PLACER COUNTY SUPERIOR COURT
FRIDAY, CIVIL LAW AND MOTION
DEPARTMENT 1
COMMISSIONER CHRISTINE S. DEHR
TENTATIVE RULINGS FOR NOVEMBER 13, 2026 AT 8:30 A.M.

These are the tentative rulings for the **FRIDAY, NOVEMBER 13, 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, NOVEMBER 12, 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-0089085 AMEX v. ORTEGA, ANGELICA

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Plaintiff's Motion for Summary Judgment, or in the Alternative, Summary Adjudication

Ruling on Request for Judicial Notice

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

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TENTATIVE RULINGS FOR NOVEMBER 13, 2026 AT 8:30 A.M.

1. M-CV-0089085 AMEX v. ORTEGA, ANGELICA

Ruling on Motion

The motion is granted.

Plaintiff's current motion seeks either summary judgment or summary adjudication as to the single cause of action for breach of contract alleged in the complaint. The party seeking summary judgment bears the burden of showing there is no triable issue of material fact and that the party is entitled to judgment as a matter of law. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) The moving party has the burden of showing, by affidavit, facts establishing every element necessary to sustain a judgment in favor of the party. (*Consumer Cause, Inc. v. Smilecare* (2001) 91 Cal.App.4th 454, 468.) Once a plaintiff proves its prima facie case, the burden of proof shifts to the defendant to prove material facts. (Code of Civil Procedure section 437c(p)(1).)

Plaintiff has submitted sufficient evidence establishing each element of its breach of contract claim. Specifically, plaintiff presents evidence that plaintiff extended a credit card line of credit to defendant where defendant purchased various items based upon the agreement to pay for obligations charged to the account. (Plaintiff's SSUMF Nos. 1-3 and evidence cited therein.) Defendant charged $14,203.70 on the account and did not object to the charges. (Id. at Nos. 3-5 and evidence cited therein.) Defendant subsequently defaulted on the account, leaving an outstanding balance of $10,626.70 plus court costs of $942.61. (Id. at Nos. 6, 7 and evidence cited therein.) Since plaintiff has met its burden, the burden now shifts to defendant to establish a triable issue of material fact.

Defendant, however, has not met this burden. In light of this, the motion is granted.

Summary judgment is entered in favor of plaintiff against defendant Angelica Ortega as to the first cause of action for breach of contract in the amount of $11,568.31, which includes the principal amount of $14,203.70 less credits of $3,578.00 plus $942.61 in court costs.

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2. M-CV-0091895 DISCOVER BANK v. KUKHARUK, DMYTRO

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Plaintiff's Motion for Entering Judgment Pursuant to Defendant's Default Under Settlement and Release Agreement (Code of Civil Procedure section 664.6)

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

The dismissal entered on December 10, 2025 is vacated.

Judgment is entered against defendant Dmytro Kukharuk in the amount of $10,085.02, which includes the principal amount of $13,085.02 less credits of $3,000.00 plus costs of $552.85.

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3. M-CV-0093877 FREEMAN, ANGELA v. ENJOY TRAVEL

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Ali Rakhshanifar, Esq.'s Motion to be Relieved as Counsel for Defendants Artur Moiseev and Enjoy Travel LLC

The motion is granted.

Ali Rakhshanifar, Esq. shall be relieved as counsel of record for defendants Artur Moiseev and Enjoy Travel LLC upon the filing of the proof of service of the signed order after hearing showing service on defendants Artur Moiseev and Enjoy Travel LLC.

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4. M-CV-0097216 CARRINGTON MTG SERV v. NELSON, LISA

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Plaintiff's Motion for Summary Judgment

The motion is granted.

In the current request, plaintiff seeks summary judgment as to the single cause of action for unlawful detainer after a nonjudicial foreclosure sale. The party seeking summary judgment bears the burden of showing there is no triable issue of material fact and that the party is entitled to judgment as a matter of law. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) The moving party has the burden of showing, by affidavit, facts establishing every element necessary to sustain a judgment in favor of the party. (*Consumer Cause, Inc. v. Smilecare* (2001) 91 Cal.App.4th 454, 468.) Once a plaintiff proves its prima facie case, the burden of proof shifts to the defendant to prove material facts. (Code of Civil Procedure section 437c(p)(1).)

Plaintiff has met its initial burden. It provides evidence that the property was purchased at a trustee's sale and title was duly perfected. (Plaintiff's SSUMF Nos. 4-9 and evidence cited therein.) Defendant was served with the notice to quit and vacate. (Id. at No. 10 and evidence cited therein.) Defendant, however, remained on the property after the expiration of the notice. (Id. at No. 11 and evidence cited therein.) This evidence is sufficient to meet plaintiff's burden, shifting the burden to defendant to establish a triable issue of material fact.

Defendant has not met this burden. Thusly, the motion is granted.

Summary judgment is entered against defendant Lisa Nelson as to the single cause of action for unlawful detainer.

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5. M-CV-0098925 HARVEST-USIV v. KUNISAKI, DAVID

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendant David Kunisaki's Motion to Set Aside Default and Default Judgment

The motion is granted.

Defendant has made a sufficient showing of mistake, inadvertence, surprise, and/or excusable neglect. (Code of Civil Procedure section 473(b).)

The default entered on October 15, 2026 is set aside.

The default judgment entered on October 15, 2026 is set aside.

The writ of possession issued on October 21, 2026 is recalled.

Defendant David Kunisaki shall file and serve the answer by 12:00 p.m. on November 16, 2026.

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6. M-CV-0098977 KORENKO, KIRK v. HOOD, DAVE

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendants Dave Hood and Yuba City Solar Millennium Fund LLC's Demurrer to the First Amended Complaint (FAC)

Ruling on Requests for Judicial Notice

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

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

Ruling on Demurrer

The demurrer is overruled.

The FAC, when reviewed as a whole and giving all allegations a reasonable interpretation, alleges sufficient facts to support the single cause of action for unlawful detainer.

The answer or general denial shall be filed and served by November 16, 2026.

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7. S-CV-0048518 THERAPUTIC HERBAL CO v. VINCENT MARKETING SERV

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendant Ross Vincent's Motion to Compel Further Responses to Form Interrogatories, Set Two

The motion is denied.

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8. S-CV-0054125 SERVANTEZ, ANGELINA v. PCJV USA

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

James Yoo, Esq.'s Motion to be Relieved as Counsel for Plaintiff Angelina Servantez

The motion is granted.

James Yoo, Esq. shall be relieved as counsel of record for plaintiff Angelina Servantez upon the filing of the proof of service of the signed order after hearing showing service on plaintiff Angelina Servantez.

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9. S-CV-0054278 RAMOS, CARLI v. PIIRU, WILLIAM

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Adam Ambrozy, Esq.'s Motion to be Relieved as Counsel for Plaintiff Carli Ramos

The motion is granted.

Adam Ambrozy, Esq. shall be relieved as counsel of record for plaintiff Carli Ramos upon the filing of the proof of service of the signed order after hearing showing service on plaintiff Carli Ramos.

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10. S-CV-0054397 HOLT OF CALIFORNIA v. BLACK TOP ASPHALT

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Benjamin Koegel, Esq. and ElGuindy, Meyer & Koegel, APC's Motion to be Relieved as Counsel for Defendant Black Top Asphalt, Inc.

The motion is granted.

Benjamin Koegel, Esq. and ElGuindy, Meyer & Koegel, APC shall be relieved as counsel of record for defendant Black Top Asphalt, Inc. upon the filing of the proof of service of the signed order after hearing showing service on defendant Black Top Asphalt, Inc.

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11. S-CV-0055748 LAEZMAN, LINDA v. EL DON ESTATES HOA

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendant El Don Estates Homeowners Association's Demurrer and Motion to Strike the Second Amended Complaint (SAC)

The demurrer and motion to strike are sustained without leave to amend.

The court has carefully read the SAC, 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 two causes of action show that each is still deficiently pleaded, failing to allege sufficient facts to support any of the challenged claims. (Defendant's demurrer pp. 3:28-7:22; Code of Civil Procedure section 472d.)

The court has also carefully considered the allegations in relation to the prayer for general damages; pain and suffering; punitive damages; and future assessment exemptions, finding that the allegations within the SAC do not sufficiently support such prayers for relief.

The court denies any further leave to amend as to the moving defendant. This is the third iteration of plaintiffs' operative pleading with plaintiffs still unable to allege viable claims against defendants. The defects persist with plaintiffs still unable to show how the claims may be remedied. (*Assoc. of Comm. Org. for Reform Now v. Dept. of Indus. Relations* (1995) 41 Cal.App.4th 298, 302; *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) In light of this, the demurrer and motion to strike are sustained without leave to amend.

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12. S-CV-0055955 EKINE, AYEBAINATON v. GUCCI AMERICA, INC.

Plaintiff's motion for preliminary approval of class action settlement is continued to **December 18, 2026 at 8:30 a.m. in Department 1** to allow for the review of the pending stipulation and order and submission of a second amended complaint.

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13. S-CV-0056068 GARCIA SUNUX, JOSE v. NISSAN NORTH AMERICA

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendants Motion to Compel Arbitration and Stay Proceedings

Ruling on Objections

Plaintiff's objections are sustained in their entirety.

Ruling on Motion

The motion is denied without prejudice.

In the current request, defendants seeks to compel plaintiff to participate in arbitration and stay the action pursuant to both the FAA and the CAA. A petition seeking to compel arbitration under the FAA may be brought in state court. (*Southland Corp. v. Keating* (1984) 465 U.S. 1, 16; *Main v. Merrill Lynch, Pierce, Fenner & Smith, Inc.* (1977) 67 Cal.App.3d 19, 24, disapproved of on other grounds in *Rosenthal v. Great Western Financial Securities Corp.* (1996) 14 Cal.4th 394.) The FAA governs a contractual arbitration where there is a written contract involving interstate or foreign commerce or maritime transactions. (9 U.S.C. §§1, 2.) Where the parties incorporate the FAA into the agreement, the FAA governs a party's request to compel arbitration. (*Victrola 89, LLC v. Jaman Properties 8 LLC* (2020) 46 Cal.App.5th 337, 346.) It is defendant who bears the burden of establishing the existence of a valid arbitration agreement applying the FAA. (*Hoover v. American Income Life Insurance Co.* (2012) 206 Cal.App.4th 1193, 1207; *Stirlen v. Supercuts, Inc.* (1997) 51 Cal.App.4th 1519, 1543.)

Pursuant to California law, a trial court shall order arbitration if it determines that an agreement to arbitrate the controversy exists, unless it is shown that either (1) the petitioner waived the right to compel arbitration, (2) grounds for revocation of the agreement exist, or (3) a party to the arbitration agreement is also a party to a pending court action or special proceeding with a third party arising out of the same transaction. (Code of Civil Procedure section 1281.2.) A threshold question for any request to compel arbitration is whether there exists an agreement to arbitrate. (*Cruise v. Kroger Co.* (2015) 233 Cal.App.4th 390, 396.) It is the defendant that carries this initial burden of proving, by a preponderance of the evidence, the existence of a valid arbitration

13. S-CV-0056068 GARCIA SUNUX, JOSE v. NISSAN NORTH AMERICA

agreement. (*Engalla v. Permanente Medical Group, Inc.* (1997) 15 Cal.4th 951, 972.) Once the defendant meets this initial burden, the burden shifts to the opposing party to establish a basis not to enforce arbitration. (*Ibid.*) Under both federal law and California law, the party seeking to compel arbitration has the initial burden of establishing the existence of a valid arbitration agreement between the parties.

Defendants have not met their burden as defendants have not submitted admissible evidence establishing the existence of a valid arbitration agreement. Thusly, the motion is denied.

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14. S-CV-0056699 HAANEN, DERWYN v. FUTURE NISSAN

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Plaintiffs' Motion to Expedite Trial Date

The motion is denied without prejudice.

Plaintiffs have not made a sufficient showing that their health is such that preference is necessary to prevent prejudice to the parties. (Code of Civil Procedure section 36.)

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15. S-CV-0056725 HERNANDEZ, LORRIE v. AMERICAN HONDA MOTOR CO

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Plaintiffs' Motion to Compel Responses to Form Interrogatories, Set One, and Sanctions

The motion is granted.

Defendant American Honda Motor Co., Inc. shall provide verified responses, without objections, to form interrogatories, set one, by November 30, 2026.

Monetary sanctions in the amount of $345.00 are imposed upon defendant American Honda Motor Co., Inc.

Plaintiffs' Motion to Compel Responses to Special Interrogatories, Set One, and Sanctions

The motion is granted.

Defendant American Honda Motor Co., Inc. shall provide verified responses, without objections, to special interrogatories, set one, by November 30, 2026.

Monetary sanctions in the amount of $417.50 are imposed upon defendant American Honda Motor Co., Inc.

Plaintiffs' Motion to Compel Responses to Requests for Production of Documents, Set One, and Sanctions

The motion is granted.

Defendant American Honda Motor Co., Inc. shall provide verified responses and responsive documents, without objections, to requests for production of documents, set one, by November 30, 2026.

Monetary sanctions in the amount of $417.50 are imposed upon defendant American Honda Motor Co., Inc.

16. S-CV-0057318 MOORE, MATTHEW v. MOORE, MARGARET

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendants' Demurrer to the First Amended Complaint (FAC)

Preliminary Matters

As an initial matter, the court will exercise its discretion and consider plaintiff's untimely opposition.

Ruling on Demurrer

The demurrer is sustained with leave to amend.

The court has carefully read the FAC, 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 sixteen causes of action show that each is still deficiently pleaded, failing to allege sufficient facts to support any of the challenged claims. (Defendant's demurrer pp. 7:17-15:7; Code of Civil Procedure section 472d.)

The second amended complaint shall be filed and served by November 23, 2026.

The current action is abated and stayed pending resolution of the property matters in Placer Court Case *In re Marriage of Moore*, Case No. SDR-67153.

The clerk shall note the stay in the court case management system.

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

An OSC re stay is set for **December 17, 2027 at 9:00 a.m. in Department 1**.

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17. S-CV-0057455 RUBINO, JOSEPH v. AUBURN OAKS CARE

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Defendant Aloe Holdings, LLC's Demurrer to the First Amended Complaint (FAC)

The demurrer is sustained with leave to amend.

The court has carefully read the FAC, 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 causes of action show that each is still deficiently pleaded, failing to allege sufficient facts to support any of the challenged claims. (Defendant's demurrer pp. 5:16-7:15; Code of Civil Procedure section 472d.)

The second amended complaint shall be filed and served by November 23, 2026.

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18. S-CV-0057675 SOLOMON, NATHANIEL v. NOR-CAL PIPELINE SERV

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Otkupman Law Firm, ALC's Motion to be Relieved as Counsel for Plaintiff Nathaniel Solomon

The motion is granted.

Otkupman Law Firm, ALC shall be relieved as counsel for plaintiff Nathaniel Solomon upon the filing of the proof of service of the signed order after hearing showing service on plaintiff Nathaniel Solomon.

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19. S-CV-0057728 POWERCORE ELECTRIC INC v. CHUTE, NATALIE

NOTE: If oral argument is requested or an appearance is required in this case, it shall be heard on NOVEMBER 17, 2026 AT 2:00 P.M. in DEPARTMENT 1.

Cross-Defendant Powercore Electric Inc's Demurrer to the Cross-Complaint

The demurrer is overruled.

"The purpose of a demurrer is to test whether, as a matter of law, the properly pleaded facts in the complaint state a cause of action under any legal theory. [Citation.]" (*Olson v. Hornbrook Community Services Dist.* (2019) 33 Cal.App.5th 502, 516.) The cross-complaint, when read as a whole, alleges sufficient facts to support each of the causes of action alleged against the cross-defendant.

Cross-defendant shall file and serve its answer or general denial by November 23, 2026.

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20. S-CV-0057896 GILLETTE, MONIQUE v. CITY OF ROCKLIN

Defendant City of Rocklin's Anti-SLAPP Motion

The appearances of the parties are required for the hearing.

Defendant City of Rocklin's Demurrer to the First Amended Complaint (FAC)

The appearances of the parties are required for the hearing.

Defendant City of Rocklin's Motion to Strike the First Amended Complaint (FAC)

The appearances of the parties are required for the hearing.

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21. T-CV-0002835 IRPO LAUREN HELWIG

Renewed Petition for Relief from Government Claim Filing Requirements

The appearances of the parties are required for the hearing.

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22. T-CV-0002837 IRPO LAUREN HELWIG

Renewed Petition for Relief from Government Claim Filing Requirements

The appearances of the parties are required for the hearing.

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