

**Judge Mosbarger – Law & Motion – Wednesday, August 30, 2023 @ 9:00 AM  
TENTATIVE RULINGS**

**1. 21CV0365 EDWARDS, TYLER J ET AL V. PRUIS, BRANNON ET AL**

*EVENT: Plaintiff's Motion for Protective Order*

The Court notes at the outset that in its prior Ruling on Tyler Edwards, Inc. dba Edward Construction's, Tyler J. Edwards', and James B. Edwards' Motion to Quash Subpoena to the Contractors State License Board, filed on April 26, 2023, the Court found the application time period to be January 1, 2013 through February 18, 2021, as it relates to the specific documents requested in the Subpoena to the Contractors State License Board. That ruling was not and is not intended to be a finding as to the relevant time period as it relates to this entire action.

The Court has considered the arguments of Defendants in relation to the timeliness of the Motion, as well as the alleged failed attempt by the Plaintiffs to meet and confer prior to bringing this Motion. In its discretion, the Court has considered the merits of the Motion even in light of these arguments.

The Court has also considered the Declarations of counsel, Chance Hansen and Stacie Power, filed on August 8, 2023 and August 16, 2023 respectively. The Court finds that Plaintiffs have failed to establish good cause for issuance of the requested protective order and the Motion is DENIED.

The parties' respective requests for sanctions are denied. Counsel for the Defendant shall submit a form of order consistent with this ruling within two weeks.

**2. 21CV00762 DOE, JANE ET AL V. CHICO UNIFIED SCHOOL DISTRICT**

*EVENT: Motion to Compel Answers to Questions at a Continued Deposition and for Sanctions*

Based on the witnesses' partial waivers of their objections based on the attorney-client privilege and objections based upon relevance, the Court grants Defendant's Motion in part. Counsel for Katie Werlhof, Cory Wheeler, Molly Makel, and Hailey Bowles Holland shall make his clients available for resumption of their depositions on a mutually agreeable date and time. The Court orders the witnesses to answer the following questions, but such responses shall be limited to exclude any information involving the substance of the witnesses' conversations with their attorney, Jessee M. Sullivan, the Court finding that such would be protected by the attorney-client privilege.

Katie Werlhof

1. Did (Alexander) say who would pay for this lawyer?
2. So what else did you and Miss Alexander talk about regarding this attorney reaching out to you?

3. When you said that she [Ms. Alexander] asked you if you had an attorney and you said no, and then she said would you like to have someone reach out to you and you said yes, did she tell you anything more after that about who was going to be reaching out to you?
4. Did someone from Miss Alexander's office refer you to Mr. Sullivan?
5. When was (witness introduced to counsel by Alexander)?
6. How did you get Mr. Sullivan's contact information?
7. When did you first talk to Mr. Sullivan?

Cory Wheeler

1. Were you represented by counsel at that time?
2. Were you represented by Mr. Sullivan for this deposition when you spoke to Ms. Alexander on Sunday?
3. Mr. Wheeler, when you spoke to Ms. Alexander on Sunday, were you represented by legal counsel at that time?
4. When did you retain him?

Molly Makel

1. Did you and her talk about the potential hiring of Mr. Sullivan to be your attorney here at this deposition?
2. Did anyone, Ms. Alexander or anyone from her office, refer you to Mr. Sullivan?
3. Did anyone from Ms. Alexander's office discuss with you Mr. Sullivan being retained for this deposition?
4. Did anyone from Ms. Alexander's office or Ms. Alexander tell you Mr. Sullivan was going to be here for the deposition?
5. Did anyone from Ms. Alexander's office refer you to Mr. Sullivan?
6. When did you first talk to Mr. Sullivan?
7. When did you hire Mr. Sullivan to be your attorney for this deposition?
8. Did you first call Mr. Sullivan or did he first call you?
9. Before today, how many times have you spoken to Mr. Sullivan?

Hailey Bowles Holland

1. I asked if you talked to Ms. -- to anyone in Ms. Alexander's office about Mr. Sullivan in any way, in any capacity, any -- any subject.
2. How did you get Mr. Sullivan's phone number?

3. Who gave it to you?
4. How did you learn of Mr. Sullivan's existence as an attorney?
5. Did somebody refer to you to contact Mr. Sullivan?
6. Did he (Sullivan) contact you?
7. Did you contact him (Sullivan)?
8. How did you first come to contact Mr. Sullivan?

As to the questions relating to the witnesses' motive for retention of counsel and how counsel is being paid, the Court finds that information protected by the attorney-client privilege and the Motion is denied in that regard. Defendant's request for sanctions is denied. Counsel for the Defendant shall submit a revised form of order within two weeks.

**3. 21CV02155 IECOB'S INDUSTRIAL EQUIPMENT, A CALIFORNIA CORPORATION V. HANSON, CHRISTINE**

*EVENT: Motion for Terminating Sanctions*

The Court finds that Defendant has substantially complied with its May 12, 2023 Order on the service of verified responses to the discovery at issue on August 16, 2023 and the service of the requested ESI on August 17, 2023, as well as counsel's representation that Defendant is working toward production of any other documents in whatever format Plaintiff requires. However, even if the Court were to reach the issue of whether terminating sanctions are warranted, the Court finds that there has been no showing of ongoing and willful disobedience of a Court's discovery order nor blatant and ongoing abuse of the discovery process that rises to the level of discovery abuse to support terminating sanctions. As such, terminating sanctions are not warranted on this record. Plaintiff and Cross-Defendant Iecob's Industrial Equipment's Motion for Terminating Sanctions is DENIED.

**4. 23CV01412 IN RE: LOPEZ, EMMA RAE**

*EVENT: Petition for Change of Name*

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