parris' ("Plaintiff" herein) Evidentiary Objections are overruled. Defendants Peter Wolk, M.D.; and Northstate Cardiology Consultants' (collectively "Defendants" herein) Evidentiary Objections are sustained as to No. 17 in relation to the Declaration of James D. Leo, M.D., FACT, FCCP, and overruled as to the remainder. The Court finds that there is a triable issue of material fact as to whether Defendants acted within the applicable standard of care [UMF No. 51; PUMF Nos. 82-83; Declaration of Christopher W. Wulff, M.D. at ¶¶14; Declaration of James D. Leo, M.D., FACP, FCCP at ¶¶6; and Declaration of D. Preston Flanigan, M.D. at ¶¶6]; and a triable issue of material fact as to whether any act or omission by Defendants was the cause of or substantially contributed to Plaintiff's damages [UMF Nos. 28, 39; PUMF No. 79; Declaration of Jerrold H. Levy, M.D., F.A.H.A., F.C.C.M at ¶¶15-16; Declaration of James D. Leo, M.D., FACP, FCCP at ¶¶6; and Declaration of D. Preston Flanigan, M.D. at ¶¶6]. Defendants Peter Wolk MD and Northstate Cardiology Consultants' Motion for Summary Judgment, or in the Alternative, Summary Adjudication of Plaintiff's Claims for Medical Negligence (Standard of Care & Causation) is denied. Counsel for the Plaintiff shall submit a form of order consistent with this ruling within two weeks.

Due to the Court's unavailability to hear the jury trial as currently set, the Court vacates the Jury Trial on October 26, 2026, the Trial Readiness Conference on October 22, 2026, and the Mandatory Settlement Conference on September 16, 2026, and sets the following dates: October 5, 2026 at 3:00 p.m. – Mandatory Settlement Conference with Judge Heithecker via Zoom; December 3, 2026 at 1:30 p.m. – Trial Readiness Conference; and December 7, 2026 at 8:00 a.m. – Jury Trial (10 day estimate).

4. 25CV02188 IN RE: CLAIM OF SANCHEZ CAMACHO, ERIK MARINI

EVENT: Plaintiff's Motion to Strike Claim Opposing Forfeiture (Late Filed)

The Motion to Strike Claim Opposing Forfeiture is unopposed and is granted. The Case Management Conference on May 13, 2026 at 10:30 a.m. is vacated, and the matter is dismissed. The Court will sign the form of order submitted by counsel.

5. 25CV05105 BARNES, KATHERINE ET AL V. MEDERS-KNIGHT, ALI ET AL

EVENT: Defendant Ali Meders-Knight's Motion for Leave to File Cross-Complaint

The Motion is unopposed and is granted. The Court grants leave to Defendant Ali Meders-Knight to file a Cross-Complaint within ten days. Counsel for the moving Defendant shall submit a form of order within two weeks.