

**Judge Mosbarger – Law & Motion – Wednesday, February 8, 2023 @ 9:00 AM
TENTATIVE RULINGS**

1. 18CV02004 SCALLA, CAREN V. STODDARD, SEAN ET AL

EVENT: Defendant Sean Stoddard, DPM’s Motion to Bifurcate

The Motion is granted pursuant to *Code of Civil Procedure* §597.5. However, as to the request that the statute of limitations issue be tried to a separate jury, that request is denied. See, *Kern County v. Superior Court* (1978) 82 Cal.App.396, 400 [“Separate jury trials are not required by Code of Civil Procedure section 597.5”, citing *Gonzales v. Nork* (1978) 20 Cal.3d 500, 506-507.] The Court intends to proceed on June 12, 2023 at 8:00 a.m. with jury selection and the parties shall proceed to trial first as to the statute of limitations issue, followed thereafter by a trial on the remaining issues before the same jury. As to the various requests for clarification as set forth in Plaintiff’s “Non-Opposition and Request for Procedural Clarification,” the Court finds that such requests are inappropriately raised in (Non-)Opposition to the instant Motion and are therefore denied. Defendant shall prepare and submit a revised form of order consistent with this ruling within two weeks.

2. 22CV02888 WILLIAMS, QUENTISHA V. FEATHER FALLS CASINO & LODGE

EVENT: Specially-Appearing Defendant Mooretown Rancheria of Maidu Indians of California’s Motion to Quash Services of Summons and Dismiss Complaint

The Request for Judicial Notice is granted. Plaintiff has filed this action against a federally-recognized Indian tribe for state-law torts that are alleged to have occurred on tribal property. However, as a sovereign tribe, the Mooretown Rancheria of Maidu Indians of California and its Feather Falls Casino are immune from suit in state court. Moreover, the Motion is unopposed. Specially-Appearing Defendant Mooretown Rancheria of Maidu Indians of California’s Motion to Quash Services of Summons and Dismiss Complaint is granted. The Case Management Conference on May 31, 2023 will remain on calendar for status of dismissal. Counsel for the moving party shall submit a form of order within two weeks.