

**Judge Mosbarger – Law & Motion – Wednesday, June 10, 2026 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 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*

As an initial matter, pursuant to the Court's Order dated May 20, 2026, any supplemental reply was to be filed and served "no later than 5:00 p.m. on June 3, 2026." However, even in light of that very clear instruction, the supplemental reply was not filed until June 4, 2026 at 10:49 a.m. There is no explanation as to why the supplemental reply was filed untimely and the Court has declined to consider the arguments therein.

*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." Based on the additional cases cited by Defendants Teresa L. Moffitt and Theldor Farms, Inc. (collectively "Defendants" herein), the Court finds that the deposition was "complete" when Defendant Teresa L. Moffitt served her objections because "no part of any transcript will be relevant." *Unzipped Apparel, LLC v. Bader* (2007) 154 Cal.App.4<sup>th</sup> 123, 135. Thus, the 60-day period to file a motion to compel began on that date. See, *Unzipped Apparel, LLC v. Bader*, supra; *Ruttledge v. Hewlett-Packard Co.* (2015) 238 Cal.App.4<sup>th</sup> 1164; *Weinstein v. Blumberg* (2018) 25 Cal.App.5<sup>th</sup> 316; and *Board of Registered Nursing v. Superior Court* (2021) 59 Cal.App.5<sup>th</sup> 1011. Here, because Plaintiffs Derek C. Moffitt and Sandi Moffitt (collectively "Plaintiffs" herein) did not file their Motion to Compel until more than 60 days after Defendants' objections were served, the Motion is untimely, and is denied.

Defendants' request for sanctions is granted. Sanctions are awarded in favor of Defendants and against Plaintiffs and their counsel of record in the amount of \$2,000, which are to be paid within 30 days' notice of this ruling. Counsel for the Defendants shall prepare and submit a form of order consistent with this ruling within two weeks.

**2. 23CV00437 PILLSBURY, CHRISTOPHER H V. NATIONAL BUILDERS, INC ET AL**

*EVENT: Defendant's Counsel's Motion to be Relieved as Counsel*

The Motion to Be Relieved as Counsel is granted, and Stacie Lynn Power is relieved as counsel for Defendant/Cross-Complainant National Builders, Inc. The Court will utilize the form of order submitted by counsel with modification to the future hearing dates in Paragraphs 7 and 9.

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### **3-7. 23CV02667 PARRISH SCARBROUGH, MELISSA V. LALLY, KULWINDER ET AL**

- EVENTS: (1) Plaintiff Melissa Parrish Scarbrough's Motion to Compel Further Responses to Form Interrogatories (Employment) Set One and Request for Terminating, Issuance [sic], and Monetary Sanctions Against Defendant Kulwinder Lally dba Eazy Stop Market and its Attorney*
- (2) Plaintiff Melissa Parrish Scarbrough's Motion to Compel Further Responses to Form Interrogatories (Employment) Set One and Request for Terminating, Issuance [sic], and Monetary Sanctions Against Defendant Kuldeep Lally dba Eazy Stop Market and its Attorney*
- (3) Plaintiff Melissa Parrish Scarbrough's Motion to Compel Further Responses to Form Interrogatories (Employment) Set One and Request for Terminating, Issuance [sic], and Monetary Sanctions Against Defendant Harry Harwinder and its Attorney*
- (4) Plaintiff Melissa Parrish Scarbrough's Motion to Compel Compliance with the Court's March 11, 2026 Discovery Order; Request for Monetary, Terminating and Issue Sanctions Against Defendants Kulwinder Lally dba Eazy Stop Market, Kuldeep Lally dba Eazy Stop Market, Harry Harwinder and Their Attorney*
- (5) Plaintiff's Motion for Issue, Evidence, Terminating and Monetary Sanctions in the Amount of \$1,732.30 and to Strike Defendants' Answer*

Plaintiff Melissa Parrish Scarbrough's ("Plaintiff" herein) (1) Motion to Compel Further Responses to Form Interrogatories (Employment) Set One and Request for Terminating, Issuance [sic], and Monetary Sanctions Against Defendant Kulwinder Lally dba Eazy Stop Market and its Attorney; (2) Motion to Compel Further Responses to Form Interrogatories (Employment) Set One and Request for Terminating, Issuance [sic], and Monetary Sanctions Against Defendant Kuldeep Lally dba Eazy Stop Market and its Attorney; and (3) Motion to Compel Further Responses to Form Interrogatories (Employment) Set One and Request for Terminating, Issuance [sic], and Monetary Sanctions Against Defendant Harry Harwinder and its Attorney are unopposed and are granted, in part. Defendant Kulwinder Lally shall provide further verified responses, without objection to Plaintiff's Form Interrogatories – Employment Set One Nos. 200.1, 201.6, 211.1, 211.2, 211.3, 214.1, and 216.1; and Defendants Kuldeep Lally and Harry Harwinder, shall provide further verified responses, without objection to Plaintiff's Form Interrogatories – Employment Set One Nos. 200.1, 201.5, 201.6, 211.1, 211.2, 211.3, 214.1, and 216.1, which are as follows: within 14 days' of the hearing on these Motions.

While the Court finds that neither issue nor terminating sanctions are warranted on this record, the Court does award additional monetary sanctions against Defendant Kulwinder Lally and his attorney of record, David Collins, in the amount of \$782.30; against Defendant Kuldeep Lally and his attorney of record, David Collins, in the amount of \$432.30; and against Defendant Harry Harwinder and his attorney of record, David Collins, in the amount of \$432.30. These sanctions, totaling \$1,646.90, are to be paid to

Plaintiff within thirty (30) days of the hearing on this Motions. The Court will utilize the forms of order submitted by Plaintiff.

Plaintiff Melissa Parrish Scarbrough's Motion to Compel Compliance with the Court's March 11, 2026 Discovery Order; Request for Monetary, Terminating and Issue Sanctions Against Defendants Kulwinder Lally dba Eazy Stop Market, Kuldeep Lally dba Eazy Stop Market, Harry Harwinder and Their Attorney, is unopposed and is granted in part. While the Court finds that neither issue nor terminating sanctions are warranted on this record, the Court does award additional monetary sanctions against Defendants Kulwinder Lally, Kuldeep Lally, and Harry Harwinder and their attorney of record, David Collins, in the amount of \$787.30. These sanctions are to be paid to Plaintiff within thirty (30) days of the hearing on this Motion. The Court will utilize the form of order submitted by Plaintiff.

Finally, as to Plaintiff's Motion for Issue, Evidence, Terminating and Monetary Sanctions in the Amount of \$1,732.30 and to Strike Defendants' Answer, the Court finds that the request for monetary sanctions is duplicative of the sanctions requested and ordered in relation to the Plaintiff's Motion to Compel Compliance with the Court's March 11, 2026 Discovery Order and this duplicative request is therefore denied. The Court further finds that there has been no showing of ongoing and willful disobedience of a Court's discovery order nor blatant and ongoing abuse of the discovery process that rises to the level of discovery abuse to support terminating sanctions. As such, terminating sanctions are not warranted on this record. See, *Liberty Mutual Fire Ins. Co. v. LcL Administrators, Inc.* (2008) 163 Cal.App.4<sup>th</sup> 1093. Likewise, as to issue and evidentiary sanctions, the Court similarly finds that such are not warranted here. The Motion is denied in its entirety.

The Court also advances the Case Management Conference on June 10, 2026 at 10:30 a.m. to 9:00 a.m. and continues the Case Management Conference to September 9, 2026 at 10:30 a.m. Case Management Statements are to be timely filed and served.

**8. 24CV00332 TALCALO, 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*

Defendants City of Gridley and Anthony Lara's (collectively "Defendants" herein) Objections to Plaintiff Alexandra Tacalo's Evidence in Support of Her Opposition are overruled in their entirety. The Court finds that triable issues of material fact exist as to whether Plaintiff was lawfully detained and arrested, and whether Officer Lara used objectively justifiable and reasonable force [see Undisputed Material Fact Nos. 10, 19-21, 25-36, 40, 42, 44, 46-55, and 57], as such Defendants' Motion for Summary Judgment is denied. In regard to the Motion for Summary Adjudication, argued in the alternative, as to Issue No. One [Plaintiff was Lawfully Detained and Arrested Thus Her Theory for Unlawful Detention Under Her First Cause of Action is Subject to Dismissal], Issue No. Two [Plaintiff's Theory for Excessive Force Under Her First Cause of Action Must be Dismissed Because Officer Lara Used Objectively Reasonable Force Under the

Circumstances], and Issue No. Four [Plaintiff's Second Cause of Action for Battery Fails Given no Excessive Force was Used], the Motion for Summary Adjudication is likewise denied based upon the same Undisputed Material Facts cited above. In regard to Issue Three [Plaintiff's Theory for Denial of Medical Care Under Her First Cause of Action Must be Dismissed Because Plaintiff Lacks Sufficient Facts to Support Her Claim], the Court grants Defendants' Motion in this regard, finding no triable issue of material fact exists [See UMF Nos. 61, 62; Index of Exhibits in Support of Defendants City of Gridley and Anthony Lara's Motion for Summary Judgment or, in the Alternative, Summary Adjudication at Exhibits D and E; Requests for Admission Nos. 2 and 3, and Responses thereto]. Counsel for the Defendant shall prepare and submit a form of order consistent with this ruling within two weeks.

**9. 24CV02857 PLATTS, TOBIAS, II ET AL V. JOHNSON, MARK ET AL**

*EVENT: Defendant's Motion to Compel Further Responses to Requests for Admissions, Set One, and Form Interrogatories, Set One, Request for Monetary, Evidentiary and Terminating Sanctions*

Defendants have failed to include a Separate Statement in compliance with California Rules of Court Rule 3.1345(a), and the Motion is thus continued to July 1, 2026 at 9:00 a.m. for the filing of a Separate Statement.

**10. 25CV00744 FISHER, JEFF V. FISHER, JENNIFER**

*EVENT: Amended Motion for Stay of Enforcement Pending Appeal*

While the notice period complies with *Code of Civil Procedure* §1005, the proof of service showing service by email on May 8, 2026, service was made on Defendant's prior counsel – Leonard C. Hart Nibbrig. However, on May 6, 2026, Defendant filed a Substitution of Attorney wherein Mr. Nibbrig substituted out, and Defendant Jennifer Fisher, indicated she would be proceeding in pro per. There is no evidence that the Motion was served on Jennifer Fisher and the Court therefore continues this matter to July 1, 2026 at 9:00 a.m. to allow for proper notice. Plaintiff Jeff Fisher is ordered to serve a copy of the Amended Motion with notice of the new hearing date on Defendant Jennifer Fisher, and file with the Court a proof of service.

**11. 25CV04054 BLOW, TRAVIS ET AL V. MENTUS, ANDREY ET AL**

*EVENT: Defendants' Motion to Vacate Entry of Default*

Defendants/Cross-Defendants Ilya Lutsik; Anatoliy Semenovich Lutsik; and Lutsik Construction and Design, Inc.'s (collectively "Cross-Defendants" herein) Request for Judicial Notice is granted. The Court finds that Cross-Defendants have satisfied the statutory requirements for relief under both the mandatory and discretionary relief provisions of *Code of Civil Procedure* §473(b) and the Motion to Vacate Entry of Default is granted. The Default entered on April 17, 2026 is set aside and Cross-Defendants

shall file and serve their responsive pleading within 10 days' from the date of this hearing. Counsel for the Cross-Defendants shall prepare and submit a form of order consistent with this ruling within two weeks.

**12. 25CV04143 ROBINSON, JOSEPH V. SELLAND, DAMON**

*EVENT: Defendant City of Chico Code Enforcement Officer Selland's Demurrer to Second 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 Second 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 Demurrers 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, the Court previously ruled that should the Complaint be amended further following the Court's ruling on the prior Demurrer, no such allegation shall be included. Plaintiff however again included such language, which remains improper.

The Demurrer to the entire Second 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 Second 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 Second 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 sustained in its entirety without leave to amend. The Court will utilize the form of order submitted by the Defendant and this matter shall remain on calendar on August 26, 2026 at 10:30 a.m. for status of dismissal.

**13. 25CV05089 SANDERS, PHILLIP V. SANDERS, MARLENE ET AL**

*EVENT: Demurrer of Defendant, Marlene Sanders to Plaintiff's Complaint*

Defendant Marlene Sanders' ("Defendant" herein) Request for Judicial Notice is granted. The Court agrees with the Plaintiff that "legal capacity" is not the same thing as whether Plaintiff can ultimately prove his claimed right to the disputed funds, which is what Defendant is arguing by way of her Demurrer. See e.g., *Washington Mutual Bank v. Blechman* (2007) 157 Cal.App.4<sup>th</sup> 662, 669-670 ["There is a difference between the *capacity* to sue, which is the right to come into court, and the *standing* to sue, which is the right to relief in court (citations omitted)."] Here, the Court finds that Plaintiff has sufficiently stated causes of action for Fraud (Intentional Misrepresentation), Negligent Misrepresentation, Conversion, Negligence, Breach of Implied Covenant of Good Faith and Fair Dealing, and Declaratory Relief and the Demurrer is overruled in its entirety. Defendant is ordered to file and serve her Answer to the Complaint within 20 days of this hearing. The Court will sign the form of order submitted by the Plaintiff.

The Case Management Conference on June 24, 2026 is continued to September 16, 2026 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

**14-15. 25CV05132 KATHLEEN FRANCES O'LEARY, BY AND THROUGH HER SUCCESSOR-IN-INTEREST, REBEKAH EASTER ET AL V. MURRAY, JASON ET AL**

*EVENTS: (1) Plaintiffs' Motion to Compel the Deposition of Michael Lunsford Regarding the Arbitration Agreement*

*(2) Plaintiffs' Motion to Compel Defendant Providence Administrative Consulting Services, Inc.'s Inspection of Electronically Stored Information Regarding the Arbitration Agreement*

Plaintiffs' Motion to Compel the Deposition of  
Michael Lunsford Regarding the Arbitration Agreement

The Motion is GRANTED. The Court finds that the requested deposition of Michael Lunsford is narrow, targeted, and necessary to allow Plaintiffs to prepare their opposition to Defendants' Motion to Compel Arbitration and concludes that Plaintiffs have shown good cause to compel the deposition of Michael Lunsford limited in scope to the circumstances surrounding the arbitration agreement. The Court orders Defendants to produce Michael Lunsford for deposition, limited to issues concerning the alleged arbitration agreement and Defendants' Motion to Compel Arbitration within 10 Court days of the date of hearing. Counsel for the Plaintiffs shall prepare and submit a form of order within two weeks.

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Plaintiffs' Motion to Compel Defendant Providence Administrative Consulting Services, Inc.'s Inspection of Electronically Stored Information Regarding the Arbitration Agreement

The Court finds that the information requested in Plaintiff's Notice of Demand For Inspection And Copying No. 1 To Defendant Providence Administrative Consulting Services, Inc. Pertaining To Electronically Stored Information [See Exhibit C to the Declaration of Thomas G.C. McLaughlin in Support of Plaintiffs' Motion], and even taking into consideration the subsequent limitations presented by Plaintiffs, the request exceeds the scope of permissible pre-arbitration discovery. The Motion is DENIED. Counsel for the Defendants shall prepare and submit a form of order within two weeks.

The Case Management Conference on July 22, 2026 is continued to September 9, 2026 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.