

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

These are the tentative rulings for the **FRIDAY, OCTOBER 30, 2026 at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., THURSDAY, OCTOBER 29, 2026**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

NOTE: PARTIES MAY REQUEST A REMOTE APPEARANCE FOR ORAL ARGUMENT. (PLACER COURT LOCAL RULE 10.24.) More information is available at the court's website: www.placer.courts.ca.gov.

Except as otherwise noted, these tentative rulings are issued by **COMMISSIONER CHRISTINE S. DEHR**. If oral argument is requested, it shall be heard at **8:30 a.m.** in **DEPARTMENT 1** located at the Historic Auburn Courthouse, 101 Maple Street, Auburn, California.

1. M-CV-0093175 U.S. BANK NATL ASSO v. FERNANDEZ, AARON

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Dennis Smith, Esq. and Phillip Green, Esq.'s Motion to be Relieved as Counsel for Defendant Aaron Fernandez

The motion is granted.

Dennis Smith, Esq. and Phillip Green, Esq. shall be relieved as counsel of record for defendant Aaron Fernandez upon the filing of the proof of service of the signed order after hearing.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

2. M-CV-0093566 CAPITAL ONE v. CARRION, DIMAGGIO

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Plaintiff's Motion to Vacate Dismissal and Enter Judgment

Ruling on Request for Judicial Notice

The request for judicial notice is granted pursuant to Evidence Code section 452.

Ruling on Motion

The motion is granted. (Code of Civil Procedure section 664.6.)

The dismissal entered on January 7, 2026 is vacated.

Judgment in the amount of \$10,448.61 is entered against defendant Dimaggio Carrion, which includes damages of \$11,860.65 less credits of \$2,305.65 plus costs of \$893.61.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

3. M-CV-0093768 U.S. BANK NATL ASSO v. FERNANDEZ, AARON

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Dennis Smith, Esq. and Phillip Green, Esq.’s Motion to be Relieved as Counsel for Defendant Aaron Fernandez

The motion is granted.

Dennis Smith, Esq. and Phillip Green, Esq. shall be relieved as counsel of record for defendant Aaron Fernandez upon the filing of the proof of service of the signed order after hearing.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

4. M-CV-0097448 LAUPSA, ARLENE v. CASTELLE, VINCENT

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Plaintiff's Motion to Service Defendants by Publication

The motion is granted. (Code of Civil Procedure section 415.50(b).)

The court incorporates by reference the findings and orders in the proposed order lodged on October 1, 2026.

Plaintiff shall also serve defendants by first class mail and electronic mail to the last known physical addresses and email addresses of the defendants.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

5. M-CV-0097649 OLYMPUS PARK APTS v. HOPKINS, TAIEAST

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Plaintiff's Motion to Vacate Judgment and Amend Complaint

The motion is granted.

The judgment entered on July 15, 2026 is vacated.

Plaintiff may file and serve the first amended complaint by November 6, 2026.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

6. S-CV-0045347 GRAYOT, CHAD v. EXCLUSIVE AUTO GROUP

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Plaintiff's Motion to Vacate Dismissal

The motion is granted. (Code of Civil Procedure section 473(b).)

The dismissal entered on July 31, 2026 is vacated.

An OSC re dismissal is continued to **January 8, 2027 at 9:00 a.m. in Department 1.**

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

7. S-CV-0049554 OLSEN, ERIK K. v. COOPER, CRAIG

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Plaintiffs' Motion for Terminating Sanctions

The motion is granted.

The purpose of discovery sanctions is to prevent abuse of the discovery process and correct problems presented. (*Do v. Superior Court* (2003) 109 Cal.App.4th 1210, 1213-1214.) It is not a weapon to provide for punishment, forfeiture, or avoidance of trial on the merits. (*Ibid.*) Trial courts act with restraint when ordering terminating sanctions. The dismissal of an action is a drastic sanction that is only applied after a party has had an opportunity to comply with a court order yet still fails to do so. (see *Ruvalcaba v. Government Employees Ins. Co.* (1990) 222 Cal.App.3d 1579, 1581.) The totality of the circumstances surrounding the discovery violations are considered when ordering terminating sanctions: (1) whether the party's conduct was willful; (2) the detriment to the propounding party; and (3) the number of formal and informal attempts to obtain discovery. (*Los Defensores, Inc. v. Gomez* (2014) 223 Cal.App.4th 377, 390.)

Here, plaintiffs have been attempting to obtain discovery from defendant since September of 2024. The most recent round of discovery propounded on defendant occurred on April 6, 2026. Plaintiffs participated in an informal discovery conference (IDC) with no participation from defendant. After defendant's failure to participate in the IDC, plaintiffs proceeded with their motions to compel discovery responses, which were granted. Defendant was ordered to provide responses by September 28, 2026 and monetary sanctions were imposed upon defendant. Despite the court's order and monetary sanctions, defendant still has not complied with his discovery obligations. Trial is currently set in two months on December 7, 2026 with plaintiffs still unable to obtain the necessary discovery from defendant. In light of defendant's failure to engage in informal attempts to resolve discovery disputes; defendant's failure to comply with the court's orders despite the imposition of monetary sanctions; and the defendant's continued failure to comply with his discovery obligations with an impended trial date fast approaching, the court finds the totality of the circumstances support the issuance of terminating sanctions.

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

7. S-CV-0049554 OLSEN, ERIK K. v. COOPER, CRAIG

In sum, the motion is granted. Terminating sanctions are imposed upon defendant Craig Cooper.

The remaining requests for sanctions, including monetary sanctions, are denied.

Defendant Craig Cooper's answer, filed on February 24, 2023, is stricken.

The default of defendant Craig Cooper is entered forthwith.

All trial dates are vacated.

A default prove-up hearing is set for **DECEMBER 1, 2026 at 1:00 P.M. in DEPARTMENT 1 located at the HISTORIC AUBURN COURTHOUSE.**

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

8. S-CV-0051119 CEJA-PEREZ, MIRIAM v. MENDOZA, ALBERTO

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Plaintiffs' Motion for Enforcement of Settlement

The motion is granted. (Code of Civil Procedure section 664.6.)

Judgment is entered in the amount of \$97,784.93 against defendant Alberto Mendoza, which includes damages of \$95,000.00 plus pre-judgment interest in the amount of \$2,784.93.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

9. S-CV-0052568 GOLDEN STATE HOMES v. JOHNSTON, RUSSELL

This tentative ruling is issued by the **HONORABLE MICHAEL W. JONES**:

The motion to tax costs is continued to **January 14, 2027 at 8:30 a.m. in Department 3** to be heard by the **Honorable Michael W. Jones**.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

10. S-CV-0052845 HANWHA Q CELLS AMERICA v. INFINITY ENERGY

This tentative ruling is issued by **COMMISSIONER ALBERT E. ERKEL**:

The motion to set aside is continued to **November 24, 2026 at 8:30 a.m. in Department 32** to be heard by **Commissioner Albert E. Erkel**.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

11. S-CV-0053326 AA FIRE SYSTEMS v. SHILES, AARON

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Defendant Aaron Shiles' Motion to Bifurcate and Stay on Discovery

Notice of Joinder by Defendants Jay White, James McCasland, Craig Hanson, and Leticia Avila to Defendant Aaron Shiles' Motion

The court acknowledges and accepts defendants' joinder to the motion.

Notice of Joinder by Cross-Defendants AA Fire Systems, Inc., Gordon Spencer, and Louise Hagerman's to Plaintiff AA Fire Systems, Inc.'s Opposition to Defendant Aaron Shiles' Motion

The court acknowledges and accepts cross-defendants' joinder to the opposition to the motion.

Ruling on Motion

The motion is denied without prejudice for defendant to renew the request at the time of trial. The trial judge is in the best position to determine the sequencing of matters for trial.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

12. S-CV-0054825 TREADUP, MATTHEW v. VIOLET HOLDINGS

Defendants' demurrer and motion to strike the first amended complaint are dropped from the calendar.

A second amended complaint was filed on September 10, 2026.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

13. S-CV-0055656 ALIZADEH, KOBRA v. BARRETT DAFFIN FRAPPIER
TREDER & WEISS

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Defendant Wells Fargo Bank's Demurrer to the First Amended Complaint (FAC)

Ruling on Request for Judicial Notice

Defendant's request for judicial notice is granted pursuant to Evidence Code section 452.

Ruling on Demurrer

The demurrer is sustained with leave to amend.

A demurrer is reviewed under well-established principles, it tests the legal sufficiency of the pleading, not the truth of the plaintiff's allegations or accuracy of the described conduct. (*Picton v. Anderson Union High School* (1996) 50 Cal.App.4th 726, 733.) All properly pleaded facts are assumed to be true as well as those that are judicially noticeable. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) The court has carefully read the complaint, giving the pleading a reasonable interpretation while reading the documents as a whole and considering each part in their context. (*Speegle v. Board of Fire Underwriters* (1946) 29 Cal.2d 34, 42, superseded by statute on other grounds in *Manufacturers Life Ins. Co. v. Superior Court* (1995) 10 Cal.4th 257, 269.) A review of the first and third causes of action show that each is deficiently pleaded, failing to allege sufficient facts to support any of the challenged claims. (Defendant's demurrer pp. 3:23-4:10, 4:16-26, 5:2-5:24; Code of Civil Procedure section 472d.)

The second amended complaint shall be filed and served by November 6, 2026.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

14. S-CV-0056075 K & C INVESTMENTS v. CHRISTY, THOMAS

Plaintiff's two applications for right to attach order and order for issuance of writ of attachment are continued to **NOVEMBER 20, 2026 at 8:30 A.M. in DEPARTMENT 1 before COMMISSIONER CHRISTINE S. DEHR** pursuant to the stipulations and orders entered on October 28, 2026.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

15. S-CV-0056507 KLAUSS, SALLY v. PLACER COUNTY

Defendant Placer County's demurrer to the first amended complaint is dropped from the calendar at the request of the moving party.

A notice of settlement of entire case was filed on October 19, 2026.

The case management conference set for January 8, 2027 is vacated.

An OSC re dismissal is set for **January 29, 2027 at 9:00 a.m. in Department 1.**

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

16. S-CV-0056666 STOUTE, TIFFANY v. JB'S HIGH VOLTAGE

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Stephen Semos, Esq. and Resnick & Louis, P.C.'s Motion to be Relieved as Counsel for Cross-Defendant Ernest Burton Stoute

The motion is granted.

Stephen Semos, Esq. and Resnick & Louis, P.C. shall be relieved as counsel of record for cross-defendant Ernest Burton Stoute upon the filing of the proof of service of the signed order after hearing showing service on cross-defendant Ernest Burton Stoute.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

17. S-CV-0056677 RASMUSSEN, CASEY v. BURNS, CHRISTA

Cross-Defendants James Filippi II and Filippi Law Firm, P.C.'s Anti-SLAPP Motion

Preliminary Matters

Initially, the current request comes before the court with an atypical procedural posture. The original cross-complaint was filed on January 23, 2026, alleging seven causes of action against cross-defendants Casey Rasmussen; Guaranteed Rate, Inc.; Mortgage Electronic Registration Systems, Inc.; and roe defendants 1 through 20. A first amended cross-complaint (FAC-C) was subsequently filed on April 10, 2026 expanding the causes of action to fifteen and amending the cross-defendants to include Casey Rasmussen; Gabriel Barsoum; Mortgage Electronic Registration Systems, Inc.; and roe defendants 1 through 20. All fifteen causes of action alleged in the FAC-C are alleged against roe defendants 1 through 20. Cross-defendant Casey Rasmussen, through his counsel of record James Filippi II, Esq. of the Filippi Law Firm, P.C. filed a demurrer to the FAC-C on June 22, 2026. Cross-complainant subsequently filed roe amendments on July 6, 2026, identifying cross-defendants James Filippi II as Roe 1 and the Filippi Law Firm, P.C. as Roe 2.

Cross-defendant Casey Rasmussen's demurrer was heard on July 24, 2026 where he was partially successful with the court affording cross-complainant leave to file a second amended cross-complaint (SAC-C) by August 21, 2026, addressing the pleading deficiencies related to cross-defendant Casey Rasmussen as to the first cause of action for quiet title; second cause of action for fraudulent concealment; third cause of action for intentional misrepresentation re letter of agreement; fourth cause of action for intentional misrepresentation re purchase agreement and mutual release; seventh cause of action for slander of title; ninth cause of action for rescission of contract re letter of agreement; tenth cause of action for rescission of contract re purchase agreement and mutual release; and twelfth cause of action for civil theft.

Prior to the due date of the SAC-C, cross-defendants James Filippi II and the Filippi Law Firm, P.C. filed the current anti-SLAPP motion on August 5, 2026, aimed at all fifteen causes of action alleged in the FAC-C. The court file does not reflect that any motion for leave to amend was filed by any party during this period of time.

The SAC-C was filed on August 20, 2026. The pleading specifically names cross-defendants James Filippi II and Filippi Law Firm, P.C. but does not identify their roe designations. The SAC-C also adds specific factual allegations against these identified

PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.

17. S-CV-0056677 RASMUSSEN, CASEY v. BURNS, CHRISTA

roe cross-defendants. Moreover, causes of action were significantly amended between the FAC-C and the SAC-C. The SAC-C completely removed the causes of action for slander of title; rescission of contract re letter of agreement; rescission of contract re purchase agreement and mutual release; and the civil theft causes of action. The SAC-C also included new causes of action against the identified roe cross-defendants that did not exist in the FAC-C, which include the sixth cause of action for civil aiding and abetting fraud and seventh cause of action for negligence. The court reviews the pending motion keeping this procedural background in mind.

Impact of SAC-C on the Pending Anti-SLAPP Motion

The unique procedural circumstances raise a question as to what impact the filing of the SAC-C has on the anti-SLAPP motion. It is generally understood that the filing of an amended complaint does not moot a pending anti-SLAPP motion. (*Sylmar Air Conditioning v. Pueblo Contracting Services, Inc.* (2004) 122 Cal.App.4th 1049; *Salma v. Capon* (2008) 161 Cal.App.4th 1275, 1293-1294.) Nonetheless, there are circumstances where the filing of an amended pleading will moot such a pending a motion. (see c.f. *JKC3H8 v. Colton* (2013) 221 Cal.App.4th 468, 476-479 [Filing of the amended complaint occurred prior to the filing of the anti-SLAPP motion and was not done to subvert the motion.].) In this instance, there is no suggestion that the filing of the SAC-C was done to subvert the anti-SLAPP motion. To the contrary, the SAC-C was filed within the time period ordered by the court after cross-defendant Casey Rasmussen's demurrer. The timing surrounding the filing of the anti-SLAPP motion is unclear as the identified roe cross-defendants had knowledge of the court's demurrer ruling. In any event, the anti-SLAPP motion was filed on August 5, 2026, prior to the filing of the SAC-C. Thusly, the anti-SLAPP motion is not moot and may be addressed to the FAC-C with the court striking any corresponding causes of action in the SAC-C if necessary. (*Salma, supra*, at pp. 1293-1294.)

Nonetheless, the SAC-C does limit the scope of the remaining claims. The SAC-C eliminates the claims for slander of title; rescission of contract re letter of agreement; rescission of contract re purchase agreement and mutual release; and civil theft. The court will not substantively address these four claims since cross-complainant has eliminated them from the SAC-C, which the court deems as an intention not to pursue the four causes of action any further against the identified roe cross-defendants.

///

PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.

17. S-CV-0056677 RASMUSSEN, CASEY v. BURNS, CHRISTA

Striking Language in the SAC-C

While the court did grant cross-complainant leave to file a SAC-C, the pending anti-SLAPP motion has raised issues regarding the scope of the leave granted. A party's right to amend a pleading changes during different stages of the litigation. It is well-established that each party has the ability to amend a pleading once as a matter of course, without first obtaining leave from the court, prior to the filing of an answer or demurrer. (Code of Civil Procedure section 472; *Leader v. Health Industries of America, Inc.* (2001) 89 Cal.App.4th 603, 612-613.) This right to leave, however, changes after a demurrer. "[A] litigant does not have a positive right to amend his pleading after a demurrer thereto has been sustained. 'His leave to amend afterward is always of grace, not of right. [Citation.]' [Citation.]" (*Gautier v. General Tel. Co.* (1965) 234 Cal.App.2d 302, 310.) "At that point 'the plaintiff's right to amend as a matter of course is gone.'" (*Loser v. E.R. Bacon Co.* (1962) 201 Cal.App.2d 387, 389.) Moreover, a plaintiff may not amend a complaint to add a new cause of action without obtaining permission to do so, except when the new cause of action is within the scope of the order granting leave to amend. (*Harris v. Wachovia Mortg., FSB* (2010) 185 Cal.App.4th 1018, 1023.)

The SAC-C filed presents significant modifications as compared to the FAC-C. This includes the elimination of four claims; addition of two new claims; and the addition of factual allegations against the identified roe cross-defendants. As previously discussed, cross-complainant was afforded leave solely as to the allegations related to cross-defendant Casey Rasmussen. Cross-complainant was not granted leave to amend the allegations any further and did not file a motion seeking any such expanded leave to amend. Said another way, cross-complainant has filed a pleading that is not in compliance with the court's prior order. Thusly, the court – on its own motion – strikes the following allegations and causes of action from the SAC-C:

- Paragraphs 33 and 34 on page 7, lines 8 through 11;
- The entirety of the sixth cause of action for civil aiding and abetting fraud on pages 18, line 4 through 20, line 21;
- The entirety of the seventh cause of action for negligence on pages 20, line 22 through 23, line 5; and
- Prayer for relief referring to "Sixth, Seventh" on page 30, line 24

///

PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.

17. S-CV-0056677 RASMUSSEN, CASEY v. BURNS, CHRISTA

Setting Aside Defaults Entered as to Cross-Defendants James Filippi, II (Roe 1) and Filippi Law Firm, P.C. (Roe 2)

There is a final procedural matter the court must address before discussing the motion. On October 16, 2026, the civil clerk's office entered the default of cross-defendant Filippi Law Firm, P.C. (Roe 2). The civil clerk's office subsequently entered the default of cross-defendant James Filippi, II (Roe 1) on October 22, 2026. Both of these defaults were entered after the identified roe cross-defendants had filed the pending anti-SLAPP motion. A request for default may be entered where a cross-defendant has not filed an answer, demurrer, or motion to strike a pleading. (Code of Civil Procedure section 585(e), (f).) An anti-SLAPP motion is a special motion to strike that furthers the rights of certain protected activities; it requires a plaintiff to either establish a probability of prevailing on their claims or have those claims subject to dismissal. (Code of Civil Procedure section 425.16.) Here, the identified roe cross-defendants filed their timely anti-SLAPP motion, which prevented the entry of any default. The clerk's subsequent entry of default as to these two cross-defendants was in error. The court – on its own motion – sets aside the defaults entered as follows:

- The default entered on October 16, 2026 as to cross-defendant Filippi Law Firm, P.C. (Roe 2) is set aside and
- The default entered on October 22, 2026 as to cross-defendant James Filippi, II (Roe 1) is set aside.

Ruling on Objections

Cross-defendants' objections are overruled in their entirety.

Ruling on Motion

The motion is granted.

In the current request, the identified roe cross-defendants seek to strike and dismiss all of the causes of action alleged in the FAC-C pursuant to Code of Civil Procedure section 425.16. This section, also referred to as the anti-SLAPP statute, creates a two-step process for determining whether an action is a SLAPP: first, the court determines whether the action arises from protected activity. (*Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 61; *Ben-Shahar v. Pickart* (2014) 231 Cal.App.4th 1043, 1052.) The court reviews the subject causes of action to determine whether they are based on cross-defendant's protected free speech or petitioning activity. (*Navellier*

PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.

17. S-CV-0056677 RASMUSSEN, CASEY v. BURNS, CHRISTA

v. Sletten (2002) 29 Cal.4th 82, 89.) The cross-defendant has the initial burden of establishing this first prong with the court reviewing the pleadings, supporting affidavits, and opposing affidavits to determine whether the claims arise from protected activity. (Code of Civil Procedure section 425.16(b); *Id.* at p. 88.) Only after the first step is met will the court proceed to the second part of the analysis and determine the probability cross-complainant can prevail on the claim. (*Ibid.*) The cross-complainant must present sufficient prima facie evidence to support each claim. (*Premier Med. Mgmt. Systems, Inc. v. California Ins. Guar. Ass'n.* (2006) 136 Cal.App.4th 464, 476.) The court reviews the motion keeping this in mind.

The FAC-C alleges fifteen causes of action. As previously discussed, the court will only address those claims that are still being pursued by cross-complainant. This includes the causes of action for quiet title; fraudulent concealment; intentional misrepresentation re letter of agreement; intentional misrepresentation re purchase agreement and mutual release; intentional misrepresentation re certificate of acknowledgement; cancellation of instrument; intentional infliction of emotional distress; declaratory relief re January 27, 2022 grant deed; declaratory relief re May 1, 2024 letter of agreement; and declaratory relief re September 2024 purchase agreement and mutual release. (see generally FAC-C and SAC-C.) There are no specific factual allegations against the identified roe cross-defendants. (*Ibid.*) The claims brought against the moving cross-defendants stem from legal services provided to cross-defendant Casey Rasmussen. (see generally James Filippi II declaration; Christa Burns declaration ¶8; Teresa Boyd declaration ¶6.) Thusly, the claims arise from prelitigation writings and statements, which are protected activity. (Code of Civil Procedure section 425.16(e)(2); *PrediWave Corp. v. Simpson Thacher & Bartlett LLP* (2009) 179 Cal.App.4th 1204, 1220-1221; *Comstock v. Aber* (2012) 212 Cal.App.4th 931, 944-945.) With the first prong met, the second prong of the analysis is triggered with cross-complainant required to show a probability to prevail on these claims.

Cross-complainant, however, has failed to meet this burden. She does not submit sufficient, credible evidence to establish a probability of prevailing on any of the remaining eleven claims as to the moving cross-defendants. (see generally Burns declaration and Boyd declaration.) In light of this, the motion is granted.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

17. S-CV-0056677 RASMUSSEN, CASEY v. BURNS, CHRISTA

Disposition

In sum, the motion is granted in its entirety pursuant to Code of Civil Procedure section 425.16.

The first amended cross-complaint, filed on April 10, 2026, is stricken in its entirety as to cross-defendants James Filippi II (Roe 1) and the Filippi Law Firm, P.C. (Roe 2).

The second amended cross-complaint, filed on August 20, 2026, is stricken in its entirety as to cross-defendants James Filippi II (Roe 1) and the Filippi Law Firm, P.C. (Roe 2).

Cross-defendants James Filippi II (Roe 1) and the Filippi Law Firm, P.C. (Roe 2) are the prevailing parties and entitled to recovery of attorney's fees and costs pursuant to Code of Civil Procedure section 425.16(c)(1).

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

18. S-CV-0057208 IN RE THE PETITION OF LEYVA, LUCA

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Petitioner's Motion to Vacate Dismissal

The motion is granted. (Code of Civil Procedure section 473(b).)

The dismissal entered on August 4, 2026 is vacated.

An OSC re name change is reset for hearing on **January 5, 2027 at 1:00 p.m. in Department 1.**

Petitioner must have proof of publication filed with the court at least 10 court days prior to the hearing date.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

19. S-CV-0057276 BMO BANK v. BLACK IRIS PROPERTIES

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 3, 2026 AT 2:30 P.M. in DEPARTMENT 1.

Defendants Black Iris Properties, LLC; Ibrahim Salama; and Sousan Herzallah's Motion to Set Aside Default

The motion is granted. Defendants have made a sufficient showing of mistake, inadvertence, surprise, and/or excusable neglect. (Code of Civil Procedure section 473(b).)

The default entered on June 11, 2026 is set aside as to defendants Black Iris Properties, LLC; Ibrahim Salama; and Sousan Herzallah.

Defendants shall file and serve their answer by November 6, 2026.

///

**PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.**

20. S-CV-0057534 STEVENSON, TRACY v. DIAMOS, BARNEY

Defendant Barney Damos' Amended Motion to Disqualify Plaintiff's Counsel

The appearances of the parties are required for the hearing.

///

PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR OCTOBER 30, 2026 AT 8:30 A.M.

21. S-CV-0058689 LITINETSKY, MARIA v. NEWREZ

Plaintiff's Motion for Preliminary Injunction

Ruling on Request for Judicial Notice

Defendant's request for judicial notice is granted pursuant to Evidence Code section 452.

Ruling on Motion

The motion is denied.

The court may grant a preliminary injunction when it appears from the complaint that the plaintiff is entitled to the demanded relief and plaintiff would suffer irreparable injury if the enjoined action were allowed to proceed. (Code of Civil Procedure section 526(a).) A foreclosure sale may be enjoined under the same elements applicable for other requests for injunctive relief, namely after a (1) balancing of the hardships of the parties and (2) a showing by the plaintiff of a reasonable probability of prevailing on the merits. (*Baypoint Mortgage Corp. v. Crest Premium Real Estate etc. Trust* (1985) 168 Cal.App.3d 818, 824; *Robbins v. Superior Court* (1985) 38 Cal.3d 199.) The plaintiff has the burden of showing plaintiff would be harmed if the preliminary injunction were not granted. (*Casmalia Resources, Ltd. v. County of Santa Barbara* (1987) 195 Cal.App.3d 827, 838.)

As to the initial analysis of hardships, plaintiff has not made a sufficient showing that the hardships tip in plaintiff's favor. (see generally Plaintiff's supporting declarations and Verified Complaint.) Plaintiff does not sufficiently identify the hardships faced by plaintiff if the motion is not granted. (Ibid.)

Nor has plaintiff made a sufficient showing of a reasonable probability of prevailing on the merits of plaintiff's claims. Plaintiff's declarations do not present sufficient evidence in support of the five causes of action alleged in the complaint. Moreover, the verified complaint is insufficient to establish plaintiff will prevail on her causes of action. Considering the totality of the evidence and on balance, plaintiff has not made a sufficient showing that plaintiff will prevail on the merits of the causes of action alleged in the verified complaint. For the foregoing reasons, the motion for preliminary injunction is denied.