

**Judge Mosbarger – Law & Motion – Wednesday, May 20, 2026 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 21CV02281 SUSAN EIDSON AND AMY BAIRD, SUCCESSOR TRUSTEES OF THE NIXON FAMILY TRUST V. TESTATE AND INTESTATE SUCCESSORS OF THE HARRY G MCKEEN, AND EVALYN I MCKEEN ET AL**

*EVENT: Motion for Substitution of Party Plaintiff*

The Motion for Substitution of Party Plaintiff is granted, and the Court will sign the form of order submitted.

**2. 22CV02594 MOFFITT, DEREK C ET AL V. MOFFITT, TERESA L ET AL**

*EVENT: Plaintiffs' Motion to Compel Teresa L. Moffitt to Produce Documents Described in Deposition Notice and for Sanctions*

The Objections to Reply Evidence submitted by Derek and Sandi Moffitt are overruled. *Code of Civil Procedure* §2025.480 provides that the deadline for filing a Motion to Compel is “60 days after the completion of the record of the deposition.” Here, the deposition is not complete because the parties have mutually agreed that the deposition of Teresa Moffitt will be done in one to four two-hour sessions in one ongoing deposition. As such, the Court deems this Motion timely. Additionally, the Court finds that the meet and confer efforts of the parties to be sufficient. As to the merits of the Motion, the Court finds that Plaintiffs have sufficiently established good cause for the Requests, the objections largely lack merit, and the Motion is granted, in part. Teresa Moffitt is ordered to produce the documents requested in the deposition notice, limited to non-confidential, non-privileged, and non-expert related documents (see Request Nos. 3-4), and any such documents can be withheld with the submission of a privilege log. No response is required for Request No. 180, which the Court finds to be overbroad and unduly burdensome. Plaintiffs’ request for sanctions is granted. Sanctions are awarded in favor of Plaintiffs and against Defendant Teresa Moffitt and her counsel of record in the amount of \$2,500, which are to be paid within 30 days’ notice of this ruling. Counsel for the Plaintiffs shall prepare and submit a form of order consistent with this ruling within two weeks.

**3. 22CV02761 BRANCH, BRANDON ET AL V. ARTHUR, LINDBERG, III**

*EVENT: Motion for Terminating Sanctions and Attorney Fees*

Defendant’s Motion for Terminating Sanctions and Attorney Fees is granted in part. While the Court is not inclined to grant terminating, sanctions based on this record (see, *Liberty Mutual Fire Ins. Co. v. LcL Administrators, Inc.* (2008) 163 Cal.App.4th 1093), the Court does award further monetary sanctions in the amount of \$800, against Plaintiffs Brandon Brach, Lacy Branch, and Beau Branch, a minor, which is to be paid within 14 days’ notice of the Court’s order, with the previously ordered responses to discovery. Defendant shall submit a revised form of order consistent with this ruling within two weeks.

#### 4. 23CV01025 HARO, OSCAR V. GENERAL MOTORS, LLC

*EVENT: Defendant General Motors LLC's Motion for Summary Judgment; or in the Alternative Summary Adjudication*

Defendant General Motors LLC ("Defendant" herein) has met its burden to show that Plaintiff Oscar Haro's claims fail as a matter of law. *Code of Civil Procedure* §437c(p)(2); *Cummins, Inc. v. Superior Court* (2005) 36 Cal.5th 478; *Daugherty v. American Honda Motor Co.* (2006) 144 Cal.App.4th 824; Undisputed Material Fact No. 2; Declaration of Xylong Quezada at ¶3, and Exhibit A attached thereto; Declaration of Bryan Jensen at ¶¶4 and 6, and Exhibits A and C thereto; and Declaration of Gregory Yu at ¶1, and Exhibit 1 thereto. Specifically, the Court finds that Defendant has produced evidence showing the 2017 GMC Sierra 1500, VIN: 3GTU2NEC2HG367968 ("Subject Vehicle" herein), was purchased in Nampa, Idaho. Undisputed Material Fact No. 2; Declaration of Xylong Quezada at ¶3, and Exhibit A attached thereto; Declaration of Bryan Jensen at ¶¶4 and 6, and Exhibits A and C thereto; and Declaration of Gregory Yu at ¶1, and Exhibit 1 thereto. Therefore, Defendant has shown that the Subject Vehicle was not purchased in California and thus would not be covered under the Song Beverly Act.

The burden having shifted, the Court finds that Plaintiff has failed to meet his burden to raise a triable issue of fact, and Plaintiff's own evidence submitted in opposition to the motion further supports Defendant's position that the Subject Vehicle was purchased outside of California. Plaintiff also argues that the government interest test must be applied, but this argument is not persuasive. Defendant does not request that the Court apply non-California law to Plaintiff's claims. Rather, Defendant argues that the Song Beverly Act does not encompass claims arising from vehicles purchased outside of California. The Court agrees.

As to the Magnuson-Moss Warranty Act Claim, the Court finds that the California Court of Appeal's decision in *Daugherty v. American Honda Motor Co., Inc.* (2006) 144 Cal.App.4th 824 is controlling, and because Plaintiff cannot state an independent claim under the Magnuson-Moss Warranty Act without their Song-Beverly state law claims, Plaintiff's claim under the Magnuson-Moss Warranty Act must necessarily fail.

Defendant General Motors LLC's Motion for Summary Judgment is granted in its entirety. The Court vacates the Mandatory Settlement Conference on July 27, 2026, the Trial Readiness Conference on July 30, 2026, and the Jury Trial on August 3, 2026, and sets this matter for a Status Hearing on June 24, 2026 at 10:30 a.m. for status of judgment and dismissal.

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**5-6. 23CV03337 OBRIEN, CAMERON RILEY V. PBM SUPPLY & MFG INC ET AL**

*EVENTS: (1) Defendant's Motion to Compel Arbitration*

*(2) Case Management Conference \*Special Set*

The Court finds that Defendant PBM Supply & Mfg Inc.'s ("Defendant" herein) conduct is inconsistent with an intent to arbitrate. Specifically, Defendant failed to move to compel arbitration for over two years and its litigation conduct evidences a waiver of the right to arbitrate. Defendant's Motion to Compel Arbitration is denied. The Case Management Conference is continued to July 29, 2026 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

**7. 24CV00332 TACALO, ALEXANDRA V. LARA, ANTHONY ET AL**

*EVENT: Defendants City of Gridley and Anthony Lara's Motion for Summary Judgment or, in the Alternative, Summary Adjudication*

The Court, in its discretion, is inclined to consider the untimely filed Opposition and continue this matter to June 10, 2026 at 9:00 a.m. to allow for the filing of a substantive Reply.

**8. 24CV00765 HATZIS, MORGAN RAE V. PRIETO, MARIA NERISSA ET AL**

*EVENT: Plaintiff's Motion for Monetary Sanctions*

The Proof of Service on the Amended Motion indicates that it was served electronically on May 6, 2026, which is only ten Court days' notice. Pursuant to *Code of Civil Procedure* §§1005 and 1010.6(3)(B), six additional Court days' notice, plus two additional Court days' notice is required for electronic service. While the Court previously indicated that Plaintiff was authorized to file an Amended Motion, it was under the assumption that the Amended Motion would be properly noticed. The Court continues this matter to June 24, 2026 at 9:00 a.m. to allow for proper notice. Any Opposition and/or Reply shall be filed and served pursuant to *Code of Civil Procedure* §§1005 and 1010.6 in accordance with the new hearing date.

**9. 24CV01428 LARSON, COREEN V. PUTZMEISTER AMERICA, INC.**

*EVENT: Defendant's Motion to Continue Trial Date*

Pursuant to the Stipulation of the parties and the Order to Continue Trial Date executed by this Court on May 14, 2026, Defendant's Motion to Continue Trial Date is moot and is off calendar.

**10. 24CV02608 LAKEVIEW LOAN SERVICING, LLC V. DURAN ANGEL, LUIS A ET AL**

*EVENT: Plaintiff's Motion to Stay Proceedings Pending Loss Mitigation*

The Motion is unopposed and is granted. The Case Management Conference on June 24, 2026 is continued to September 30, 2026 at 10:30 a.m. The Court will sign the form of order submitted by Plaintiff.

**11-12. 24CV02890 RAY, ROWENA V. SIERRA CENTRAL CREDIT UNION**

*EVENTS: (1) Motion for Final Approval of Class Action and PAGA Settlement,*

*(2) Review Hearing – Final Settlement Approval*

The Motion for Final Approval of Class Action and PAGA Settlement, Attorneys' Fees and Costs, Enhancement Award, and Settlement Administration Costs is granted. The Court will sign the form of order submitted by counsel with the addition of the final compliance hearing date on December 2, 2026 at 10:30 a.m., and a deadline for filing the Declarations attesting to compliance no later than 7 calendar days before the hearing.

**13. 25CV01221 VETTER, KRISTOPHER GUY V. CITY OF CHICO**

*EVENT: Motion to Compel Further Discovery Responses; and for Monetary Sanctions*

The Court finds, as to Special Interrogatories, Set Two, that the 35-question limit set forth in *Code of Civil Procedure* §2030.030(a)(1), (b), has been exceeded. Plaintiff's subsequent "withdrawal" of Special Interrogatories, Set One, after Defendant had provided responses is inappropriate and of no effect. Given that Plaintiff failed to provide a Declaration of Necessity, as required by *Code of Civil Procedure* §2030.050, the Motion to Compel further responses to Special Interrogatories, Set Two is denied.

As to Request for Production of Documents, Set One, the Court finds that neither the term "INCIDENT" or "property" or "PRR" are so ambiguous as to render the Requests unintelligible and prevent the Defendant from responding. As such, the conclusion that Defendant is unable to comply because the terms INCIDENT, property and/or PRR are undefined in Propounding Party's Requests for Production, lacks merit and the Court orders Defendant to provide further responses to Request for Production Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9. In regard to Request No. 10, Defendant's response does not satisfy the requirement of *Code of Civil Procedure* §2031.210 which requires a response include one of the following: "(1) A statement that the party will comply with the particular demand for inspection, copying, testing, or sampling by the date set for the inspection, copying, testing, or sampling pursuant to paragraph (2) of subdivision (c) of Section 2031.030 and any related activities. (2) A representation that the party lacks the ability to comply with the demand for inspection, copying, testing, or sampling of a particular item or category of item. (3) An objection to the particular demand for inspection, copying, testing, or sampling." If there are no documents to support this affirmative defense, the

Defendant should so state, and the Court orders Defendant to provide a further response to Request for Production No. 10.

For the same reason discussed above, in relation to Requests for Admission, Set One, the Court again finds that the terms “property”, “Plaintiff’s property”, “PRR” and “INCIDENT” are not so ambiguous as to render the Requests unintelligible and prevent the Defendant from responding. As such, the conclusion that Defendant is unable to comply because these terms are undefined in Propounding Party’s Requests for Admission, lacks merit and the Court orders Defendant to provide further responses to Requests for Admissions Nos. 1, 2, 3, 4, 7, 8, 9 and 10.

Finally, as to Form Interrogatories, Set One, the Court finds that Defendant’s responses to Interrogatories Nos. 1.1 (with identification of the noted “various City departments and employees”); 12.1 (substantive response); and 15.1 (substantive response) require further response. The remaining Interrogatories: 2.1, 2.5, and 2.6 are irrelevant and the responses provided sufficient.

Defendant’s further responses shall be served within 20 days’ notice of this order.

Plaintiff’s request for sanctions is granted, the Court finding that Plaintiff was forced to seek this relief prior to Defendant providing Code compliant responses without substantial justification. The Court awards sanctions against Defendant and its counsel of record in the amount of \$450, which are to be paid within 30 days’ notice of this ruling. Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

#### **14. 25CV04770 OBRIEN, CAMERON RILEY V. PBM SUPPLY & MFG INC ET AL**

*EVENT: Defendant’s Motion to Compel Arbitration*

The Court finds that Defendant PBM Supply & Mfg Inc. (“Defendant” herein) has established the existence of a valid and enforceable arbitration agreement. In terms of procedural and substantive elements of unconscionability, both must be present for a court to exercise its discretion to refuse to enforce a contract or clause under the doctrine of unconscionability, and the Court finds that neither procedural nor substantive unconscionability have been established by Plaintiff here. The Motion is granted. Plaintiff Cameron Riley Obrien is hereby ordered to arbitrate, in binding arbitration, his claims against Defendant and the matter is hereby stayed pending completion of arbitration. The Case Management Conference on June 3, 2026 is vacated, and the matter is set for a Review Hearing for status of arbitration on September 23, 2026 at 10:30 a.m. The Court will sign the form of order submitted by counsel.

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**15-16. 26CV00248 BAM PROPERTIES LLC V. CITY OF OROVILLE**

*EVENTS: (1) Respondent and Defendant City of Oroville's Demurrer to First Amended Petition for Writ of Mandate and Complaint of Petitioner and Plaintiff BAM Properties LLC*

*(2) Status Conference*

As to the Second Cause of Action for Violation of California Public Records Act ("CPRA" herein) and the California Constitution Failure To Assist, Conduct An Adequate Search and Produce Responsive Records, the Court finds that Petitioner/Plaintiff has failed to allege the existence of a public record. The Petitioner/Plaintiff must identify the requested record as a "public record" under the CPRA, which is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency. The Demurrer to the Second Cause of Action is sustained, and the Court grants leave to amend.

The Third Cause of Action for Violation of California Public Records Act Failure to Allow Inspection of Records and Failure to Produce Records Vesting Building Code Enforcement Authority and Identifying the Individual Authorized as the City's Building Official is sufficiently plead [see Amended Petition for Writ of Mandate at ¶¶87-94]. The Demurrer to the Third Cause of Action is overruled.

Finally, the Fourth Cause of Action for Petition for Writ of Mandate is sufficiently plead [see Amended Petition for Writ of Mandate at ¶¶7, 17-18, 23, 95-104]. The Demurrer to the Fourth Cause of Action is overruled.

The Status Conference is continued to August 12, 2026 at 10:30 a.m. Counsel are to submit a Status Report seven days prior to the hearing.

Counsel for the Respondent/Defendant shall prepare and submit a form of order consistent with this ruling within two weeks, and any amended Petition shall be filed and served within 14 days' notice of the order.