

January 12, 2026 Truckee Civil Law & Motion Tentative Rulings

1. CL0002298 WELLS FARGO BANK, N.A. vs. VICTORIA BOLSHAKOFF, an individual

No appearances required. On the Court's own motion, the default prove up hearing is continued to February 9, 2026 at 1:30 p.m. in Dept. A. Plaintiff is to provide notice to the defaulted defendant as Plaintiff is seeking an order according to proof. Thus, even a defaulted defendant is entitled to notice and an opportunity to be heard as to any matter not specifically requested in a complaint. In addition, Plaintiff was ordered to provide notice to Defendant of the previously vacated trial date, yet there is no indication in the file such occurred. Accordingly, Plaintiff is ordered to file a proof of service evidencing Defendant has been served with the following: Notice of Prove Up Hearing; all Declarations in support of requested orders; a proposed Judgment.

2. CL0002884 Bank of America, N.A. vs. Larrisa Ann Cassella

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendant despite the fact this case has been pending for over seven (7) months and the Court previously ordered Plaintiff to file a proof of service, application to serve by publication, or request for dismissal of defendant in advance of this order to show cause date. Absent good cause being shown, the Court intends to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for February 20, 2026 at 11:00 a.m.

3. CL0003155 Capital One N.A. vs. John R Dasilva

On the Court's own motion, the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed a proof of service evidencing service of the summons and complaint on the sole named defendant. The trial date remains as set.

4. CU0000485 Hicks, Jennifer et al v. Sokolow, Sonia et al

Appearances required. The Court is aware Plaintiffs have set a prove up hearing and filed multiple documents in relation to same. However, there is no proof of service filed evidencing Defendant Sokolow has been served with notice of prove up hearing, the various documents Plaintiffs seek to have the Court consider at the time of hearing or the proposed judgment. In addition, the Court wishes to clarify with Plaintiffs any issues related to the fact they have settled these claims with other named defendants such that there may be double recovery issues. In addition, the proposed Judgment does not seek any recovery. Finally, there remain DOE defendants. Absent clarifying and rectifying these issues, the Court is inclined to vacate the prove up hearing.

5. CU0001398 Brianna Vigrass v. Avian Borden, et al.

The hearing is vacated, yet the matter remains on calendar on January 26, 2026 at 1:30 p.m. in Department A to allow counsel for Petitioner to file a Second Amended Petition prior to said hearing date. If the Second Amended Petition is filed and confirmed by the Court in advance of the hearing date, the continued hearing date may be vacated.

6. CU0001662 Pankaj Gupta vs. Bamboo Ide8 Insurance Services et al

- Plaintiff's Motion to Disqualify Counsel

Plaintiff's motion to disqualify counsel for Defendants' Bamboo Ide8 Insurance Services ("Bamboo") and Sutton National Insurance Company, Inc. ("Sutton") is denied.

The Court finds Plaintiff lacks standing to bring this motion. Although trial courts have discretion to disqualify an attorney upon motion, case law makes clear that the moving party must have standing before such discretion is proper.

"A trial court's authority to disqualify an attorney derives from the power inherent in every court to control in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it, in every matter pertaining thereto." *People ex rel. Dept. of Corporations v. Speedee Oil Change Systems, Inc.* (1999) 20 Cal.4th 1135, 1145 (internal citations omitted). "Disqualification motions involve a conflict between the clients' right to counsel of their choice and the need to maintain ethical standards of professional responsibility. The paramount concern must be to preserve public trust in the scrupulous administration of justice and the integrity of the bar. The important right to counsel of one's choice must yield to ethical considerations that affect the fundamental principles of our judicial process." *Id.* (internal citations omitted).

A "standing" requirement is implicit in disqualification motions. Generally, before the disqualification of an attorney is proper, the complaining party must have or must have had an attorney-client relationship with that attorney. *Great Lakes Construction, Inc. v. Burman* (2010) 186 Cal.App.4th 1347, 1356. In other words, the general rule is that motions to disqualify counsel by someone other than a client or former client are not permitted. "[N]o exception exists that permits a non-client without a legally cognizable interest to disqualify opposing counsel." *Id.* at 1354. "...absent an attorney-client relationship, the moving party must have an expectation of confidentiality." *Id.* at 1356, citing *DCH Health Services Corp. v. Waite* (2002) 95 Cal.App.4th 829. "Thus, some sort of confidential or fiduciary relationship must exist or have existed before a party may disqualify an attorney predicated on the actual or potential disclosure of confidential information. *Id.*, citing *Dino v. Pelayo* (2006) 145 Cal.App.4th 347.

At bar, Plaintiff has not demonstrated he has standing with respect to the instant motion. Moreover, the Court does not find a legally cognizable interest harmed by Defendants' counsel's joint representation exists. While Plaintiff may dislike the joint representation and the varied positions by counsel that may be taken with respect to each defendant, such does not rise to the level of mandating disqualification. It is notable, neither defendant has filed an answer at this stage. Thus, the assertions by Plaintiff as to inconsistent and irreconcilable positions resulting in an inability for this matter to move forward in a fair and just fashion has not occurred and may

never occur. The fact Bamboo asserts no liability under a theory of agency is a common occurrence in many types of civil litigation (e.g. a personal injury action involving an on duty commercial driver sued in his individual capacity in which counsel represents the driver and their employer) and does not give rise to the Court being mandated to disqualify counsel or otherwise presenting a legal basis for same.

Accordingly, Plaintiff's motion for disqualification of defense counsel due to joint representation is denied.

- Defendants' Demurrers

Defendant Bamboo Ide8 Insurance Services' ("Bamboo") and Defendant Sutton National Insurance Company, Inc.'s ("Sutton") demurrers are sustained without leave to amend.

Requests for Judicial Notice

Defendant Bamboo's requests for judicial notice are granted. Defendant Sutton's requests for judicial notice are granted.

Second Amended Complaint

A party may amend its complaint once without leave of the court at any time before the answer or demurrer is filed. Code Civ. Proc. § 472(a). Thereafter, leave is required.

"The court may, upon a motion made pursuant to Section 435, or at any time in its discretion, and upon terms it deems proper: ... (b) Strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court." Code Civ. Proc. § 436. A trial court has discretion to strike a pleading filed in disregard of established procedural requirements, such as where an amendment is filed without obtaining leave to amend. *Leader v. Health Industries of America, Inc.* (2001) 89 Cal.App.4th 603, 613; see also *Loser v. E. R. Bacon Co.* (1962) 201 Cal.App.2d 387, 390.

Here, Plaintiff filed a FAC on June 26, 2025 and then filed a Second Amended Complaint ("SAC") on September 17, 2025 without leave of court. That being the case, the SAC is subject to being stricken leaving the operative pleading the FAC.

The Court acknowledges there was reference to the filing of a SAC in Defendants' Case Management Conference Statement filed on October 2, 2025. However, proper procedure requires a motion be filed or, in the case of agreement, a stipulation and proposed order be filed allowing the filing of a SAC. The Court also acknowledges Defendants' demurrers both relate to the SAC.

According, the Court will postpone striking the SAC pending receipt of a stipulation and proposed order allowing same.

The Court will also continue the both demurrers to the SAC pending receipt of the aforementioned stipulation in the event the stipulation allows the SAC to remain filed as of its original file date. In other words, for the SAC to remain filed as of its original file date and for the pending demurrers along with all related pleadings filed by all parties to go forward as presently pled, the stipulation and proposed order will need to make reference to the parties agreeing their stipulation and resulting order are effective nunc pro tunc to September 17, 2025, and the parties stipulate the Court may rule on the pending demurrers taking into consideration all currently filed pleadings related to same. Moreover, the parties will need to waive any procedural deficiencies regarding the issues indicated herein.

Accordingly, on the Court's own motion, both Demurrers filed by Defendant Bamboo IDE8 and Sutton National Insurance Company, respectively, are hereby continued to January 26, 2026 at 1:30 p.m. in Dept. A. Should the parties fail to submit a stipulation addressing in whole or part the issues set forth above, the Court intends to strike the SAC and deny both demurrers to the SAC as moot.

7. CU0001681 Randy Ryan Agno et al vs. James L Gould, IV. et al

No appearances are required as to the Demurrer. Should a party desire oral argument as to the tentative ruling as to the Demurrer, they shall provide timely request and notice as required.

Appearances are required as to the issue of winterization of the cabins at issue in this matter.

Demurrer

Defendants demurrer is sustained with leave to amend. Plaintiffs are granted leave to amend their third cause of action and must file their amended complaint within ten (10) days of service of notice of this Court's order. Defendants' motion to strike is denied without prejudice.

Legal Standard on Demurrer

"[A] demurrer challenges only the legal sufficiency of the complaint, not the truth or the accuracy of its factual allegations or the plaintiff's ability to prove those allegations." *Amarel v. Connell* (1998) 202 Cal.App.3d 137, 140. A demurrer is directed at the face of the complaint and to matters subject to judicial notice. Code Civ. Proc. § 430.30(a). All properly pleaded allegations of fact in the complaint are accepted as true, however improbable they may be, but not the contentions, deductions, or conclusions of fact or law. *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; *Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604. A judge gives "the complaint a reasonable interpretation, reading it as a whole and its parts in their context." *Blank, supra*, 39 Cal.3d at p. 318. In the event a demurrer is sustained, leave to amend should be granted where the complaint's defect can be cured by amendment. *The Swahn Group, Inc. v. Segal* (2010) 183 Cal.App.4th 831, 852.

Analysis

In order to sufficiently allege a cause of action for financial abuse under Welfare and Institutions Code § 15610.30, the plaintiff(s) must meet the definition of “elder or dependent adult”.

“Dependent adult” means a person...between the ages of 18 and 64 years who...has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.” Welf. & Inst. Code § 15610.23(a). Pursuant to Welfare and Institutions Code § 15610.27, “elder” means any person residing in the state who is 65 years of age or older. Welf. & Inst. Code § 15610.27.

Here, Plaintiffs’ FAC alleges, “Plaintiff Randy Ryan Agno was and is over the age of fifty-eight (58), and Plaintiff Amy Beth Agno is likewise of advanced age as defined under California’s Elder Financial Abuse Statutes.” In opposition to the demurrer, Plaintiffs do not argue that they meet the definition of elder, but rather argue they are bringing the claim on behalf of Judith and Kenneth Johnson, Carol Siefkin, and Patricia Murphy, who are not parties to the instant action. Plaintiffs also assert Plaintiff Randy Agno qualifies as a dependent adult. Defendants argue Plaintiffs do not have standing to assert a claim for elder abuse on behalf of non-parties. The Court agrees with Defendants.

Code of Civil Procedure § 367 states, “[e]very action must be prosecuted in the name of the real party in interest...” Code Civ. Proc. § 367. Further, Code of Civil Procedure § 369 codifies the only exceptions to that rule, which are a personal representative, a trustee of an express trust, a person with whom or in whose name a contract is made for the benefit of another, or any other person expressly authorized by statute. Code Civ. Proc. § 369(a)(1)-(4). None of the exceptions apply in the case at bar. Therefore, Defendants’ demurrer as to the third cause of action is sustained.

Leave to amend is granted “where there is a reasonable possibility of successful amendment.” *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 348. In opposition, Plaintiffs allege Plaintiff Randy Agno qualifies under the statute as a “dependent adult.” Therefore, Plaintiff has sufficiently provided a reasonable possibility that the defects in the pleading can be cured by amendment. Leave to amend is granted.

Because the motion to strike is dependent on the demurrer being sustained without leave to amend, the Court denies the motion to strike without prejudice.

8. CU0001840 Richard A Perdomo Canales v. Best Western International, Inc., et al.

The unopposed motion of Defendant Best Western International, Inc. to compel responses to Form Interrogatories (Set One) is granted. Plaintiff Richard A. Perdomo Canales is ordered to provide further verified responses, without objections, to Form Interrogatories Nos. 12.2, 12.3, and 14.1 within thirty (30) days of notice of entry of this order.

Meet and Confer

Per the Declaration of Defendant’s counsel, efforts were made to meet and confer prior to this filing. Mezger Decl., ¶¶ 8-9, Exhs. 5-6. It appears Plaintiff’s counsel responded to these efforts by email noting Defendant’s meet and confer efforts were insufficient because they did not

identify the specific deficiencies alleged and relief sought. Mezger Decl., ¶ 10, Exh. 7. However, Plaintiff failed to offer an extension to Defendant's motion deadline and has not filed an opposition to the motion. Thus, while the Court admonishes Defendant for not engaging in meet and confer efforts prior to the eve of its motion deadline, Plaintiff's emailed position is unpersuasive given Plaintiff had the opportunity to raise this argument in an opposition to this motion and failed to do so.

Legal Standard

A motion to compel further responses lies where the responses to the interrogatories are deemed improper by the propounding party, i.e., meritless or overly general objections, evasive or incomplete answers. Code Civ. Proc., § 2030.300. A motion to compel further responses is addressed to the sound discretion of the trial court; the court considers the opposing party's objections; the relationship of the information sought to the issues framed in the pleadings; the likelihood that disclosure will be of practical benefit to the party seeking discovery; and the burden or expense likely to be encountered by the responding party in furnishing the information sought. *Columbia Broadcasting System, Inc. v. Superior Court* (1968) 263 Cal.App.2d 12, 19. Where any objection is valid, it is an abuse of discretion to fully grant a motion to compel. *Deaile v. General Telephone Co. of California* (1974) 40 Cal.App.3d 841, 850.

Pursuant to Code of Civil Procedure section 2030.220, subdivision (a), "[e]ach answer in response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits." Code Civ. Proc., §2030.220(a). Similarly, "[w]here the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions." *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783. Moreover, "[i]f only partial answers can be supplied, the answers should reveal all information then available to the party." *Id.* at 782. "If a person cannot furnish details, he should set forth the efforts made to secure the information. He cannot plead ignorance to information which can be obtained from sources under his control." *Id.*

Analysis

The Court notes, additionally, that Plaintiff failed to support any objections to the identified interrogatories. "[I]f a timely motion to compel has been filed, the burden is on responding party to justify any objection." *Fairmont Ins. Co. v. Superior Court* (2000) 22 Cal.4th 245, 255, citing *Coy v. Superior Court* (1962) 58 Cal.2d 210, 220-221.

Regarding Interrogatory Nos. 12.2 and 12.3, the objection challenged is the assertion of attorney-client privilege and attorney-client work product. Failing to respond to discovery within the 30-day time limit waives objections to the discovery, including claims of privilege and "work product" protection. Code Civ. Proc. § 2030.290(a), 2031.300(a); see *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905-906. Here, Plaintiff served untimely verified responses including objections. Motion, 5:9; Mezger Decl., ¶ 7. Therefore, all objections are waived.

While Plaintiff asserted an objection based on undue burden in response to Interrogatory No. 14.1, Plaintiff offers no evidence which establishes undue burden or a resulting injustice. *West Superior Court* (1961) 56 Cal.2d 407, 417. “The objection based upon burden must be sustained by evidence showing the quantum of work required, while to support an objection of oppression there must be some showing either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought.” *West Pico Furniture Co. of Los Angeles v. Superior Court* (1961) 56 Cal.2d 407, 417. “The objection of burden is valid only when that burden is demonstrated to result in injustice.” *Id.* at 418. Additionally, the untimeliness of Plaintiff’s verified responses results in all objections being waived.

Based on all of the above, further verified responses, without objections, are ordered as to Form Interrogatory Nos. 12.2, 12.3, and 14.1.

Sanctions

No sanctions were sought by Defendant, yet, statutorily, sanctions must be ordered in favor of a party who prevails on a discovery motion. It could be Defendant is waiving this right. Based on the lack of request and lack of information that would allow the Court to fashion an appropriate sanction coupled with the Notice of Non-opposition filed by Plaintiff, the Court declines to order sanctions at this time reserving jurisdiction for a period of fifteen (15) days should counsel for Defendant file a declaration re sanctions and get the matter back on calendar.

9. CU0002187 MA Construction et al v. Li, Jingwen et al

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendants via some approved method after the Notice of Rejection was served on December 16, 2025. Absent good cause being shown, the Court intends to set the matter for dismissal pursuant to CCP section 583.420.

10. CU0002287 Kimberly Faggianelli et al vs. Michael Gardner et al

No appearances required. On the Court’s own motion, the OSC as to Plaintiffs is DISMISSED. Plaintiffs have now filed a proof of service evidencing service of the summons and complaint on both named defendants, and, in fact, Defendants have filed their Answer. The case management conference date remains as set.