

**Judge Mosbarger – Law & Motion – Wednesday, July 15, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV00349 BARRETT, MICHELLE V. TURK, WILLIAM D ET AL

EVENT: Motion for Quieting Title

Plaintiff correctly states that “as one cannot obtain judgment for quiet title by default, the Plaintiff will present evidence in an evidentiary hearing scheduled for September 21, 2026 to “prove up” her title to the Property, pursuant to C.C.P. section 764.010.” [See Motion at Page 5, Lines 3-5]. As such, the current Motion is premature and is denied. However, the Court will consider the evidence and argument submitted by Plaintiff in relation to this Motion at the upcoming Court Trial on September 21, 2026 at 8:30 a.m. Plaintiff’s counsel is ordered to provide notice of the previously set Court Trial date to all those entitled to such notice.

2. 22CV01225 SMALLEY, BOB V. CANTERBURY, STEVEN ET AL

EVENT: Order of Examination (Canterbury Cabins, Inc., and Steven Canterbury)

Pursuant to *Code of Civil Procedure* §708.110(d), not less than 30 days prior to the date set for the examination, a copy of the order shall be personally served on the Judgment Debtor. Here, there is no proof of service evidencing such notice. If the Judgment Debtors appear, the Court will swear them in for examination.

3-4. 24CV02790 RIGGINS, KAITLYN V. TRES CHICO LLC

EVENTS: (1) Motion for Final Approval of Class Action Settlement, Class Counsel Fees Payment, Class Counsel Litigation Expenses, and Class Representative Service Payment

(2) Status Conference (Final Review Hearing)

Plaintiff’s Motion for Final Approval of Class Action Settlement, Class Counsel Fees Payment, Class Counsel Litigation Expenses, and Class Representative Service Payment is unopposed and is granted. This matter is set for a compliance hearing on August 18, 2026 at 10:30 a.m. and a compliance status report shall be filed no later than five Court days before the hearing. The Court will sign the form of order submitted by counsel.

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5. 25CV01528 GRAYSON, JOHN I, IV V. FRANCHISE TAX BOARD

EVENT: Defendant Franchise Tax Board's Motion to Set Aside Entry of Default and for Leave to Defend the Action

The Court finds that Defendant Franchise Tax Board's ("Defendant" herein) Motion to Set Aside Entry of Default and for Leave to Defend the Action was made within the period permitted by Code of Civil Procedure §473.5(a) and that the Defendant's lack of actual notice in time to defend the action was not caused by Defendant's avoidance of service or inexcusable neglect. Therefore, the Motion is granted and the Default entered on May 4, 2026 is set aside. Defendant shall file and serve its responsive pleading within 20 days' from the date of this hearing. Counsel for the Defendant shall prepare and submit a form of order consistent with this ruling within two weeks. Additionally, the Court sets this matter for a Case Management Conference on November 18, 2026 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

6. 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

The Court does not find that the California Commission on teacher Credentialing ("the Commission" herein) is statutorily prohibited from disclosing documents, nor subject to criminal prosecution for such disclosure. The Court does find that Plaintiff Jane Doe CFL ("Plaintiff" herein) seeks discovery into Jennifer Lynn Smith's alleged misconduct, including the circumstances and reasons related to any investigation or disciplinary action related to her teaching credential, which is relevant, and could lead to the discovery of admissible evidence. Moreover, Plaintiff has demonstrated a compelling need for the non-party information. The Motion is granted. The Commission is to produce the previously withheld documents within 14 days' of this hearing, subject to a privilege log that is to be produced concurrently with the further production. Plaintiff shall prepare and submit a revised form of order consistent with this ruling within two weeks.

7. 25CV05108 BARNES, KATHERINE ET AL V. MEDERS-KNIGHT, ALI ET AL

EVENT: Cross-Defendants' Demurrer to First Amended Cross-Complaint

The Court does acknowledge that while Cross-Complainant California Open Lands, a California Non-Profit Corporation ("Cross-Complainant" herein) argues there was a failure by Cross-Defendants Katherine Barnes and Nancee Barnes ("Cross-Defendants" herein) to properly and in good faith participate in the meet and confer process, *Code of Civil Procedure* §430.41 contains no provision for compelling compliance with the meet and confer requirement, unlike the meet and confer requirement in the discovery process. See, *Code of Civil Procedure* §2023.020. Additionally, the failure to sufficiently meet and confer is not a proper ground to overrule or sustain a demurrer. *Code of Civil Procedure* §§430.41(a)(4); *Dumas v. Los Angeles County Bd. of Supervisors* (2020) 45

Cal.App.5th 348, 355; *Olsen v. Hornbrook Comm. Services Dist.* (2019) 33 Cal.App.5th 502, 515. As such, while the Court agrees that the meet and confer efforts by Cross-Defendants was lacking, the Court has considered the merits of the Demurrer.

Demurrers for uncertainty are disfavored and will be "granted only if the pleading is so incomprehensible that a defendant cannot reasonably respond." *Lickiss v Financial Indus. Regulatory Auth.* (2012) 208 Cal.App.4th 1125, 1135. Additionally, because ambiguities can be clarified through discovery, courts will strictly construe demurrers for uncertainty. *Likiss v Financial Indus. Regulatory Auth.*, *supra*; *Khoury v Maly's of Cal., Inc.* (1993) 14 Cal.App.4th 612, 616. The Court finds that the First Amended Cross-Complaint is not so incomprehensible that the Cross-Defendants cannot reasonably respond and the Demurrer is overruled on that basis, except as to the Third Cause of Action (see discussion below).

As to the First Cause of Action for Conversion – Money, a plaintiff pleading a cause of action for conversion involving money must allege a "specific, identifiable sum" of money. *PCO, Inc. v. Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP* (2007) 150 Cal.App.4th 384; *Sanowicz v. Bacal* (2015) 234 Cal.App.4th 1027. The complaint must set forth a specific sum that is "capable of identification", and a generalized claim for money is not actionable as conversion and will not survive a demurrer. *PCO, Inc. v. Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP* (2007) 150 Cal.App.4th 384; *Sanowicz v. Bacal* (2015) 234 Cal.App.4th 1027; *Vu v. California Commerce Club, Inc.* (1997) 58 Cal.App.4th 229. The Demurrer to the First Cause of Action is sustained on this basis, with leave to amend. As to the additional argument that the First Cause of Action is duplicative of the Fourth Cause of Action for breach of contract, the Court agrees that the two causes of action allege "entirely distinct patterns of conduct" as argued by Cross-Complainants and alternative theories of liability are authorized in a complaint. See e.g., *Newport Harbor Ventures, LLC v. Morris Cerullo World Evangelism* (2016) 6 Cal.App.5th 1207. The Demurrer is thus overruled on this basis.

As to the Third Cause of Action: Conversion – Intangible Personal Property, to state a cause of action for conversion of intangible personal property, a plaintiff must plead three basic elements: (1) the plaintiff's ownership or right to possession of the property; (2) the defendant's conversion of the property by a wrongful act or disposition of the plaintiff's property rights; and (3) resulting damages. *Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 119. As it relates to the term "intangible personal property", that is defined as property that is a "right" rather than a physical object. *Navistar Internat. Transportation Corp. v. State Bd. of Equalization* (1994) 8 Cal.4th 868. It represents an incorporeal property right that exists separately from any physical medium that may embody it. *Id.* Based on the allegations in the First Amended Cross-Complaint [see ¶49], it is unclear what "intangible personal property" is alleged to have been converted. The Demurrer to the Third Cause of Action: Conversion – Intangible Personal Property is therefore sustained, with leave to amend.

The Court finds that Cross-Complainant has failed to state sufficient facts to constitute a cause of action for breach of contract, specifically as it relates to the contractual term

Cross-Complainant alleges was breached. The Demurrer to the Fourth Cause of Action – Breach of Contract is sustained, with leave to amend.

As to the Fifth Cause of Action – Breach of Fiduciary Duty, the Court finds that because an employee can owe a fiduciary duty, a duty of loyalty, or both to their employer, depending on their role, level of authority, and the specific facts of the employment relationship, see *Guild Mortgage Co. LLC v. CrossCountry Mortgage LLC* (2026) 120 Cal.App.5th 885. whether Cross-Defendants had a “legally recognized fiduciary relationship” is a factual determination that cannot be resolved on Demurrer. Cross-Complainant has alleged sufficient facts to constitute a cause of action for breach of fiduciary duty (see First Amended Cross-Complaint at ¶¶56-61, and the Demurrer is overruled. Additionally, as discussed above, alternative theories of liability are authorized in a complaint. See e.g., *Newport Harbor Ventures, LLC v. Morris Cerullo World Evangelism* (2016) 6 Cal.App.5th 1207. Thus, the Demurrer is overruled as to the argument that this cause of action is duplicative of other causes of action in the First Amended Cross-Complaint.

As to the Sixth Cause of Action – Impersonation by Electronic Means, the Court finds that Cross-Complainant has sufficiently alleged the required elements to sustain such a claim including: impersonation of an actual person, electronic means, knowledge and lack of consent, credibility of the impersonation, specific intent, and damage or loss (see First Amended Cross-Complaint at ¶¶62-67). *Penal Code* §528.5. The Demurrer to the Sixth Cause of Action – Impersonation by Electronic Means is overruled.

As to the Seventh Cause of Action – Invasion of Privacy, the Court finds that Cross-Complainant has sufficiently alleged the required elements to sustain such a claim (see First Amended Cross-Complaint at ¶¶29, 69-71). *Penal Code* §§632.7, 637.2. The Demurrer to the Seventh Cause of Action – Invasion of Privacy is overruled.

The Court also advances the Case Management Conference on July 15, 2026 at 10:30 a.m. to 9:00 a.m. and continues the Case Management Conference to October 21, 2026 at 10:30 a.m. Case Management Statements are to be timely filed and served.