Judge Mosbarger – Law & Motion – Wednesday, October 28, 2026 @ 9:00 AM
TENTATIVE RULINGS
*****This calendar will be heard by Judge Benson*****

1-2. 25CV02798 TYLER, MATHEW v. STATE OF CALIFORNIA ET AL

EVENTS: (1) Defendant Shirley Weber's Demurrer

(2) Defendant Shirley Weber's Motion to Stay Discovery

In regard to Defendant Shirley Weber's ("Defendant" herein) Demurrer Defendant's Request for Judicial Notice is granted. However, while the Court is taking judicial notice of the existence of the identified court filings, the fact that the statements reflected in those filings were made, and any legal effect that properly follows from the filings, the Court is not taking judicial notice of the truth of disputed factual assertions, opinions, estimates, or characterizations contained in those documents.

An "actual controversy" must exist "through all stages of the litigation" or the case becomes moot. *Already, LLC v. Nike, Inc*. (2013) 568 U.S. 85, 91. Because the conduct that Plaintiff Mathew Tyler ("Plaintiff" herein) challenges took place during the approach to the 2024 election, which ended two years ago, no actual controversy exists and the case is moot. Additionally, as to the 2028 election, the claims are premature as framed. Plaintiff speculates that he will face disability-related barriers to collecting signatures for his hypothetical presidential candidacy. However, a probable future controversy may constitute an actual controversy, but a conjectural future controversy or request for an advisory opinion does not. The controversy also must be ripe, even when the plaintiff seeks relief before an invasion of rights has occurred. See, *Artus v. Gramercy Towers Condominium Assn*. (2018) 19 Cal.App.5th 923. The Court concludes that the First Amended Complaint is moot as to the 2024 election and speculative and premature as to the 2028 election. And the Demurrer to the entire First Amended Complaint is sustained on this basis without leave to amend.

Based on the Court's sustaining of the Demurrer without leave to amend, Defendant Shirley Weber's Motion to Stay Discovery is moot and is denied on that basis. Counsel for the Defendant shall prepare and submit a form of order consistent with this ruling within two weeks.

3-4. 25CV03854 LEWIS, GEORGE W, IV ET AL v. GENERAL MOTORS LLC

EVENTS: (1) Motion to Enforce Settlement and for Entry of Judgment Pursuant to Code of Civil Procedure §664.6

*(2) Case Management Conference *Special Set*

There is no enforceable settlement agreement absent a meeting of the minds on all material terms. See, *Terry v. Conlan* (2005) 131 Cal.App.4th 1445, 1459. Here, it is clear that the parties fundamentally disagree as to whether Defendant waived the dealer option offsets and rebate deductions. Therefore, there was no meeting of the minds, no enforceable agreement, and the Motion to Enforce Settlement and for Entry of Judgment Pursuant to *Code of Civil Procedure* §664.6 is denied. Additionally, the order Plaintiffs

seek to enforce does not accurately reflect the settlement terms actually agreed upon at the Mandatory Settlement Conference and the Order Following Mandatory Settlement Conference, filed on July 6, 2026, is hereby stricken. The Court sets this matter for a Case Management Conference on December 9, 2026 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

5. 26CV02793 NORRIS, PHILIP v. MCMAINS, NIKKI ET AL

EVENT: Motion for Leave to File Verified Second Amended Complaint

The Motion for Leave to File Verified Second Amended Complaint is granted. Plaintiff is to file his Second Amended Complaint within 14 days from this hearing and Defendants' responsive pleadings are due within 30 days' of service of a notice of order granting this Motion. The Court will utilize the form of order submitted by Plaintiff.

6. 26CV03689 TAMAGNI, LEVI v. BUTTE-GLENN COMMUNITY COLLEGE DISTRICT ET AL

EVENT: Verified Petition for Writ of Mandate Re: Brown Act Violations and Complaint for Declaratory and Injunctive Relief

Code of Civil Procedure §1089 states in relevant part that "the party upon whom the writ or notice has been served may make a return by demurrer, verified answer or both..." Here, the Respondents' "Opposition", filed on October 15, 2026, is neither a Demurrer nor an Answer and Respondents are therefore directed to file a Demurrer and/or Answer as required by *Code of Civil Procedure* §1089. This matter is off calendar on October 28, 2026 and no appearances are required. The Court confirms the Case Management