

**Judge Mosbarger – Law & Motion – Wednesday, August 26, 2026 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV01506 VAIL, NATHAN ET AL v. ANDERSON BURTON CONSTRUCTION, INC ET AL

EVENT: Motion for Determination of Good Faith Settlement Pursuant to Code of Civil Procedure §877.6(a)(2) by Cross-Defendant Bill Biggs Plumbing

The Court finds that the settlement between Cross-Defendant Bill Biggs Plumbing and Cross-Complainant Anderson Burton Construction Inc., was made in good faith pursuant to *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488. The Motion for Determination of Good Faith Settlement Pursuant to *Code of Civil Procedure* §877.6(a)(2) by Cross-Defendant Bill Biggs Plumbing is granted, and the Court will sign the form of order submitted.

2. 22CV01639 C D v. COUNTY OF BUTTE

EVENT: Defendant County of Butte's Motion for Summary Judgment, or in the Alternative, Motion for Summary Adjudication

On the Court's own motion, this matter is continued to September 23, 2026 at 9:00 a.m.

3. 22CV01862 D, M v. COUNTY OF BUTTE

EVENT: Defendant County of Butte's Motion for Summary Judgment, or in the Alternative, Motion for Summary Adjudication

On the Court's own motion, this matter is continued to September 23, 2026 at 9:00 a.m.

4. 22CV02762 PRYDE, DONALD C v. PRYDE, GARY A ET AL

EVENT: Defendant's Motion to Confirm Sale, and Approve Referee's Report

The Court will make inquiry as to any overbids on the subject real property, if none are received the Court will grant Defendant's Motion to Confirm Sale and Approve Referee's Report, vacate the Status Conference on November 18, 2026, and sign the form of order submitted.

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5. 24CV01149 LOBO, CLINT v. STEVEN MADISON, TRUSTEE OF THE GENE N & HELEN C MADISON FAMILY TRUST

EVENT: Motion for Summary Judgment

California Rule of Court, Rule 3.1113 states in pertinent part as follows:

“(d) Length of memorandum

... In a summary judgment or summary adjudication motion, no opening or responding memorandum may exceed 20 pages. No reply or closing memorandum may exceed 10 pages. The page limit does not include the caption page, the notice of motion and motion, exhibits, declarations, attachments, the table of contents, the table of authorities, or the proof of service. ...

(g) Effect of filing an oversized memorandum

A memorandum that exceeds the page limits of these rules must be filed and considered in the same manner as a late-filed paper.”

Here, the Opposition is 29 pages in total, 24 pages not including the caption page, the notice of motion and motion, exhibits, declarations, attachments, the table of contents, the table of authorities, or the proof of service. Likewise, the Reply is 34 pages in total, 30 pages not including the caption page, the notice of motion and motion, exhibits, declarations, attachments, the table of contents, the table of authorities, or the proof of service. Thus, both the Opposition and Reply are in violation of California Rules of Court, Rule 3.1113, and substantially so.

Butte County Local Rule 3.11B. provides that “[t]he Court may, in its discretion, refuse to consider late filed papers or may impose sanction, including monetary sanctions...”

However, in its discretion, the Court has considered the merits of the Motion.

Defendant Steven Madison, as Trustee of the Gene N. & Helen C. Madison Family Trust’s (“Defendant” herein) Request for Judicial Notice is granted.

Plaintiff Clint Lobo’s (“Plaintiff” herein) Evidentiary Objections to the Declarations of Steven Madison, Amanda J. Granger, and Michael McCrady are overruled. Defendant’s Evidentiary Objections to the Declaration of Clint Lobo are overruled.

The Court finds that a triable issue of material fact exists as to whether Plaintiff paid the promissory note in full [see Undisputed Material Fact Nos. 8, 12, 17, 18, 21, 29, 32; Plaintiff’s Additional Undisputed Material Fact Nos. 3-9]. Defendant/Cross-Complainant Steven Madison, Trustee of the Gene N & Helen C Madison Family Trust’s Motion for Summary Judgment is denied. Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

6. 24CV01402 LIANG, ZHIBIN V. HUANG, XIANGMEI

EVENT: Application/Motion to Enforce Amended Judgment and for Order Effectuating Transfer of Real Property

The Application/Motion to Enforce Amended Judgment and for Order Effectuating Transfer of Real Property is granted, and the Court will sign the form of order submitted. The Court directs Plaintiff to submit ex parte an Application for Appointment of an Elisor that is in compliance with Butte County Local Rule 1.12, Subdivisions B, C, and E, the Court finding that the remaining requirements have been satisfied.

7-8. 24CV03754 RAHMN, JACK v. MULHOLLAND, JACK ET AL

EVENTS: (1) City of Chico's Motion for Summary Judgment

(2) State Defendants' Motion for Summary Judgment or, Alternatively, Summary Adjudication

City of Chico's Motion for Summary Judgment; or in the Alternative,
Summary Adjudication of the Issues Against the Complaint

Defendant and Cross-Complainant City of Chico's ("the City" herein) Request for Judicial Notice is granted. Plaintiff Jack Rahmn's ("Plaintiff" herein) Request for Judicial Notice is granted.

The Court finds that triable issues of material fact exist as to whether the subject premises where Plaintiff was injured was in a dangerous condition at the time of the incident and whether the injury to the Plaintiff was proximately caused by the dangerous condition [Undisputed Material Fact ("UMF" herein) Nos. 31, 36]; whether the City had actual or constructive notice of the condition causing Plaintiff's injuries [UMF No. 37]; and whether the City is protected by design immunity under *Government Code* §830.6 based on the approval and reasonableness of the subject crosswalk and intersection

The City of Chico's Motion for Summary Judgment; or in the Alternative, Summary Adjudication of the Issues Against the Complaint is denied. Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

State Defendants' Motion for Summary Judgment or,
Alternatively, Summary Adjudication

Defendants State of California and Board of Trustees of the California State University (collectively "Defendants" herein) Request for Judicial Notice is granted. Plaintiff Jack Rahmn's ("Plaintiff" herein) Request for Judicial Notice is granted.

The Court finds that triable issues of material fact exist as to whether the alleged dangers at the bike lane/crosswalk intersection were reasonably apparent to a person exercising due care [Undisputed Material Fact ("UMF" herein) Nos. 44, 45]; whether the alleged lack of warnings or a protective barrier did or did not proximately cause Plaintiff's injury [UMF Nos. 9, 13, 19, 47, 48, 52, 58, 65]; whether Defendants are or are not

responsible for the construction or maintenance of the bike lanes on Warner Street, including the selection and installation of warning signs [UMF Nos. 24, 62, 63, 73; Plaintiff's Additional Undisputed Material Fact ("AUMF" herein) Nos. 86-87]; and whether Defendants are immune from liability for claims arising from its alleged failure to install warning signs or traffic control devices/barriers [UMF Nos. 74, 75, 85; AUMF Nos. 86-87].

The State Defendants' Motion for Summary Judgment or, Alternatively, Summary Adjudication is denied. Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

9. 25CV01528 GRAYSON, JOHN I, IV v. FRANCHISE TAX BOARD

EVENT: Plaintiff's Tentative Ruling Order Motion

There is no proof of service in the Court's file and therefore the Court cannot confirm whether notice complies with Code of Civil Procedure §1005. Additionally, based on Defendant's Opposition and supporting Declaration, the Court concludes that the Motion was not timely served. Plaintiff's Tentative Ruling Order Motion is denied.

10. 25CV02285 GUTIERREZ, PEDRO v. CALIFORNIA DEPARTMENT OF WATER RESOURCES ET AL

EVENT: Demurrer by Defendant Butte County to Plaintiff Zulema Herrera and by and Through her GAL Noemi Herra; Pedro Gutierrez First Amended Complaint

Defendant County of Butte's ("Defendant" herein) Request for Judicial Notice is granted. The Demurrer is overruled in its entirety. The Court finds that the First Amended Complaint ("FAC" herein) sufficiently states facts to support the dangerous condition claim [see FAC at Attachment Prem.L-1], and therefore the derivative wrongful death claim is likewise sufficiently pled, and the Demurrer is overruled on that basis. The Court further finds that the FAC sufficiently alleges that a government claim was presented by Plaintiff Pedro Gutierrez [see FAC at ¶9.a.] and Defendant's Request for Judicial Notice at Exhibit B raises only an issue of whether there was a defect or omission in the claim as presented. A determination as to the sufficiency of the claim is a factual argument that is not proper on Demurrer, and the Demurrer is overruled on this basis. Lastly, the Court finds that the FAC alleges sufficient facts to support that Plaintiff Pedro Gutierrez has standing to assert his claims [see FAC at ¶12.b.] and the Demurrer is overruled on that basis. Defendant County of Butte is to file and serve its Answer to the First Amended Complaint within 20 days' of this hearing. Counsel for the Plaintiffs shall prepare and submit a form of order consistent with this ruling within two weeks.

11. 25CV03854 LEWIS, GEORGE W, IV ET AL v. GENERAL MOTORS LLC

EVENT: Motion to Enforce Settlement and for Entry of Judgment Pursuant to Code of Civil Procedure §664.6

On the Court's own motion, this matter is continued to September 9, 2026 at 9:00 a.m.

12. 26CV00554 GREGORIA VASQUEZ, TRUSTEE OF THE VASQUEZ GREGORIA REVOCABLE TRUST ET AL v. CLEANRITE INC

EVENT: Motion to be Relieved as Counsel

The Motion to Be Relieved as Counsel is granted, and Andrea Wieder is relieved as counsel for Plaintiffs Gregoria Vasquez, Trustee of the Vasquez Gregoria Revocable Trust; and Christina Juarez. The Court will utilize the form of order submitted by counsel with modification to Paragraph 7.a. to include the correct future Case Management Conference date of October 21, 2026 at 10:30 a.m.

13. 26CV02568 GRAYSON IV, JOHN I V. CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

EVENT: Plaintiff's Tentative Ruling Order Motion

There is no proof of service in the Court's file and therefore the Court cannot confirm whether notice complies with *Code of Civil Procedure* §1005. Plaintiff's Tentative Ruling Order Motion is denied.