

**Judge Mosbarger – Law & Motion – Wednesday, August 23, 2023 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 20CV02350 MARY GARDNER AS TRUSTEE OF THE MARY GARDNER TRUST ET AL V. PELAK, DEBORAH**

*EVENT: Defendant Deborah Pelak’s Motion for Summary Judgment, or in the Alternative, Summary Adjudication*

Defendant Deborah L. Pelak’s Motion for Summary Judgment is denied. Resolution of the statute of limitations issue is normally a question of fact unless reasonable minds can draw only one conclusion from the evidence, at which point the statute of limitations becomes a question of law. *Brewer v. Remington* (2020) 46 Cal.App.5th 14, 24-25. Here, the evidence presented, specifically the deposition testimony of Plaintiff Mary Gardner, raises a triable issue of material fact as to whether Plaintiff was reasonable and/or reasonably diligent in discovering the facts giving rise to her claims so that the delayed discovery rule acts to toll the statute of limitations. [See Defendant’s Undisputed Material Facts Nos. 1-6 and Plaintiff’s Additional Undisputed Material Facts Nos. 1-3.] The Court thus finds that reasonable minds could draw different conclusions as to the reasonableness of Plaintiff’s discovery of the facts giving rise to her claim and thus summary judgment is improper. The Motion is denied. Plaintiff shall submit a form of order consistent with this ruling within two weeks.

**2. 21CV02330 DECKER, MICHAEL P ET AL V. SIERRA PACIFIC LAND & TIMBER COMPANY**

*EVENTS: Defendants’ Motion for Preliminary Injunction*

Defendants’ Request for Judicial Notice is granted.

Plaintiffs’ Request for Judicial Notice is denied as to Request Nos. 1, 2, and 3, and granted as to Request Nos. 4, 5 [only as to the existence of Civil Code §813, and not as to the proffered interpretation or application, which is not the proper subject of a Request for Judicial Notice], 6 [only as to the existence of the Court records and not the proffered interpretation or conclusions drawn therefrom, which are not the proper subject of a Request for Judicial Notice], 7, 8, 9, 10, 11, 12, 13, 14, 15 [only as to the existence of the Court records and not the proffered interpretation or conclusions drawn therefrom, which are not the proper subject of a Request for Judicial Notice], and 16 [only as to the existence of the Court records and not the proffered interpretation or conclusions drawn therefrom, which are not the proper subject of a Request for Judicial Notice].

Plaintiffs’ and Defendants’ respective Objections to Evidence are overruled.

Defendants have established the likelihood of prevailing on their claims, and that the balance of harm weighs in their favor. Therefore, Defendants’ request for preliminary injunction is granted. Bond is ordered in the amount of \$10,000. The Court will sign the form of order submitted by counsel.

**3. 23CV01543 IN RE: ROBERTSON, EVAN RAY**

*EVENT: Petition for Change of Name*

If proper proof of publication is submitted at or before the hearing, the Petition will be granted.

**4. 23CV01546 IN RE: VIERRA, JAIDYN TRAYANN**

*EVENT: Petition for Change of Name*

If proper proof of publication is submitted at or before the hearing, the Petition will be granted. If there is no appearance by the Petitioner and the Court still has not received proof of publication, the Petition will be dismissed without prejudice.

**5. 23CV01887 ARAMBULO, ERIC V. ACDC EQUIPMENT, LLC ET AL**

*EVENT: Plaintiff's Application for Logan Wexler to Appear as Counsel Pro Hac Vice*

The application to be admitted pro hac vice is granted. Logan M. Wexler is permitted to appear as counsel pro hac vice on behalf of Plaintiff Eric Arambulo in this matter. The Court will sign the form of order submitted by counsel.