Judge Mosbarger – Law & Motion – Wednesday, November 4, 2026 @ 9:00 AM
TENTATIVE RULINGS

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

EVENT: Plaintiffs' Motion for an Order Granting Leave to File Third Amended Complaint

The Court finds that the proposed amendment is not in furtherance of justice and is not necessary and proper because it is barred by *Civil Code* §1754, and would cause substantial prejudice to the Defendants. Plaintiffs' Motion for an Order Granting Leave to File Third Amended Complaint is denied and the Court will sign the form of order submitted by Defendants.

2-3. 23CV00595 ALICE MACMULLEN, BY AND THROUGH HER SUCCESSOR IN INTEREST, KELLY SPASBO ET AL v. THE INN OPERATIONS, LP ET AL

EVENTS: (1) Defendant Windsor Chico Care Center, LLC dba Chico Terrace Care Center's Motion for Judgment on the Pleadings

(2) Plaintiffs' Motion for Calendar Preference Pursuant to Code of Civil Procedure Section 36(e)

Cross-Defendant Windsor Chico Care Center, LLC dba Chico Terrace Care Center's ("Windsor Chico" herein) Motion for Judgment on the Pleadings is GRANTED, with leave to amend. The Court finds that Cross-Complainants Inn Operations, LP dba The Inn at the Terraces, Westmont Manager GP, LLC and Westmont Living, Inc. ("The Inn" herein) have failed to state causes of action for Equitable Indemnity, Contribution, and Declaratory Relief in that the Cross-Complaint relies solely on the allegations in the Plaintiffs Alice MacMullen, by and through her successor-in-interest, Kelly Spasbo; Kelly Spasbo; and James MacMullen's (collectively "Plaintiffs" herein) Complaint, none of which directly relate to any alleged liability on behalf of Windsor Chico. Any Amended Cross-Complaint shall be filed within 20 days' notice of this hearing. The Court will utilize the form of order submitted by Windsor Chico with modification as to the Court's granting of leave to amend. In regard to Plaintiffs Motion for Calendar Preference, pursuant to *Code of Civil Procedure* §36(e), the Court finds that Plaintiffs have failed to carry their burden under *Code of Civil Procedure* §36(e) for trial preference there being an insufficient showing that the health of Plaintiff Kelly Spasbo is such that preference is necessary to prevent prejudicing a party's interest in the litigation, nor how the interests of justice would be served in the granting of such request. The Motion is DENIED.

4. 24CV01155 DUTRO, MARK v. ED DUTRO CORPORATION

EVENT: Defendant Ed Dutro Corporation's Motion to Bifurcate

The relevant statutes governing bifurcation are *Code of Civil Procedure* §§597, 598, and 1048, none of which require the inclusion of a supporting declaration or a request for judicial notice. Under *Code of Civil Procedure* §598, the Court has the inherent, broad discretion to regulate the order of proof at trial at any time. As such, the Court declines to

deny the Motion on the procedural objections raised by Plaintiff. Pursuant to *Code of Civil Procedure* §§597, 598, and 1048, the Court finds that bifurcation of the statute of limitations defense is in furtherance of convenience, will avoid prejudice, and will be conducive to expedition and economy. Defendant Ed Dutro Corporation's Motion to Bifurcate is GRANTED. The Court will sign the form of order submitted by counsel.

5. 24CV03040 MOWELL-SAGE, HEATHER ET AL v. KNIFE RIVER CORPORATION-NORTHWEST ET AL

EVENT: Petition for Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability

The Petition for Approval of the Minor's Compromise is granted. The minor is not required to attend the hearing, the Court finding good cause to dispense with her personal appearance. The matter will remain on calendar on January 27, 2027 at 10:30 a.m. for status of settlement/dismissal, and status of funding the annuity. The Court will sign the form of order submitted by counsel.

6-7. 25CV03168 HUCHRO, MONICA A v. PACIFIC GAS & ELECTRIC ET AL

EVENTS: (1) Motion to be Relieved as Counsel for Plaintiff

*(2) Case Management Conference *Special Set*

The Court has now received and reviewed Plaintiff's Opposition to Attorney's Motion to Withdraw as Counsel and Request for Emergency Cross-Relief and Sanctions, and Supplemental Declaration of Monica Huchro, in Support of Plaintiff's Opposition and Objection to Attorney's Motion to Withdraw. Although notice was previously deemed insufficient, based upon the Court's continuance and counsels' service of Re-Notice of hearing, the Court finds notice sufficient and has considered the merits of the Motion. Under the enumerated grounds for permissive withdrawal of counsel under the Rules of Professional Conduct, Rule 1.16, the Motion to Be Relieved as Counsel is granted. David Griffith and Alison Diaz, of Griffith & Horn, LLP, are relieved as counsel for Plaintiff Monica Huchro. The affirmative relief requested by Plaintiff is denied. The Case Management Conference is continued to February 3, 2027 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served. The Court will sign the form of order submitted by counsel.