

**Judge Mosbarger – Law & Motion – Wednesday, June 21, 2023 @ 9:00 AM
TENTATIVE RULINGS**

1-3. 22CV01821 CHAMBERS, PATRICIA V. NEWBERN, MICHAEL ET AL

*EVENTS: (1) Plaintiff Patricia Chambers' Motion to Compel Further Responses to Form Interrogatories Posed to Defendant Michael Newbern
(2) Plaintiff Patricia Chambers' Motion to Compel Further Responses to Requests for Production Posed to Defendant Michael Newbern
(3) Plaintiff Patricia Chambers' Motion to Compel Further Responses to Requests for Admissions Posed to Defendant Michael Newbern*

Pursuant to Butte County Local Rule 3.11(b), in its discretion, the Court has considered Defendant's late filed Opposition.

Plaintiff's Motion to Compel Further Responses to Requests for Admission Posed to Defendant Michael Newbern is moot, the Plaintiff having subsequently received Code compliant responses; however, sanctions are mandatory under CCP §2033.280(c), and the Court awards sanctions against Defendant Michael Newbern in the amount of \$1,668, which are to be paid within 30 days' notice of this ruling. Counsel for the Plaintiff shall submit a revised form of order consistent with this ruling within two weeks.

Likewise, Plaintiff's Motion to Compel Further Responses to Form Interrogatories Posed to Defendant Michael Newbern is moot, the Plaintiff having subsequently received Code compliant responses. Plaintiff's request for sanctions is denied. Plaintiff shall submit a revised form of order consistent with this ruling within two weeks.

Finally, in regard to Plaintiff's Motion to Compel Further Responses to Requests for Production of Documents Posed to Defendant Michael Newbern, the Court finds that in regard to Request No. 1, the subsequently provided amended and supplemented responses are not Code compliant and the Court grants the Motion as to Request No. 1. Defendant Michael Newbern shall provide a further response, without objection, to Request No. 1 within 10 days' notice of this ruling. As to Request Nos. 4, 7, 10 and 14, the Court finds that Plaintiff subsequently received Code compliant responses and the Motion is therefore denied as moot in this regard. Plaintiff's request for sanctions is denied. Plaintiff shall submit a revised form of order consistent with this ruling within two weeks.

4-5. 22CV02762 PRYDE, DONALD C V. PRYDE, GARY A ET AL

*EVENTS: (1) Motion to Consolidate Actions and Stay Unlawful Detainer
(2) Motion to Appoint Receiver*

Due to the dismissal of the related Unlawful Detainer action (23UD01247) on June 5, 2023, Plaintiff's Motion to Consolidate Actions and Stay Unlawful Detainer is moot and is denied on that basis. In regard to the Plaintiff's Motion to Appoint Receiver,

the Court finds that conditions exist that warrant the appointment of a receiver in this case and the Motion is granted. The Court appoints Glen Eaton as receiver, who is to post a bond in the amount of \$100,000. The Court will sign the form of order submitted by Plaintiff.

6. 22CV02976 RC V. DOE 1 ET AL

EVENT: Application Pursuant to Code of Civil Procedure Section 340.1 for an Order to Serve Doe Defendants

The Motion is granted and Plaintiff is permitted to serve process on the Doe Defendants in accordance with California Rule of Court 3.110(b). The Court notes that Plaintiff in this action, initially instead of lodging the unredacted Certificates of Merit, erroneously *filed* the documents with the Court on December 23, 2022. [The Court does the documents have since been lodged.] Although the Court lacks the authority to remove these documents from the Court file once filed, because the California Rules of Court, require automatic sealing of the Certificates of Merit [Rule 2.585(b)], the Court orders the Certificate of Merit on Behalf of RC Regarding Defendant Doe 1, Certificate of Merit on Behalf of RC Regarding Defendant Doe 2, Certificate of Merit on Behalf of RC Regarding Defendant Doe 3, Certificate of Merit on Behalf of RC Regarding Defendant Doe 4, and Mental Health Care Practitioner Tia Brisco Certificate of Merit, all filed on December 23, 2022 be marked CONFIDENTIAL and access restricted accordingly. The redacted versions of these documents, filed on December 30, 2022, shall remain. The Court will utilize the form of order submitted by the Plaintiff.