

**Judge Mosbarger – Law & Motion – Wednesday, January 4, 2023 @ 9:00 AM
TENTATIVE RULINGS**

1. 16CV01960 BROWN, GARY LLOYD V. SYCAMORE RANCH ET AL

EVENT: Defendant Linda Irene Willadsen's Motion for Judgment on the Pleadings

On the Court's own motion, this matter is continued to January 11, 2023 at 9:00 a.m.

2. 22CV00029 BREIDINGER, LARRY D VS VOLLRATH, MICHAEL ET AL

EVENTS: (1) Application and Order for Examination (Michael Vollrath)

(2) Application and Order for Examination (Gloria Vollrath)

The Court will swear in the Debtors Michael Vollrath and Gloria Vollrath for examination.

3. 22CV01646 CURIEL, JOSE V. NISSAN NORTH AMERICA, INC.

EVENT: Defendant Nissan North America, Inc.'s Motion to Compel Arbitration

Plaintiff's Evidentiary Objections to Declaration of Scott D. Sharp are overruled. The Court finds Defendant is entitled to compel arbitration as a non-signatory under both equitable estoppel and third-party beneficiary grounds. Regarding Plaintiff's unconscionability argument, the Court finds Plaintiff has failed to meet his burden as to procedural unconscionability. Thus, because an unconscionability defense to an arbitration clause requires both procedural and substantive unconscionability, the unconscionability argument fails. As a result, Defendant's Motion to Compel Arbitration is GRANTED. The Case Management Conference presently scheduled for January 18, 2023 is continued to June 28, 2023 at 10:30 a.m. The Court will sign the proposed order with the noted modification.