

**Judge Mosbarger – Law & Motion – Wednesday, September 14, 2022 @ 9:00 AM
TENTATIVE RULINGS**

**1. 18CV01433 REYNOSO, ADRIANA MARGARITA ET AL V. BURCH, DEAN ROCKEY
ET AL**

EVENT: Motion for Order to Set Aside, Vacate and Enter Correct Judgment

Defendants' Request for Judicial Notice is granted. The issue of whether Vidal Gonzalez was acting the scope of agency at the time of the incident was not included in the Special Verdict form. Thus, the Court must interpret the verdict in light of the pleadings, evidence and instructions. Here, the Court finds that Plaintiffs have failed to submit any evidence in support of their position, nor is the Court aware of any evidence during trial, that Vidal was acting in his capacity as agent when Carlos was working in a location where he was not advised to be working by Vidal or anyone else. The Motion is denied.

2. 18CV03051 CANAM MINERALS, INC ET AL V. BCJ SAND AND ROCK, INC. ET AL

EVENT: Plaintiff Canam Minerals Inc.'s Motion for Summary Adjudication on Promissory Notes

Plaintiff's Request for Judicial Notice is granted. Plaintiff's Objections to Evidence are sustained as to Objection No. 10 and overruled as to Objection Nos. 1-9. The Court finds that there are triable issues of material fact in regard to whether Defendants James Brad Slender and/or BCJ Sand and Rock, Inc. breached the terms of Promissory Note No. 1 [UMF No. 8 and Additional UMF No. 1] and whether Plaintiff CanAm Minerals, Inc. performed under Promissory Notes Nos. 2 and 3 [UMF Nos. 16, 30 and Additional UMF Nos. 5, 6, 7, 8, 9, 10, 11 and 13]. As such, Plaintiff has failed to satisfy its burden to demonstrate the elements to prevail on a cause of action for breach of contract and the motion is denied in its entirety. Counsel for the Defendant James Brad Slender shall submit a form of order consistent with this ruling within two weeks.

3. 22CV01968 BUTTE COUNTY ANIMAL CONTROL V. TORRES, ANDRE ET AL

EVENT: Petition to Determine if Dog is Vicious

Petitioner has met its burden of proof and the Court intends to grant the petition and order that the dog be destroyed. The Court will conduct a hearing.