Judge Mosbarger – Law & Motion – Wednesday, October 21, 2026 @ 9:00 AM
TENTATIVE RULINGS

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

EVENT: Petition for Partition by Sale

The question here is whether the Partition of Real Property Act ("PRPA" herein) applies. *Code of Civil Procedure* §874.311 provides the requirements for applicability of the PRPA, as follows: "(a) This act shall be known, and may be cited, as the Partition of Real Property Act; (b) This act applies to real property held in tenancy in common where there is no agreement in a record binding all the cotenants which governs the partition of the property; (c) This act applies to actions for partition of real property filed on or after January 1, 2023." Here, the action was filed on February 18, 2022 and therefore falls outside the purview of the PRPA. While the Plaintiff may very well be entitled to recognition of expenses paid, the suggested procedure is not available here and the property will need to be partitioned by sale. Counsel for the Plaintiff shall prepare and submit an Interlocutory Judgment Approving Partition by Sale of Real Property within two weeks. This matter is set for a Review Hearing on March 24, 2027 at 10:30 a.m. for status of sale and final judgment.

2. **22CV01506 VAIL, NATHAN ET AL v. ANDERSON BURTON CONSTRUCTION, INC ET AL**

EVENT: Motion to Compel Appearance of Dan Carrisosa for Deposition; Request for Sanctions

The Court finds that deposition of Dan Carriosa is scheduled for October 8, 2026, and will have been completed prior to the hearing on Plaintiffs' Motion to Compel on October 21, 2026. Consequently, the Court deems the Motion to Compel to be moot and is, for that reason, denied. The parties respective requests for sanctions are denied. The Court will sign the form of order submitted by Defendant with modification as to sanctions.

3. **25CV05000 PENDERY, CYNTHIA v. PARADISE PINES PROPRTY OWNERS ASSOCIATION**

EVENT: Petition to Compel Alternative Dispute Resolution

There is no language in *Civil Code* §5935 that authorizes court intervention to force a party to participate in Alternative Dispute Resolution. The Petition to Compel Alternative Dispute Resolution and Supporting Exhibits is denied.

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4-5. 26CV00147 SCOTT, RICK E ET AL v. FCA US, LLC ET AL

EVENTS: (1) Motion to be Relieved as Counsel

(2) Order to Show Cause to Zeynep Daboussi

The Motion to Be Relieved as Counsel is granted, and Strategic Legal Practices, APC is relieved as counsel for Plaintiffs Rick and Kimberly Scott. The Court will sign the form of order submitted by counsel. The Order to Show Case issued on July 31, 2026 to Zeynep Daboussi, is hereby vacated.

6. 26CV01749 ATTEBERY, JIMMY v. CLIMATE AND ENERGY SOLUTIONS, INC

EVENT: Defendant's Demurrer to Plaintiff's Complaint

Plaintiff having timely filed a First Amended Complaint, the demurrer is moot and is off calendar.