PLACER COUNTY SUPERIOR COURT
CIVIL LAW AND MOTION TENTATIVE RULINGS
TUESDAY, NOVEMBER 24, 2026

These are the tentative rulings for civil law and motion matters set at **8:30 a.m. on Tuesday, November 24, 2026**. 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., Monday, November 23, 2026**. Notice of request for oral 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 after 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.

Except as otherwise noted, these tentative rulings are issued by the **HONORABLE TRISHA J. HIRASHIMA** and if oral argument is requested, it will be heard at 8:30 a.m. in **Department 32**, located at 10820 Justice Center Drive, Roseville, California 95678.

PLEASE NOTE: REMOTE APPEARANCES ARE STRONGLY ENCOURAGED FOR ALL CIVIL LAW AND MOTION MATTERS. (Local Rule 10.24.) More information is available at the court's website: www.placer.courts.ca.gov.

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1. M-CV-0099383 Enfield, Jesse v. Zimmer, Veronica

Motion to Set Aside Default and Default Judgment

Defendant Veronica Zimmer moves to set aside default and default judgment pursuant to Code of Civil Procedure section 473(b). No opposition has been filed.

While the proposed answer attached to the motion is in the names of both defendants Veronica Zimmer and John Kennedy, the motion to set aside default and default judgment is brought in the name of defendant Veronica Zimmer only.

To permit defendants the opportunity to address this issue, this motion is continued to **December 8, 2026 at 8:30 a.m. in Department 32**. By November 24, 2026, defendants are directed to serve plaintiff with a copy of this order and file a proof of service. If defendants intended to bring this motion in the name of both defendants, they should likewise file and serve a supplemental declaration so stating. Service shall be by personal service, emailed service, or by facsimile. The stay of execution of judgment is likewise extended to the December 8, 2026 hearing.

Order to Show Cause

In reviewing the court's file to assess the above motion, the court reviewed plaintiff's complaint and observed some deficiencies with the complaint. First, The complaint provides a 3-day notice to pay or quit as an exhibit to the complaint, and a proof of service is attached thereto. However, the notice does not specify 3-days' notice, "excluding Saturdays and Sundays and other judicial holidays" as required. (Code Civ. Proc., § 1161(2); see also *Eshagian v. Cepeda* (2025) 112 Cal.App.5th 433, 459–60 [holding a 3-day notice that fails to exclude weekends and judicial holidays would not put an ordinary tenant on reasonable notice to understand "the deadline by which the tenant needed to pay the rent due to avoid forfeiture of the premises"].) As the 3-day notice here does not contain the required statutory language, the notice appears deficient.

Second, the complaint is brought by plaintiff "Jesse Enfield, Power of Attorney for Jerry Enfield." A nonlawyer agent may not appear in court for another person merely because the principal granted a power of attorney. (*Drake v. Super. Court* (1994) 21 Cal.App.4th 1826, 1831.) Here, Jesse Enfield does not include a State Bar Number on the complaint and a search for the name "Jesse Enfield" on the California State Bar website does not yield any results.

Based on the foregoing, it appears the complaint is defective in that it fails to allege a cause of action for unlawful detainer given the deficient notice and that plaintiff's appearance in the case on behalf of another may be impermissible. For these reasons, the court on its own motion schedules this matter for an Order to Show Cause hearing on **December 8, 2026 at 9:00 a.m. in Department 32**. Plaintiff shall appear and show cause why the complaint should not be dismissed.

2. M-CV-0098385 Park West Apts. v. Podesta, Jeronimo

This tentative ruling is issued by the **Honorable Glenn M. Holley**. If oral argument is requested, it will be heard at on **November 30, 2026 at 8:30 a.m. in Department 2**.

Application to Stay Execution of Judgment

In this unlawful detainer matter, defendant Jeronimo Podesta seeks a stay of execution of judgment through December 17, 2026.

In consideration of both the interests of plaintiff as entitled to possession and the stated financial hardship of defendant, the stay is granted in part to December 8, 2026 at 11:59 p.m. The stay is contingent on defendant's deposit with the clerk of the court of $1,933, in the form of cash, money order, or certified check, as fair market rental value for the stay period of fourteen days, rounded to the nearest whole dollar amount. The deposit shall be made by November 25, 2026 at 12:00 p.m. If the deposit is not timely made, this order shall expire by its own terms and the stay of execution of judgment will expire.

3. S-CV-0047031 Suttles, Mark v. Directapps

If oral argument is requested, it will be heard in **Department 32** by the Honorable Trisha J. Hirashima.

Motion for Final Approval

Plaintiff moves for final approval of the parties' class action and PAGA action settlement. No opposition has been filed.

Preliminarily, plaintiff provides the declaration of counsel Setareh, who provides Exhibits A and B. Exhibit A, the class action and PAGA settlement agreement, is completely blank. However, the court on its own motion takes judicial notice of the joint stipulation of class action and PAGA settlement and release of claims filed on March 10, 2026 as Exhibit A to the declaration of counsel Setareh.

The unopposed motion is granted. The court has broad discretion in determining whether a class action settlement is (1) fair and reasonable, (2) the class notice is adequate, and (3) certification of the class is proper. (*In re Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380, 1389.) When reviewing the fairness of the settlement, the court is to give due regard to the parties' agreement, ensuring that the agreement is not a product of fraud, overreaching parties, or collusion and that the settlement, as a whole, is fair, reasonable, and adequate. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1145.) A presumption of fairness exists where: (1) the settlement was reached through arms-length bargaining; (2) the investigation and discovery were sufficient to allow class counsel and the court to act intelligently; (3) class counsel is experienced in similar litigation; and (4) there is a small percentage of objectors. (*Ibid.*)

Further, the court reviews the moving papers along with the entirety of the court file to determine that the settlement is genuine, meaningful, and consistent with the underlying purposes of the PAGA-related statute. (Lab. Code, § 2699, subd. (*l*); *O'Connor v. Uber Technologies, Inc.* (N.D. Cal. 2016) 201 F.Supp.3d 1110.) The court must also determine whether the PAGA settlement appears fundamentally fair, reasonable, and adequate. (*O'Connor*, *supra*, 201 F.Supp.3d at p. 1120.)

The court has carefully reviewed and considered plaintiff's moving papers, declarations and exhibits submitted in support thereof, and the entire court file. The court determines a sufficient showing has been made that the settlement, the attorneys' fees of $316,666.67, the litigation costs of $18,260.99, the settlement administration costs of $25,995, and the service award of $5,000 are fair, adequate, reasonable, genuine, meaningful, and consistent with the purpose of PAGA.

The court directs plaintiff to serve a copy of this order on Phoenix Class Action Administration Solutions to ensure that they are aware that while this court preliminarily approved litigation costs not to exceed $20,000 (law and motion minutes, Apr. 7, 2026),

this order for final approval order includes litigation costs actually incurred of $18,260.99, which will result in a higher net settlement amount. Presently, the declaration of Mayra Gonzalez calculates the net settlement amount to include the higher amount of $20,000 rather than the lower amount of $18,260.99.

The court grants final approval of the class action and approves the attorneys' fees, litigation costs, settlement administration costs, and the service award.

Plaintiff shall submit a proposed final judgment to the court for its review. The court retains jurisdiction over the parties to enforce the terms of the judgment. (Cal. Rules of Court, rule 3.769, subd. (h).)

The court schedules this matter for a final accounting hearing on **April 13, 2027 at 8:30 a.m. in Department 32**. Plaintiff shall file and serve a final accounting status report by no later than March 23, 2027.

4. S-CV-0049572 Roe, Jane v. Doe 1

Defendant Roseville Joint Union High School District's Motion for Summary Judgment, or in the alternative, Summary Adjudication

Plaintiff Jane Roe ("Plaintiff") alleges Defendant Doe 2 ("Teacher"), her music teacher at Oakmont High School, engaged in sexual misconduct with her beginning in December 1973 when she was 17 years old. Plaintiff alleges that the relationship escalated to sexual intercourse in January 1974 and continued after her graduation in June 1974. Plaintiff contends that Defendant Roseville Joint Union High School District ("District") failed to protect her from Teacher's misconduct.

The District moves for summary judgment or, alternatively, summary adjudication of the Fourth Cause of Action for Negligent Failure to Instruct, Train, and Inform; Fifth Cause of Action for Negligent Supervision and Failure to Warn; Sixth Cause of Action for Negligent Hiring and Retention; and Seventh Cause of Action for Intentional Infliction of Emotional Distress. The District also seeks adjudication of Plaintiff's requests for prejudgment interest and attorney's fees and certain discrete factual issues.

The District argues that it lacked actual or constructive notice of Teacher's alleged misconduct, that no act or omission by District personnel caused Plaintiff's injuries, and that certain statutory duties relied upon by Plaintiff did not exist in 1973-1974. Plaintiff opposes the motion, relying primarily on evidence that District teacher Gayle Crom ("Crom") knew or suspected a romantic relationship between Plaintiff and Teacher while Plaintiff was a minor and that the alleged misconduct continued thereafter.

Legal Standard

A defendant moving for summary judgment bears the initial burden of demonstrating that one or more elements of each challenged cause of action cannot be established or that a

complete defense exists. Once that burden is met, the burden shifts to the plaintiff to set forth specific facts showing a triable issue. (CCP § 437c (c), (p)(2); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) The evidence is viewed in the light most favorable to the non-moving party with reasonable inferences drawn in that party's favor. Summary adjudication must completely dispose of a cause of action, affirmative defense, qualifying damages claim, or issue of duty. (CCP § 437c(f)(1).)

A public school district may be liable for negligence by its employees in hiring, supervising, or retaining a teacher whose misconduct causes injury to a student. (Gov. Cod § 815.2; *C.A. v. Williams S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 875-879.) A district, however, is not vicariously liable for a teacher's sexual abuse itself because such conduct falls outside the scope of employment. (*John R. v. Oakland Unified School Dist.* (1989) 48 Cal.3d 438, 441.)

Preliminary Issues: Requests for Judicial Notice and Objections to the Evidence

The District's requests for judicial notice are granted. (Evid. Code § 452(d).) The District's objections to Paragraphs 3 and 4 of Plaintiff's Declaration are overruled. The District's objections to Plaintiff's Index of Exhibits are overruled. The District's objections to Plaintiff's November 13, 2026 notice of errata and the Declaration of Shawn Tillis are also overruled. Although filed after the opposition deadline, the materials principally supply previously omitted deposition pages cited in the timely opposition and an authentication declaration. The Court exercises its discretion under California Rules of Court, rule 3.1300(d), to consider the materials, finding no sufficient showing of prejudice warranting exclusion.

Discussion

Fourth Cause of Action (Negligent Failure to Instruct, Train, and Inform)

The District asserts Plaintiff cannot establish a duty to provide the training instruction, and reporting procedures alleged in the First Amended Complaint ("FAC") because the statutes imposing those requirements, including Education Code sections 44691 and 51950 and the modern reporting requirement associated with Penal Code section 11165.7 were enacted after the alleged misconduct.

As noted by the District, subsequently enacted statutes cannot ordinarily be applied retroactively to impose duties that did not exist in 1973-1974. (*Myers v. Philip Morris Companies, Inc.* (2002) 28 Cal.4th 828, 840-841.) Plaintiff, therefore, cannot establish negligence based solely on the District's failure to comply with those statutes. However, the Fourth Cause of Action also alleges broader failures to protect students, investigate suspected misconduct, and implement reasonable safeguards. Plaintiff presents evidence of private meetings between Teacher and Plaintiff, allegedly behind locked doors with the blinds drawn, and relies on District representative Joe Landon's ("Landon") testimony concerning teachers' reporting responsibilities and historical safeguards. Based upon this showing, plaintiff establishes a triable issue of material fact.

As to the Fourth Cause of Action, the motion for summary adjudication is denied.

Fifth Cause of Action (Negligent Supervision and Failure to Warn)

The District asserts there is no evidence it had actual or constructive notice of Teacher's alleged misconduct because Plaintiff concealed the relationship, did not report sexual abuse to school administrators, and was unaware of rumors concerning the relationship. The District further contends that Plaintiff cannot establish causation because the alleged sexual encounters occurred primarily off campus. In opposition, plaintiff presents evidence that in March or April 1974, Crom, the band director at Roseville High School, questioned her about whether she was romantically involved with Teacher, as well as indicating that she had already suspected the relationship, which Plaintiff confirmed. Under Civil Code section 2332, an employee's knowledge may be imputed to the employer when communicating that information falls within the employee's duties. (*Santillan v. Roman Catholic Bishop of Fresno* (2008) 163 Cal.App.4th 4, 10-12.) Based on the evidence presented, a reasonable trier of fact could further infer that timely reporting, investigation, or protective intervention might have prevented additional misconduct. Based upon this showing, plaintiff establishes a triable issue of material fact.

The District fails to establish that Education Code section 44808 bars the claim because Plaintiff presents evidence of antecedent negligence by school personnel while she remained a student, rather than merely a failure to supervise off campus activities. Likewise, although subsequently enacted mandatory reporting statutes cannot be applied retroactively, Plaintiff's broader negligent supervision theory is not necessarily dependent on those statutes.

As to the Fifth Cause of Action, the motion for summary adjudication is denied.

Sixth Cause of Action (Negligent Hiring and Retention)

The District asserts Plaintiff lacks evidence that it knew or should have known Teacher's alleged dangerous propensities when he was hired, or that any administrator subsequently made a negligent decision to retain him. While Plaintiff does not present evidence of negligent hiring, with respect to negligent retention, Plaintiff presents evidence concerning Crom's alleged knowledge, Landon's testimony regarding reporting responsibilities, and the continuation of the alleged misconduct. Triable issues remain concerning whether reasonable investigation or intervention could have prevented additional injury. Based upon this showing, plaintiff establishes a triable issue of material fact.

As to the Sixth Cause of Action, the motion for summary adjudication is denied.

Seventh Cause of Action (Intentional Infliction of Emotional Distress)

The District asserts Plaintiff cannot establish a statutory basis for direct liability against the District or identify extreme and outrageous conduct by the District personnel sufficient to support intentional infliction of emotional distress.

Government Code section 815 generally precludes direct common law tort liability against a public entity absent statutory authorization. Although section 915.2 permits vicarious liability for tortious conduct by employees acting within the scope of employment, Plaintiff must establish extreme and outrageous conduct undertaken with the intent to cause emotional distress or reckless disregard of the probability of causing such distress. (*Christensen v. Superior Court* (1991) 54 Cal.3d 868, 903.)

Plaintiff fails to present evidence that District administrators knowingly concealed, approved, or ratified Teacher's alleged sexual misconduct. Even assuming Crom negligently failed to report suspected misconduct, that omission does not establish extreme and outrageous conduct or the requisite mental state necessary for this claim. Further, the District cannot be held vicariously liable for Teacher's sexual abuse because such conduct falls outside the scope of employment. (*John R., supra,* 48 Cal.3d at p. 441.)

Accordingly, Plaintiff has not established a triable issue of material fact concerning the Seventh Cause of Action and summary adjudication is granted as to this claim.

Prejudgment Interest, Attorney's Fees, and Discrete Factual Issues

The District also seeks summary adjudication of Plaintiff's requests for prejudgment interest and attorney's fees, arguing that the damages are uncertain and that no applicable fee-shifting statute authorizes recovery against the District.

The requests do not fall within the categories ordinarily subject to summary adjudication under CCP section 437c, subdivision (f)(1). The District has also not established compliance with the procedures under subdivision (t) for adjudicating otherwise ineligible issues.

For the same reason, the Court declines to adjudicate discrete factual propositions that would not completely dispose of a cause of action, affirmative defense, qualifying damages claim, or issue of duty.

Conclusion

The District's motion for summary judgment is denied. The alternative motion for summary adjudication is granted as to the Seventh Cause of Action for Intentional Infliction of Emotional Distress and denied as to the Fourth, Fifth, and Sixth Causes of Action. The requests for summary adjudication of prejudgment interest, attorney's fees, and discrete factual issues are also denied.

5. S-CV-0049921 Erickson, Jennifer v. Smith, Lee

The motion to tax costs is continued to **December 22, 2026 at 8:30 a.m. in Department 32** to be heard by the **Honorable Suzanne I. Gazzaniga**.

6. S-CV-0050894 Kaur, Jasneet v. Singh, Malwinder

Motion for Order Directing Distribution of Additional Sale Proceeds

Defendant Singh moves for an order (1) directing Orange Coast Title Company of Northern California to distribute $6,877.99 in additional proceeds from the sale of the parties' real property to defendant and (2) entering a corresponding supplemental judgment. Plaintiff opposes the motion.

This motion was continued for the parties to meet and confer to determine whether a resolution could be reached. On November 9, 2026, the parties submitted a joint stipulation and declaration of counsel outlining meet and confer efforts and that ultimately the parties had been unable to reach an agreement. Accordingly, the court will reach the merits of this motion.

Defendant argues and a review of the court file confirms the court found defendant was entitled to $197,152.58 for his contributions to the property less an offset of $45,000 for a total of $152,152.58. However, the net proceeds from the sale of the real property only amounted to $122,742.77. The court also awarded plaintiff $35,000 and defendant $20,000 for their respective attorneys' fees to be paid from the net proceeds first with the balance to be paid to defendant. Defendant submits evidence that Orange Coast Title Company of Northern California identified an additional $6,877.99 in net sale proceeds that were not on deposit with the court and not before this court when the court entered judgment.

Preliminarily, this motion is not subject to the stay pending appeal pursuant to Code of Civil Procedure section 916(a) because these monies were not part of the court's judgment currently pending appellate review.

Defendant has shown an entitlement to the additional net sale proceeds of $6,877.99. Orange Coast Title Company of Northern California shall distribute the $6,877.99 to defendant Malwinder Singh.

7. S-CV-0052845 Hanwha Q Cells America v. Infinity Energy

This tentative ruling is issued by **Commissioner Albert A. Erkel**. If oral argument is requested, it will be heard on **November 25, 2026 at 8:30 a.m. in Department 4**. Department 4 is located at 101 Maple Street, Auburn, California 95603.

Motion to Set Aside Default Judgment

Defendant Bryson Solomon moves the court to set aside default entered June 2, 2025 and default judgment entered October 16, 2025 pursuant to Code of Civil Procedure sections 473(d) and 473.5. By this same motion, he moves the court to quash service of summons and complaint pursuant to Code of Civil Procedure section 418.10 or, in the alternative, deem filed his proposed answer the date of the court's order. Plaintiff opposes the motion.

Evidentiary Rulings

Plaintiff's request for judicial notice is granted.

Defendant's objections are overruled in their entirety.

A defaulted defendant may only file certain specified motions (those brought under Code of Civil Procedure sections 473(b), 473(d), 473.5, or an equitable motion for extrinsic fraud or mistake) and a motion to quash service of summons is not appropriate at this time, the court will not reach the motion to quash because it is not properly before the court.

Relevant Procedural History

A review of the court file reveals plaintiff filed a proof of service on September 24, 2024 ("first proof of service") showing service on defendant Bryson Solomon by substitution on Ryan Schattner, co-occupant, on August 12, 2024, at 2837 Augusta Court, Rocklin, CA 95765. The first proof of service shows copies were mailed to the same address the same day and shows sufficient diligence. On May 1, 2025, plaintiff filed another proof of service ("second proof of service") showing personal service on defendant Bryson Solomon on April 27, 2025 at 3068 Sprucewood Lane, Escondido, CA 92027. The first and second proofs of service were each signed by a registered process server. Default was entered on June 2, 2025 and default judgment was entered on October 16, 2025. Prior to the entry of default judgment, plaintiff served the default prove-up packet to defendants by mail on September 19, 2025; the address for defendant Bryson Solomon was 3415 N. Lakeshore Blvd., Loomis, CA 95650. Plaintiff served notice of entry of judgment on defendant Bryson Solomon by mail to the Escondido address on October 21, 2025.

Ruling on the Motion

In his moving papers, defendant contends the judgment and entry of default are void within the meaning of Code of Civil Procedure section 473(d) because they are based on the first proof of service which did not effect actual service on defendant because the 2837 Augusta Court, Rocklin, California address is not his home address, his place of business, or his mailing address. In the alternative, defendant contends relief pursuant to Code of Civil Procedure section 473.5 should be granted because service did not result in actual notice. With its opposition, plaintiff presents evidence of the second proof of service, which was already in the court's file since May 1, 2025. Defendant then, in his reply, argues relief under Code of Civil Procedure section 473.5 nonetheless applies because he was not living at the Escondido address and does not recall being personally served on April 27, 2025.

As to defendant's first grounds pursuant to Code of Civil Procedure section 473(d), "[t]he court may, . . . on motion of either party after notice to the other party, set aside any void judgment or order." (Code Civ. Proc., § 473, subd. (d).) "A judgment 'is considered void on its face only when the invalidity is apparent from an inspection of the judgment roll or court record without consideration of extrinsic evidence.' [Citation.] When a default judgment has been taken, the judgment roll consists of 'the summons, with the affidavit or proof of service, the complaint, the request for entry of default . . . , and a copy of the judgment.' ([Code Civ. Proc.,] § 670, subd. (a).)" (*Id.* at p. 370, citations omitted.) A careful review of the judgment roll reveals no basis on which this court could find the judgment is void. The motion is denied on these grounds.

As to defendant's second grounds pursuant to Code of Civil Procedure section 473.5, the court may set aside default if the defendant did not have actual notice of the action in time to defend against the action and the lack of actual notice was not due to defendant's avoidance of service. (Code Civ. Proc., § 473.5.) Such a motion must be filed within a reasonable time, in no event exceeding the earlier of two years after entry of a default judgment or 180 days after service of written notice that default or default judgment had been entered. (*Id.* at subd. (a).)

It does not appear this motion is timely filed. Notice of entry of judgment was served by mail to the Escondido address on October 21, 2025. While defendant argues this was ineffective because that was not his residence address, this is the same address where he was purportedly personally served. It should be noted that this is not a stranger's address, but the home of his wife and children. Accordingly, it would appear the shorter 180-day time period applies and this motion was brought 302 days after default judgment was entered.

Even if the motion was timely filed (or if the longer two-year period applied), it does not appear sufficient grounds exist to grant relief. As the second proof of service is signed by a registered process server, it is therefore entitled to a presumption of the facts stated therein. (Evid. Code, § 647.) Defendant presents evidence that he does not and has not resided at the Escondido address, he has no recollection of being served papers on April

27, 2025, and that he signed a Chapter 7 bankruptcy petition that includes this case number and showing his name as a defendant but he had not read the contents. Defendant also presents evidence that until the fall of 2024 he had resided at 3415 Lakeshore Blvd. in Loomis, California, and since then he has resided at 21152 Oakwood Lane, Forest Hill, California but that he returns to the 3415 Lakeshore Blvd. residence to oversee renovations.

The presumption that defendant was personally served at the Escondido address is not rebutted by the evidence that defendant may have been there on April 27, 2025 but that he does not recall being personally served. This is especially true when there are numerous other pieces of evidence that call into question defendant's claimed lack of knowledge: plaintiff mailing the notice of entry of judgment to the same Escondido address which is the home of defendant's wife and children, that plaintiff mailed the default prove-up packet to defendant at the 3415 N. Lakeshore Blvd. address on September 19, 2025 an address that he "continued to own . . . and to visit it to oversee repairs" (Bryson Solomon Supp. Decl., ¶ 2), and that defendant signed a bankruptcy petition that includes this case number and includes his name as a listed defendant and where his signature is under penalty of perjury that he has "examined the information in the documents checked below and [he has] a reasonable belief that the information is true and correct." Defendant's argument that the proof of service failed to identify him or any facts supporting that the papers were served on him misses the mark, as a review of the second proof of service reveals it satisfies all statutory requirements and all required portions of the Judicial Council form are complete. (Code Civ. Proc., §§ 417.10, 417.40.)

Based on the foregoing, the motion is denied.

8. S-CV-0052963 Bardelmeier, Julie M. v. Land Ocean

Motion for Final Approval

Plaintiff moves for final approval of the parties' class action and PAGA action settlement. No opposition has been filed.

The unopposed motion is granted. The court has broad discretion in determining whether a class action settlement is (1) fair and reasonable, (2) the class notice is adequate, and (3) certification of the class is proper. (*In re Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380, 1389.) When reviewing the fairness of the settlement, the court is to give due regard to the parties' agreement, ensuring that the agreement is not a product of fraud, overreaching parties, or collusion and that the settlement, as a whole, is fair, reasonable, and adequate. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1145.) A presumption of fairness exists where: (1) the settlement was reached through arms-length bargaining; (2) the investigation and discovery were sufficient to allow class counsel and the court to act intelligently; (3) class counsel is experienced in similar litigation; and (4) there is a small percentage of objectors. (*Ibid.*)

Further, the court reviews the moving papers along with the entirety of the court file to determine that the settlement is genuine, meaningful, and consistent with the underlying purposes of the PAGA-related statute. (Lab. Code, § 2699, subd. (*l*); *O'Connor v. Uber Technologies, Inc.* (N.D. Cal. 2016) 201 F.Supp.3d 1110.) The court must also determine whether the PAGA settlement appears fundamentally fair, reasonable, and adequate. (*O'Connor*, *supra*, 201 F.Supp.3d at p. 1120.)

The court has carefully reviewed and considered plaintiff's moving papers, declarations and exhibits submitted in support thereof, and the entire court file. The court determines a sufficient showing has been made that the settlement, the attorneys' fees of $128,333.33, the litigation costs of $19,658.94, the settlement administration costs of $8,950, and the service award of $10,000 are fair, adequate, reasonable, genuine, meaningful, and consistent with the purpose of PAGA.

The court grants final approval of the class action and approves the attorneys' fees, litigation costs, settlement administration costs, and the service award.

The court retains jurisdiction over the parties to enforce the terms of the judgment. (Cal. Rules of Court, rule 3.769, subd. (h).)

The court schedules this matter for a final accounting hearing on **April 13, 2027 at 8:30 a.m. in Department 32**. Plaintiff shall file and serve a final accounting status report by no later than March 23, 2027.

9. S-CV-0053213 Douglas, Brent v. McDonald, Angela E

Motion to Continue Trial and to Reopen Discovery

Defendants move to continue trial and to reopen discovery pertaining to facebook messenger messages, as well as for other orders. Plaintiff does not oppose a limited trial continuance and the motion to reopen discovery, provided it is limited to the facebook messenger messages.

Preliminarily, the court observes there's no evidence in the court's file that defendants served the order scheduling this hearing on plaintiff. However, plaintiff waived any notice issue by filing his November 17, 2026 notice of non-opposition.

The court may continue a trial on an affirmative showing of good cause, which includes "[a] party's excused inability to obtain essential testimony, documents, or other material evidence despite diligent efforts[.]" (Cal. Rules of Court, rule 3.1332(c)(6).) The court has carefully reviewed the ex parte application field by defendants on November 9, 2026 and the declarations thereto. The court finds good cause to continue trial.

The court may grant a party's motion to reopen discovery and may consider any relevant information, including but not limited to the following factors: (1) necessity and reasons for the discovery, (2) diligence of the party seeking to reopen discovery, (3) likelihood

reopening discovery would prevent the case from going to trial as scheduled or otherwise prejudice any other party, (4) the length of time that has elapsed between prior trial dates and the current trial date. (Code Civ. Proc., § 2025.050.) Here, while it appears to the court that defendants could have marshaled the facebook messenger communications at an earlier date that could have prevented the need to reopen discovery now, the court also observes that the discovery does appear to be material for defendants, defendants sought relief in court relatively quickly after discovering the communications were no longer accessible to defendants, and that no party would be prejudiced by granting the motion to reopen discovery in this limited fashion. Accordingly, the motion to reopen discovery is granted, but limited to the facebook messenger communications and discovery pertaining thereto.

Defendants' request to order plaintiff to consent to release of the messages appears unnecessary under the Stored Communications Act, as it appears defendants should be able to obtain the content of the messages as "an addressee or intended recipient of such communication" or "with the lawful consent of the originator *or* an addressee or intended recipient of such communication." (18 U.S.C., § 2702, subd. (b)(1), (b)(3).) Moreover, defendants should be able to obtain non-content information. (18 U.S.C., § 2702, subd., (c)(6).) This request is denied.

Defendants' request to reserve jurisdiction to sanction plaintiff if it is determined he deleted the messages is denied without prejudice to being raised by properly noticed motion, should the need arise.

A review of the court's trial calendar reveals numerous upcoming trial weeks that are already at capacity. The court's trial calendar could accommodate this case being added to the weeks of March 15, 2027, April 19, 2027, May 3, 2027, June 14, 2027, or July 6, 2027. Appearance of the parties is required on **November 24, 2026 at 8:30 a.m. in Department 32**. In advance of this hearing, the parties are directed to meet and confer in good faith towards selecting a new trial date that is agreeable to all.

10. S-CV-0053223 Myatt, Wayne T. v. BJs Restaurant

Motion to Vacate and Set Aside Order

Plaintiff moves to vacate and set aside the order granting defendant's demurrer to the third amended complaint pursuant to section 473(b) of the Code of Civil Procedure. The motion is unopposed.

"All moving and supporting paper shall be served and filed at least 16 court days before the hearing." (Code Civ. Proc., § 1005, subd. (b).) For electronic service, that period is extended by two court days. (Code Civ. Proc., § 1010.6, subd. (a)(3)(B).)

Plaintiff filed and served the motion on November 2, 2026, which fails to account for the extension of two court days for electronic service. Therefore, plaintiff has failed to provide adequate notice and service for the motion.

The court on its own motion continues this matter to **January 5, 2027 at 8:30 a.m. in Department 32**. Plaintiff shall file and serve a notice of continued hearing by December 8, 2026.

11. S-CV-0053922 Barriga, Annelise v. Richmond Am. Homes of Maryland

The demurrer to the first amended complaint is continued to **December 8, 2026 at 8:30 a.m. in Department 32**. The court apologizes to the parties for any inconvenience. No further briefing is permitted.

12. S-CV-0054833 Finch, Bobby G Jr. v. Sierra College

Plaintiff is advised the notice of motion must include notice of the court's tentative ruling procedures. (Local Rule 20.2.3(C).)

Motion for Reconsideration

Plaintiff moves for reconsideration of the court's September 29, 2026 ruling sustaining without leave defendants Sierra College Joint Community College District and Ben Noonan's ("defendants") demurrer to the complaint pursuant to Code of Civil Procedure section 1008. In the alternative, plaintiff moves to set aside the same ruling pursuant to Code of Civil Procedure section 473(b). Defendants oppose the motion.

On March 19, 2025, plaintiff filed his complaint. On May 4, 2026, defendants filed their demurrer to the complaint. The notice of demurrer includes the court's tentative ruling procedures pursuant to Local Rule 20.2.3. Plaintiff did not file any opposition, and on September 21, 2026, defendants filed and served on plaintiff a notice of no opposition. On September 28, 2026, the court issued its tentative ruling sustaining without leave the unopposed demurrer, repeating the court's tentative ruling procedures again at the top of the document. Oral argument was not requested so the tentative ruling became the court's final ruling. Plaintiff seeks to set aside that ruling because he did not understand the court's tentative ruling procedures and he came to court for oral argument only to learn that the matter had already been ruled on. Plaintiff also argues he has sufficient facts to support his claims, referring to receipts for eFiling that he believes would make his complaint timely. Each ground for relief is discussed below.

A motion for reconsideration pursuant to Code of Civil Procedure section 1008(a) requires a showing of new or different facts, circumstances, or law along with a satisfactory explanation as to why the evidence was not presented at an earlier time. (Code Civ. Proc., § 1008; *Shiffer v. CBS Corp.* (2015) 240 Cal.App.4th 246, 255.) The moving party bears the burden of showing that the information supporting reconsideration is such that the moving party could not, with reasonable diligence, have discovered or produced it earlier. (*New York Times Co. v. Superior Court* (2005) 135 Cal.App.4th 206, 212–13.) Here, plaintiff falls short of his burden to show new or

different facts, circumstances, or law that could not have reasonably been discovered and presented in his opposition to the demurrer. The motion is denied on these grounds.

The court may "upon any terms as may be just" set aside an order due to the moving party's "mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).) A motion to set aside an order must be made "within a reasonable time, in no case exceeding six months" from the entry of the order. (*Ibid.*) A party seeking Section 473(b) relief must demonstrate due diligence, even when the motion is brought within the six-month period. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 982; Code Civ. Proc., § 473, subd. (b).) Here, the motion is timely filed as it was filed the day after the date the court sustained the demurrer. As to grounds for relief, while plaintiff explains he did not understand the tentative ruling procedures, this does not explain why he neglected to file any opposition to the initial demurrer. Accordingly, plaintiff shows insufficient "mistake, inadvertence, surprise, or excusable neglect" to justify Section 473(b) relief.

Based on the foregoing, the motion is denied in its entirety.

Defendants' request that the three documents filed October 13, 2026 be stricken is denied because the request is not brought by way of noticed motion; also, while these three documents were not filed together with the moving papers, it appears to the court they were filed as supplemental briefing for this hearing.

13. S-CV-0055092 Taylor, Michele Ann v. Rosebay LLC

Motion to Compel Further Responses

Plaintiff moves to compel further responses against defendant Karrie Nicole Taylor to set one of discovery. The court had previously directed the parties to meet and confer in good faith towards resolving these discovery disputes. (Ruling on submitted matter, filed Sept. 16, 2026.) On October 5, 2026, the parties filed a joint declaration of counsel narrowing the disputed issues to only plaintiff's requests for production, set one, numbers 7 and 8.

On November 10, 2026, the court continued this matter a second time to permit defendant the opportunity to submit to the court an opposition brief if one had previously been served, as one was not showing in the court's file. However, no briefing has been filed. Accordingly, the court will reach the merits of this motion.

Defendant's responses to requests for production, set one, numbers 7 and 8 fall short of the requirements of Code of Civil Procedure section 2031.230. Plaintiff's motion to compel further responses to requests for production, set one, numbers 7 and 8 is granted in part. (Code Civ. Proc., § 2031.310.) Defendant Karrie Nicole Taylor shall provide further responses to plaintiff's requests for production, set one, numbers 7 and 8. The request that objections be waived is denied.

Plaintiff's request for sanctions is denied, as the court finds imposition of sanctions would be unjust in a situation where the parties met and conferred and were able to resolve the vast majority of these discovery disputes.

14. S-CV-0055093 Young, Kristyna v. Boreal Ridge Corp.

If oral argument is requested, it will be heard in **Department 32** by the Honorable Trisha J. Hirashima.

Plaintiffs are advised the notice of motion must include notice of the court's tentative ruling procedures. (Local Rule 20.2.3(C).)

Motion for Preliminary Approval

Plaintiffs move for preliminary approval of the parties' class action and PAGA action settlement. No opposition has been filed.

The court has broad discretion in determining whether a class action settlement is (1) fair and reasonable, (2) the class notice is adequate, and (3) certification of the class is proper. (*In re Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380, 1389.) Further, the court reviews the moving papers along with the entirety of the court file to determine that the settlement is genuine, meaningful, and consistent with the underlying purposes of the PAGA-related statute. (Lab. Code, § 2699(*l*); *O'Connor v. Uber Technologies, Inc.* (N.D. Cal. 2016) 201 F.Supp.3d 1110.) The court must also determine whether the PAGA settlement appears fundamentally fair, reasonable, and adequate. (*Ibid.*)

The court has carefully considered the joint stipulation of class and PAGA action settlement and release ("settlement agreement") and plaintiff's moving papers filed in connection with the motion. as well as the entire court file. The court determines a sufficient showing has been made that the settlement is fair, reasonable, genuine, meaningful, and consistent with the purpose of PAGA.

For the purposes of the settlement, the court hereby certifies the class as "all persons who worked for defendants in California as an hourly paid or non-exempt employee at any time during the class period from April 21, 2021 through April 18, 2026."

The court preliminarily approves the settlement agreement attached as Exhibit 4 to the declaration of counsel Thiago M. Coelho in support of the current motion. The proposed notice provided as Exhibit A to Exhibit 4 of the Coelho declaration designates Department 40 at section VIII; this should say Department 32. With this change, the court also approves the proposed form of the notice.

The court appoints and designates plaintiffs Krystina Young, Michael Delarm, and Jewel Nobles as the class representatives. The court appoints and designates Wilshire Law Firm, PLC and D.Law, Inc. as class counsel. The court appoints and designates CPT Group, Inc. as the settlement administrator.

The court also incorporates by reference all findings and orders set forth in the Proposed Order submitted in connection with the instant motion.

The final approval hearing is scheduled for **May 25, 2027 at 8:30 a.m. in Department 32**. The motion for final approval shall be filed and served in accordance with Code of Civil Procedure section 1005(b).

15. S-CV-0055232 Cunningham, Laura v. Silverstein, Karina

Motion to Compel

Plaintiff moves to compel defendant Karina Leeor Silverstein to provide responses to form interrogatories, set one, and for monetary sanctions against defendant and her counsel, jointly and severally. No opposition has been filed.

This motion was initially noticed for November 17, 2026. The hearing was vacated and this motion was scheduled for an Informal Discovery Conference ("IDC") on November 4, 2026. (Notice Informal Discovery Conference, filed Sept. 30, 2026.) Plaintiff served notice of IDC as directed. (Proof of service, filed Oct. 7, 2026.) At the IDC, plaintiff's counsel appeared; defendant did not. (Minutes, Nov. 14, 2026.) The court reset the motion hearings for November 24, 2026 and directed plaintiff to notice defendant. (*Ibid.*) However, there is no evidence in the court's file that plaintiff provided notice to defendant of the November 24, 2026 motion hearing.

Additionally, the court observes that plaintiff's evidence showing service of the discovery request does not appear to be signed, electronically or otherwise, by the person purporting to have served defendant:

/s/

_____

Aya Rasuman

The court on its own motion continues this hearing to **January 5, 2027 at 8:30 a.m. in Department 32**. By December 8, 2026, plaintiff is directed to file and serve on defendant a notice of continued hearing and file a proof of service. Plaintiff may also file and serve an amended proof of service of the discovery request.

Motion to Compel

Plaintiff moves to compel defendant Karina Leeor Silverstein to provide responses to special interrogatories, set one, and for monetary sanctions against defendant and her counsel, jointly and severally. No opposition has been filed.

This motion was initially noticed for November 17, 2026. The hearing was vacated and this motion was scheduled for an Informal Discovery Conference ("IDC") on November 4, 2026. (Notice Informal Discovery Conference, filed Sept. 30, 2026.) Plaintiff served

notice of IDC as directed. (Proof of service, filed Oct. 7, 2026.) At the IDC, plaintiff's counsel appeared; defendant did not. (Minutes, Nov. 14, 2026.) The court reset the motion hearings for November 24, 2026 and directed plaintiff to notice defendant. (*Ibid.*) However, there is no evidence in the court's file that plaintiff provided notice to defendant of the November 24, 2026 motion hearing.

Additionally, the court observes that plaintiff's evidence showing service of the discovery request does not appear to be signed, electronically or otherwise, by the person purporting to have served defendant:

/s/

Aya Rasuman

The court on its own motion continues this hearing to **January 5, 2027 at 8:30 a.m. in Department 32**. By December 8, 2026, plaintiff is directed to file and serve on defendant a notice of continued hearing and file a proof of service. Plaintiff may also file and serve an amended proof of service of the discovery request.

Motion to Compel

Plaintiff moves to compel defendant Karina Leeor Silverstein to provide responses to requests for production, set one, and for monetary sanctions against defendant and her counsel, jointly and severally. No opposition has been filed.

This motion was initially noticed for November 17, 2026. The hearing was vacated and this motion was scheduled for an Informal Discovery Conference ("IDC") on November 4, 2026. (Notice Informal Discovery Conference, filed Sept. 30, 2026.) Plaintiff served notice of IDC as directed. (Proof of service, filed Oct. 7, 2026.) At the IDC, plaintiff's counsel appeared; defendant did not. (Minutes, Nov. 14, 2026.) The court reset the motion hearings for November 24, 2026 and directed plaintiff to notice defendant. (*Ibid.*) However, there is no evidence in the court's file that plaintiff provided notice to defendant of the November 24, 2026 motion hearing.

Additionally, the court observes that plaintiff's evidence showing service of the discovery request does not appear to be signed, electronically or otherwise, by the person purporting to have served defendant:

/s/

Aya Rasuman

The court on its own motion continues this hearing to **January 5, 2027 at 8:30 a.m. in Department 32**. By December 8, 2026, plaintiff is directed to file and serve on defendant a notice of continued hearing and file a proof of service. Plaintiff may also file and serve an amended proof of service of the discovery request.

Motion to Deem Matters Admitted

Plaintiff moves for an order deeming requests for admission, set one, admitted by defendant Karina Leeor Silverstein and for monetary sanctions against defendant and her counsel, jointly and severally. No opposition has been filed.

This motion was initially noticed for November 17, 2026. The hearing was vacated and this motion was scheduled for an Informal Discovery Conference ("IDC") on November 4, 2026. (Notice Informal Discovery Conference, filed Sept. 30, 2026.) Plaintiff served notice of IDC as directed. (Proof of service, filed Oct. 7, 2026.) At the IDC, plaintiff's counsel appeared; defendant did not. (Minutes, Nov. 14, 2026.) The court reset the motion hearings for November 24, 2026 and directed plaintiff to notice defendant. (*Ibid.*) However, there is no evidence in the court's file that plaintiff provided notice to defendant of the November 24, 2026 motion hearing.

Additionally, the court observes that plaintiff's evidence showing service of the discovery request does not appear to be signed, electronically or otherwise, by the person purporting to have served defendant:

/s/

_____

Aya Rasuman

The court on its own motion continues this hearing to **January 5, 2027 at 8:30 a.m. in Department 32**. By December 8, 2026, plaintiff is directed to file and serve on defendant a notice of continued hearing and file a proof of service. Plaintiff may also file and serve an amended proof of service of the discovery request.

16. S-CV-0056703 Casebolt Flynt, Elizabeth v. Whitely, Jesse

Defendants' Demurrer to Third Amended Complaint

Defendants demur to the second, third and fourth causes of action alleged in the second amended complaint for lack of informed consent, negligent misrepresentation and intentional misrepresentation.

A party may demur where the pleading does not state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10 (e).) A demurrer tests the legal sufficiency of the pleadings, not the truth of the allegations or the accuracy of the described conduct. (*Bader v. Anderson* (2009) 179 Cal.App.4th 775, 787.) The allegations in the pleadings are deemed true no matter how improbable they may seem. (*Del E. Webb Corp. v. Structural Materials Co*. (1981) 123 Cal.App.3d 593, 604.) However, the court does not assume the truth of contentions, deductions, or conclusions of facts or law. (*Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 6.) The court may only refer to matters outside the pleading that are subject to judicial notice. (*Rea v. Blue Shield of California* (2014) 226 Cal.App.4th 1209, 1223.)

To state a claim for lack of informed consent, plaintiff must allege: (1) defendant performed a medical procedure on plaintiff; (2) defendant did not disclose important potential results and risks of and alternatives to the procedure; (3) a reasonable person in plaintiff's position would not have agreed to the procedure if they were adequately informed; and (4) plaintiff was harmed by a result or risk that defendant should have explained. (CACI 533; *Cobbs v. Grant* (1972) 8 Cal.3d 229, 245; *Warren v. Schecter* (1997) 57 Cal.App.4th 1189, 1206.) Plaintiff fails to allege defendant's failure to disclose important information regarding potential results, risks and alternatives to the procedure, that a reasonable person in plaintiff's position would not have agreed to the same procedure if they had been adequately informed, and resulting harm. The demurrer is sustained as to the second cause of action.

To state a claim for negligent misrepresentation, plaintiff must allege: misrepresentation of a past or existing material fact, without reasonable ground for believing it to be true, with intent to induce another's reliance on the fact misrepresented; ignorance of the truth; justifiable reliance on the misrepresentation by the plaintiff; and resulting damage. (*Shamsian v. Atlantic Richfield Co.* (2003) 107 Cal.App.4th 967, 983.) Plaintiff alleges defendant lacked reasonable grounds to believe she could safely continue relying upon the compromised veneers without immediate comprehensive corrective treatment. (TAC, ¶ 196.) However it is not clear from the pleading whether defendant made such a representation. (See also, TAC, ¶ 215.) Defendant's statement that he did not expect any future catastrophic consequences constitutes a non-actionable statement of opinion. (*See Cansino v. Bank of America* (2014) 224 Cal.App.4th 1462, 1469.) It is unclear based on the allegations whether the statement that future veneer failures could be repaired or replaced as they occurred constitutes a misrepresentation. Plaintiff also fails to allege facts supporting the contention that defendant intended to induce reliance. The demurrer is sustained as to the third cause of action.

To state a claim for intentional misrepresentation, plaintiff must allege: a misrepresentation, with knowledge of its falsity, with the intent to induce another's reliance, actual and justifiable reliance, and resulting damage. (*Daniels v. Select Portfolio Servicing, Inc.* (2016) 246 Cal.App.4th 1150, 1166.) Again, it is not clear from the pleading whether defendant intentionally misrepresented that plaintiff could safely continue relying upon the compromised veneers without immediate comprehensive corrective treatment or whether plaintiff reached this conclusion based on other intentional misrepresentations. (See TAC, ¶ 196.) Defendant's statement that he did not expect any future catastrophic consequences constitutes a non-actionable statement of opinion. (*See Cansino v. Bank of America* (2014) 224 Cal.App.4th 1462, 1469.) It is unclear based on the allegations whether the statement that future veneer failures could be repaired or replaced as they occurred constitutes an intentional misrepresentation which was known to be false when made. Otherwise plaintiff fails to plead facts with sufficient particularity as to knowledge of falsity of particular statements and intent to induce reliance. The demurrer is sustained as to the fourth cause of action.

Leave to amend is granted. Any amended complaint shall be filed and served on or before December 11, 2026.

17. S-CV-0056992 Larsson, Erek H v. FCA US

The motion to enforce settlement is continued to be heard on **January 5, 2027 at 8:30 a.m. in Department 32**. The court apologizes to the parties for any inconvenience.

18. T-CV-0002895 Martis Valley Educ. Found. v. Tahoe Expedition Academy

The demurrer was continued on stipulation of the parties to **February 9, 2027 at 8:30 a.m. in Department 32**. (Order, Nov. 20, 2026.)
