

**Judge Mosbarger – Law & Motion – Wednesday, June 24, 2026 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 24CV00765 HATZIS, MORGAN RAE V. PRIETO, MARIA NERISSA ET AL**

*EVENT: Plaintiff's Amended Motion for Monetary Sanctions*

As an initial matter, Plaintiff/Cross-Defendant Morgan Rae Hatzis ("Plaintiff" herein), has requested an "Order requiring Defendants and their counsel of record to serve all future filings, papers, discovery, and case correspondence in this action exclusively through Butte County Superior Court's approved electronic filing service provider as required by Butte County Local Rule 21, and not by personal email transmission or first-class mail." However, Butte County Local Rule 21 addresses mandatory electronic filing, not mandatory electronic service. This request for relief is therefore unsupported and is denied.

The Court finds that Defendants/Cross-Complainants Maria Nerissa Prieto and Privilege Medical, Inc. ("Defendants" herein) did not misuse the discovery process and acted with substantial justification and in good faith. As such, the Motion is denied in its entirety.

The Court notes that should there be difficulty in scheduling future depositions in this case, the Court is not ordering the parties to participate but makes available the pre-trial discovery conference procedure as set forth in Butte County Local Rule 2.14.C. should any party wish to voluntarily avail themselves of the procedure.

**2. 24CV01006 PARRIS, LORI V. ISAKSON, BENJAMIN, MD ET AL**

*EVENT: Defendant Brian Courtney, M.D.'s Motion for Summary Judgment*

The Motion for Summary Judgment being unopposed, and Defendant having made a prima facie showing that there is no liability with respect to Defendant Brian Courtney, M.D., the Motion for Summary Judgment is granted. Defendant shall submit a form of order within two weeks.

**3-4. 24CV01277 13290 CONTRACTORS LANE, LLC V. WISHBONE RANCH, LLC ET AL**

*EVENTS: (1) Defendant Brian Howe's Demurrer to Third Amended Complaint*

*(2) Defendant Brian Howe's Motion to Strike Third Amended Complaint*

In regard to Defendant Brian Howe's Demurrer to Third Amended Complaint ("TAC" herein), the Court finds that the Plaintiff has sufficiently stated a cause of action for breach of contract [see TAC at ¶¶2, 14, 16, 18-19, 21, 23-27], and the First Cause of Action for Breach of Contract is not time barred. See, *Gilkyson v. Disney Enterprises, Inc.* (2016) 244 Cal.App.4<sup>th</sup> 1336, 1341-1342 [finding that under the continuous accrual doctrine each breach of a recurring obligation is independently actionable and that the doctrine represents an equitable response to the inequities that would arise if the expiration of the limitations period following a first breach of duty or instance of

misconduct were treated as sufficient to bar suit for any subsequent breach or misconduct]. The Demurrer is overruled on this basis.

In regard to the economic loss rule, the Court finds that the allegations of property damage against Defendant are sufficiently alleged as injury to "other property." While Defendant argues that if the property damage is of the contractual item itself the remedy lies solely in contract, barring the tort claim, here the Court finds that the lease agreement includes the ability to occupy the premises, and is not a contract for the property itself. The property damages alleged therefore sound in tort and the Demurrer is overruled on this basis. The Court finds that Plaintiff has sufficiently stated a cause of action for property damage as to the Defendant [see TAC at ¶¶43-51], and the Demurrer to the Fifth Cause of Action for Property Damage is overruled.

Defendant Brian Howe's Demurrer to Third Amended Complaint is overruled in its entirety. Likewise, in regard to Defendant Brian Howe's Motion to Strike Third Amended Complaint, for the same reasons discussed above, the Motion is denied in its entirety. Defendant Brian Howe is to file and serve his Answer to the Third Amended Complaint within 20 days' of this hearing, but no later than July 14, 2026. Counsel for the Plaintiffs shall prepare and submit a form of order consistent with this ruling within two weeks.

## **5. 24CV02467 DOE, JANE V. CHICO UNIFIED SCHOOL DISTRICT**

*EVENT: Motion for Summary Judgment/Summary Adjudication by Defendant Chico Unified School District*

Defendant Chico Unified School District's ("the District" herein) Request for Judicial Notice is granted.

*Education Code* §35330 provides that all persons making a school-sponsored field trip or excursion are "deemed to have waived all claims against the district... for injury, accident, illness, or death occurring during or by reason of the field trip or excursion." Here, the Court finds that there is a triable issue of material fact as to whether the outdoor science program in Yosemite was a "field trip" or "excursion" for purposes of determining whether the District has immunity under *Education Code* §35330. [See Additional Undisputed Material Facts ("AMF" herein) Nos. 14-28]. Furthermore, while not controlling, the Court is persuaded by the concurring opinion presented in *Doe v. Mount Pleasant Elementary School Dist.* (2025) 113 Cal.App.5th 1208, wherein there was an acknowledgment that providing absolute immunity to school districts under *Education Code* §35330, for all injuries suffered by students on field trips - specifically including sexual abuse - runs directly "counter to the compelling state interest of protecting children from sexual abuse." *Id.* at 1233. Therefore, even if the Court were to find that the outdoor science program was a field trip or excursion, the Court finds that the District failed to meet its initial burden of showing no triable issue of material fact exists as to whether the immunity set forth in *Education Code* §35330 would apply to the District's alleged negligent acts. The Motion is therefore denied in this regard.

The Court finds that the District's duty to supervise under *Education Code* §44807 and potential immunity from liability under *Education Code* §44808, are directly related and whether the Court finds that there was no duty under *Education Code* §44807 (for incidents that occur while on school campus), does not in itself absolve the District from liability (for incidents that occur while off school campus). Under *Education Code* §44808 that Section "grants a district immunity unless a student was (or should have been) directly supervised during a specified undertaking." See, *Wolfe v. Dublin Unified School District* (1997) 56 Cal.App.4th 126, 129; *Doe v. Mount Pleasant Elementary School Dist.* (2025) 113 Cal.App.5th 1208, 1217, 1222-1223. Here, the Court finds that Defendant has failed to meet its initial burden regarding the immunity set forth in *Education Code* §44808, specifically by failing to show no triable issue of material fact exists as to whether that the outdoor science program was not a school-sponsored activity off the premises of the school, or the District otherwise specifically assumed such responsibility or liability. The Motion is therefore denied in this regard.

The workers' compensation exclusivity rule is an affirmative defense which is the defendant's burden to prove. *Doney v. Tambouratgis* (1979) 23 Cal.3d 91, 96. Here, the Court finds that the District has failed to meet its initial burden to show that no triable issue of material fact exists as to whether Plaintiff was an employee whose exclusive remedy lies in workers' compensation, and the action barred by the exclusive workers' compensation remedy provisions of the *Labor Code*. The Motion is denied in this regard.

Finally, as to the Federal Enclave issue, the Court find that 28 USC §5001(b) incorporates California law to govern personal injury claims arising on federal land within the state and because California law recognizes emotional distress as a compensable personal injury - without requiring physical injury - such injuries are covered under the statute. The Motion is thus denied on this basis.

The Motion for Summary Judgment/Summary Adjudication by Defendant Chico Unified School District is denied in its entirety. Counsel for the Plaintiff shall submit a form of order consistent with this ruling within two weeks.

**6. 25CV00636 INGRAHAM, STEPHANIE ET AL V. RICKERTSEN, TYLER**

*EVENT: Motion to be Relieved as Counsel*

The Motion to Be Relieved as Counsel is granted, and Steve Simblin is relieved as counsel for Plaintiff Lupita Valdovinos. The Court will utilize the form of order submitted by counsel with modification to Paragraph 5, to indicate that the Order is effective upon the filing of the proof of service of the signed order upon the client.

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**7. 25CV02891 JANE DOE CFL V. CHICO UNIFIED SCHOOL DISTRICT**

*EVENT: Plaintiff's Motion to Compel California Commission on Teacher Credentialing to Produce Records Subpoenaed by Plaintiff*

It appears to the Court that while a substantive opposition was submitted for filing by the Subpoenaed Non-Party Commission on Teacher Credentialing, Mary Vixie Sandy, Executive Director, it was rejected by the Court on May 26, 2026, due to a misidentification of the Plaintiff in the caption. Currently, there is no opposition in the Court's file, although based on the Reply, it does appear that the substantive opposition was timely served. The Court continues this matter to July 15, 2026 to allow the Subpoenaed Non-Party to resubmit for filing their Opposition.