Judge Mosbarger – Law & Motion – Wednesday, November 18, 2026 @ 9:00 AM
TENTATIVE RULINGS

1. 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 hear from counsel regarding status of settlement. The Court advances the Status Conference on calendar November 18, 2026 at 10:30 a.m. to 9:00 a.m. and will hear from counsel.

2-3. 24CV01898 DOE (M.N.), JANE v. KEV NTSEEG LEEJ NIAM KEE TIAM VAJ LIS THUM-NIAM NTUJ PLAWV YIS FAI

EVENTS: (1) Motion to Compel Defendant Kev Ntseeg Leej Niam Kee Tiam Vaj Lis Thum-Niam Ntujplawv Yis Fai to Provide Further Responses to Plaintiff's Special Interrogatories, Set Two, and Request for Monetary Sanctions Against Defendant and his Counsel

(2) Motion to Compel Defendant Kev Ntseeg Leej Niam Kee Tiam Vaj Lis Thum-Niam Ntujplawv Yis Fai to Provide Further Responses to Plaintiff's Requests for Production, Set Two, and Request for Monetary Sanctions Against Defendant and his Counsel

Motion to Compel Defendant Kev Ntseeg Leej Niam Kee Tiam Vaj Lis Thum-Niam Ntujplawv Yis Fai to Provide Further Responses to Plaintiff's Special Interrogatories, Set Two, and Request for Monetary Sanctions Against Defendant and his Counsel

The Motion is granted. However, the Court finds that as worded, Special Interrogatory Nos. 29 and 30 improperly extend to policies beyond those relevant in this action. Therefore, the Court limits the scope of the further supplemental responses to include only information as to those insurance policies potentially responsive to the Plaintiff's claims, specifically policies that could indemnify Defendant or satisfy a judgment in this action. Defendant is ordered to provide a supplemental response to Special Interrogatory Nos. 29 and 30 within 14 calendar days from the date of entry of the Order. Plaintiff is awarded sanctions in the amount of $2,160 against Defendant and its counsel of record, Stacie Power, jointly and severally, which is to be paid within 30 calendar days from the date of entry of the Order. Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

Motion to Compel Defendant Kev Ntseeg Leej Niam Kee Tiam Vaj Lis Thum-Niam Ntujplawv Yis Fai to Provide Further Responses to Plaintiff's Requests for Production, Set Two, and Request for Monetary Sanctions Against Defendant and his Counsel

As to Request for Production No. 28, the Motion is granted. However, the Court finds that as worded, Request for Production No. 28 improperly extends to policies beyond those relevant in this action. Therefore, the Court limits the scope of the further

supplemental response to include only information as to those insurance policies potentially responsive to the Plaintiff's claims, specifically policies that could indemnify Defendant or satisfy a judgment in this action. Defendant is ordered to provide a supplemental response to Request for Production No. 28 within 14 calendar days from the date of entry of the Order.

As to Requests for Production Nos. 29 and 33, the Court finds that the request for documents identifying all individuals who have donated or provided financial support and/or dues (RFP No. 29) and all applications for membership (RFP No. 33), are overbroad, irrelevant, and not likely to lead to the discovery of admissible evidence. As such the Motion in that regard is denied.

As to the request for documents identifying all members (RFP No. 29), the Court should order the production of discovery when the need outweighs any purported privacy interest, particularly when the Court orders relief that protects the privacy interest. Olympic Club v. Superior Court (1991) 229 Cal.App.3d 358, 361–66; Williams v. Superior Court (2017) 3 Cal.5th 531, 552–57. The Court acknowledges the conflicting rights of the parties: Plaintiff's need for the names of witnesses versus privacy concerns raised by the Defendant. Those privacy rights are not sufficiently addressed with the Stipulation and Protective Order filed July 13, 2026. As such, the Court directs the parties to meet and confer to develop a procedure whereby a third party will contact Defendant's members by means of a letter permitting them to authorize disclosure of their contact information to counsel. This letter shall include information regarding the case, the parties, etc… and allow an individual with information to contact Plaintiff's counsel or provide their contact information for that purpose. After the parties meet and confer, the proposed letter shall be submitted to the Court for approval. Thus, the Motion is granted in part on this limited basis. The Court sets this matter for a Status Hearing in this regard on December 16, 2026 at 10:30 a.m.

Plaintiff is awarded sanctions in the amount of $2,160 against Defendant and its counsel of record, Stacie Power, jointly and severally, which is to be paid within 30 calendar days from the date of entry of the Order. Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

The Court advances the Case Management Conference on calendar November 25, 2026 at 10:30 a.m. to November 18, 2026 at 9:00 a.m. and continues the Case Management Conference to February 24, 2027 at 10:30 a.m. Case Management Conference Statements are to be timely filed and served.

4. <u>24CV03594 SANDOVAL DE OROZCO, MARCELA v. GARCIA, SERGIO C ET AL</u>

EVENT: Defendants Sergio C. Garcia and SCG Professional Law Corporation's Motion for Summary Judgment or, Alternatively, Summary Adjudication

The Court rules as follows on Defendants Sergio C. Garcia and SCG Professional Law Corporation's (collectively "Defendants" herein) Objections to Plaintiff Marcela Sandoval De Orozco's ("Plaintiff" herein) Evidence:

The Declaration of Curtis V. Rodriguez: Sustained as to Nos. 1-3 on the grounds that the statements are hearsay, lack personal knowledge, and lack foundation and authentication.

The Declaration of Plaintiff: Overruled as to Nos. 4-12.

The Declaration of Connie Saavedra: Sustained as to Nos. 13-17, on the grounds that the statements are improper expert/lay opinion and lack foundation.

The Declaration of Gustavo Orozco: Sustained as to Nos. 18, 20-24, 26 [relevance], No. 19 [lack of foundation and speculation], No. 25 [hearsay, lack of personal knowledge; secondary evidence/ best evidence], and No. 27 [lack of personal knowledge and foundation].

The Declaration of Isaura Orozco: Sustained as to Nos. 28-29, 32-33 [hearsay], No. 31 [Lack of foundation and authentication for the text; secondary evidence/best evidence, improper lay translation or opinion to the extent offered without a qualified translator and without the original writing being properly authenticated], No. 34 [lacks foundation, improper lay opinion], and No. 35 [lacks foundation and authentication], and Overruled as to No. 30.

Defendants have met their burden to show that Plaintiff's claims fail as a matter of law. *Code of Civil Procedure* §437c(p)(2). See Undisputed Material Fact Nos. 13, 18, 21-27, 36; and Defendants' Compendium of Evidence at Exhibit B [Retainer Agreement], Exhibit D [Requests for Admission No. 9], and Exhibit H [Plaintiff's Deposition taken November 14, 2025 at 61:1-11, 62:12-63:16, 66:4-67:5, 67:16-25]. Therefore, Defendants have shown that the written retainer agreement specifically excluded workers' compensation, no written modification exists as required by the written retainer agreement, Plaintiff knew of the potential workers' compensation issue at the time of signing the written retainer agreement, Plaintiff was advised and understood that Defendants were not going to represent her in relation to workers' compensation, and Plaintiff received a referral to workers' compensation counsel. The burden having shifted, the Court finds that Plaintiff has failed to meet her burden to raise a triable issue of fact, and Plaintiff's own evidence submitted in opposition to the motion further supports Defendants' position that Defendants owed no duty to while representing Plaintiff to pursue a workers' compensation remedy.

Defendants' Motion for Summary Judgment is GRANTED.

The Court vacates the Mandatory Settlement Conference on March 3, 2027, the Trial Readiness Conference on April 1, 2027, and the Jury Trial on April 5, 2027, and sets the matter for a Review Hearing re: status of judgment of dismissal on January 20, 2027 at 10:30 a.m. Counsel for the Defendants shall prepare and submit a revised form of order consistent with this ruling within two weeks.

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5. 25CV00373 PRESLEY, LINDA D v. PRESLEY, MICHAEL A

EVENT: Plaintiff Linda D. Presley's Motion for Final Accounting, Equitable Surcharges and Offsets, Distribution of Sale Proceeds, and Discharge of Referee

Plaintiff Linda D. Presley's Motion for Final Accounting, Equitable Surcharges and Offsets, Distribution of Sale Proceeds, and Discharge of Referee is unopposed and granted. The Court will sign the form of order submitted by counsel.

6. 25CV03679 PATINO PADILLA, FRANCISCO v. FREEDOM FOREST MANAGEMENT, LLC

EVENT: Motion to be Relieved as Counsel

Pursuant to California Rules of Court, Rule 3.1362(d), "The notice of motion and motion, the declaration, and the proposed order must be served on the client and on all other parties who have appeared in the case." Here, the Proof of Service shows service only on opposing counsel. Thus, notice here is insufficient. The Motion is continued to December 23, 2026 at 9:00 a.m. to allow for sufficient notice. Based on what is before the Court at this time, the Court is inclined to find good cause to grant the Motion. Additionally, the Court advances the Case Management Conference and Order to Show Cause on calendar November 18, 2026 at 10:30 a.m. to 9:00 a.m. and continues the Case Management Conference and Order to Show Cause to December 23, 2026 at 9:00 a.m. to trail the Motion to be Relieved as Counsel.

7. 25CV04050 DADCO CONSTRUCTION v. HAMZAJ, GAZIM ET AL

EVENT: Motion to be Relieved as Counsel

The Proof of Service indicates that the Motion was served electronically and by U.S. Mail on October 26, 2026. Pursuant to *Code of Civil Procedure* §1005(b), an additional 5 calendar days' notice is required for service by U.S. mail, and pursuant to *Code of Civil Procedure* §1010.6(3)(B), an additional 2 Court days' notice is required for electronic service. Thus, notice here is insufficient and the Motion is continued to December 23, 2026 at 9:00 a.m. to allow for sufficient notice. Based on what is before the Court at this time, the Court is inclined to find good cause to grant the Motion. The Court vacates the Case Management Conference on calendar December 9, 2026 at 10:30 a.m., and sets the matter for a Case Management Conference on December 23, 2026 at 9:00 a.m. to trail the Motion to be Relieved as Counsel.

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8. 25CV04416 VANVYNCKT, DAWN v. DHL ENTERPRISES, LLC

EVENT: Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement

Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement is granted. The Case Management Conference on January 13, 2027 is vacated, and the matter is set for a hearing for final settlement approval on March 24, 2027 at 9:00 a.m. The Court will sign the form of Order provided by counsel.

9. 25CV04602 IN RE: CLAIM OF LICEA MENDOZA, MARIA DEL CARMEN

EVENT: Plaintiff's Motion for Order that Requests for Admission Set One be Deemed Admitted

The Court finds that Claimant Maria Del Carmen Licea Mendoza provided responses to Plaintiff's Requests for Admission, Set One, on November 5, 2026. Consequently, the Court deems the Motion to be moot and is, for that reason, denied.

10. 26CV00555 YOUNG, CASEY v. KOMAS, TANYA

EVENT: Defendant Tanya Komas's Demurrer to Plaintiff Casey Young's Complaint

Pursuant to *Code of Civil Procedure* §1005(b), a timely opposition was to be filed and served no later than November 4, 2026 [9 Court days before the hearing]. No timely opposition having been filed, the Court deems the Demurrer unopposed. Failure to file a written opposition may be construed as having abandoned the claims. See *Herzberg v. County of Plumas* (2005) 133 Cal.App.4th 1, 20. Defendant Tanya Komas's Demurrer to Plaintiff Casey Young's Complaint is sustained in its entirety. However, the Court grants leave to amend. Any amended complaint shall be filed within 20 days' of service of notice of this order. The Court will sign the form of order submitted by Defendant.

11. 26CV02793 NORRIS, PHILIP v. MCMAINS, NIKKI ET AL

EVENT: Motion for Temporary 120-day Stay of Proceedings

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. The Motion for Temporary 120-day Stay of Proceedings is denied. However, even if the Court were to reach the merits of the Motion, there is no authority presented by Plaintiff to support the requested stay, and the Motion is denied on that basis as well.