

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

1. 21CV01836 MALOTTE, AARON V. DEWEY PEST CONTROL

EVENT: Defendant Dewey Services, Inc.'s Motion for Summary Judgment

While the facts as presented by Defendant are undisputed, based on those undisputed facts the Court finds that Defendant owed a duty to Plaintiff's employer and by extension the Plaintiff as an employee, and a triable issue of material fact exists as to whether that duty was breached because Defendant failed to warn the employer to stay off the roof until it was dry and that the spray coated the skylights and made them less visible. [Undisputed Material Fact Nos. 3, 18, 19, 20, 21, 25, 26]. Additionally, the Court finds that a triable issue of material fact also exists as to causation [Undisputed Material Fact Nos. 4, 14, 25, 29, 31, 33, 34, 35, 36, 37, 39, 40]. Defendant Dewey Pest Control's Motion for Summary Judgment is denied.

2. 21CV02767 RIGGS, MICHELE ET AL V. DUPREE, CLIFFORD ET AL

EVENT: Defendants' Motion to Continue Trial Date

Defendants/Cross-Complainants' Motion to Continue Trial Date is unopposed and is granted, the Court finding good cause for the requested continuance. The Court vacates the trial date of March 20, 2023, and the trial readiness conference set for March 15, 2023. This matter is set for a Case Management Conference on June 28, 2023 at 10:30 a.m. for resetting of trial dates. The Court will sign the form of order submitted by counsel.

****** For Judge Mosbarger's March 8, 2023 Law & Motion calendar ONLY, if you wish to have oral argument, you must contact the Court at (530) 532-7153. ******