

**Judge Mosbarger – Law & Motion – Wednesday, January 25, 2023 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 18CV03568 D&E GIORDANO REVOCABLE FAMILY TRUST DATED JUNE 2, 2010  
ET AL V. KUNTHSON-LOOMIS, MERLE**

*EVENT: Motion for Leave to Amend Answer to Cross-Complaint to Allege Additional Affirmative Defenses and to File a Cross-Complaint*

There is no proof of service in the Court's file and as such, notice does not comply with Code of Civil Procedure §1005. However, even if the Court were to consider the Motion in light of the failure to provide proper notice, the Court notes that there are numerous procedural errors that would require denial, including failure to include a copy of the proposed amended pleading, failure to set forth the allegations proposed to be changed with the required specificity, and failure to provide a declaration that sufficiently states the effect of the amendment, why the amendment is necessary and proper, when the facts giving rise to the amended allegations were discovered, and the reasons the request for amendment was not made earlier. California Rules of Court Rule 3.1324(a), (b). The Motion is denied.

**2. 22CV01322 WALLISER, ELIZABETH V. FOLEY, ROBERT ET AL**

*EVENT: Motion to be Relieved as Counsel for Plaintiff*

There is no proof of service in the Court's file and as such, notice does not comply with Cal Rules of Ct 3.1362(d) or Code of Civil Procedure §1005. The Motion is continued to March 1, 2023 at 9:00 a.m. to allow sufficient time for notice and filing of a proof of service. The Case Management Conference on February 15, 2023 is continued to March 15, 2023 at 10:30 a.m.

**3. 22CV01639 C.D. v. DOE 1**

*EVENT: Plaintiff's Motion to Seal Certificates of Merit and Corroborative Fact, Permit Service on Doe Defendants, Permit Plaintiff to File an Amended Complaint, and Permit Plaintiff to Proceed Under a Fictitious Name*

The Motion is granted and the Court hereby Orders: 1) The Certificates of Merit executed by Plaintiff's counsel and mental health practitioner and the Certificate of Corroborative Fact are ordered sealed, and shall not be disclosed to any Defendant in this matter or to the public; 2) Plaintiff is granted leave to file a First Amended Complaint naming the Doe 1 ("Doe Defendant") as requested within ten (10) court days of this Order; 3) Plaintiff is permitted to serve process on the Doe Defendant in accordance with California Rule of Court 3.110(b); and 4) Plaintiff is permitted to proceed under a fictitious name in this action. The Court will sign the form of order submitted by counsel.

**4. 22CV01663 STEELE, LILLIANA V. HOBBS, BRADLEY**

*EVENT: Motion to be Relieved as Counsel for Plaintiff*

There is no proof of service in the Court's file and as such, notice does not comply with Cal Rules of Ct 3.1362(d) or Code of Civil Procedure §1005. The Motion is continued to March 1, 2023 at 9:00 a.m. to allow sufficient time for notice and filing of a proof of service.

**5. 22CV01862 MD V. DOE 1**

*EVENT: Plaintiff's Motion to Seal Certificates of Merit, Permit Service on Doe Defendants, Permit Plaintiff to File an Amended Complaint, and Permit Plaintiff to Proceed Under a Fictitious Name*

The Motion is granted and the Court hereby Orders: 1) The Certificates of Merit executed by Plaintiff's counsel and mental health practitioner and the Certificate of Corroborative Fact are ordered sealed, and shall not be disclosed to any Defendant in this matter or to the public; 2) Plaintiff is granted leave to file a First Amended Complaint naming the Doe 1 ("Doe Defendant") as requested within ten (10) court days of this Order; 3) Plaintiff is permitted to serve process on the Doe Defendant in accordance with California Rule of Court 3.110(b); and 4) Plaintiff is permitted to proceed under a fictitious name in this action. The Court will sign the form of order submitted by counsel.

**6. 23CV00042 BUTTE COUNTY ANIMAL CONTROL V. THOMPSON, KIMBERLY ET AL**

*EVENT: Trial de Novo*

The Court will conduct a hearing.