

**February 23, 2026 Truckee Civil Law & Motion Tentative Rulings**

**1. CL0002502           WELLS FARGO BANK, N.A. vs. JAMIE LAMOUREUX, an individual**

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to file a request for default judgment despite the fact default was entered as requested over four (4) months ago. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420.

**2. CL0002866           Velocity Investments LLC vs. Stephen Alter**

Defendant's motion to vacate clerk's default judgment is denied.

The Court recognizes the strong policy which favors having cases decided on their merits; however, the Court can only grant relief from default if the defendant establishes proper grounds for relief. See, *Cruz v. Fagor America, Inc.* (2007) 146 Cal.App.4th 488, 495.

At bar, the mandatory provision of Code of Civil Procedure § 473(b) is not available to Defendant as a pro per litigant. *Esther B. v. City of Los Angeles* (2008) 158 Cal.App.4th 1093, 1099.

In addition, Defendant fails to assert grounds upon which the Court could fashion discretionary relief. Defendant's belief his participation in the case negated the requirement to file an answer does not provide a basis for relief since ignorance of established law is insufficient under Code of Civil Procedure § 473(b). *Burnete v. La Casa Dana Apartments* (2007) 148 Cal. App. 4th 1262, 1267. Therefore, there are no cognizable grounds asserted upon which the Court can grant relief.

The Court notes there is no opposition to Defendant's motion. However, Defendant must still meet his burden of providing a basis upon which relief can and should be granted.

The Court notes Defendant has also not established a basis for relief under Code of Civil Procedure § 473(d) for improper service of summons. The signed Proof of Service, which shows the compliant and summons were personally served on Stephen Alter on June 25, 2025 at 2:32 p.m., establishes a presumption of the existence of the facts stated in the Proof of Service. Evid. Code § 647. Defendant has not submitted any evidence rebutting this presumption. *Palm Prop. Investments, LLC v. Yadegar* (2011) 194 Cal.App.4th 1419, 1428.

Accordingly and upon the assertions contained in Defendant's declaration, the Court denies Defendant's Motion to Set Aside.

**3. CL0003210                   WELLS FARGO BANK, NA vs. MARTIN B BARRON JR, an individual**

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 almost five (5) months and a declaration re non-service was filed on October 7, 2025. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for May 15, 2026 at 11:00 a.m.

**4. CL0003367                   Citibank, N.A. vs. Jason B Pribble**

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 four (4) months. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for July 17, 2026 at 11:00 a.m.

**5. CL0003383                   CAPITAL ONE, N.A. vs. Lorenzo Arias**

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 almost four (4) months. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for July 17, 2026 at 11:00 a.m.

**6. CL0003396                   Barclays Bank Delaware vs. Ljupco Trenevski**

No appearances required. On the Court's own motion and in light of the Declaration filed by counsel for Plaintiff, the Court continues the OSC re Dismissal to April 27, 2026 at 1:30 p.m. in Dept. A. Plaintiff shall file a proof of service, an application to serve by publication (if deemed appropriate), or a request for dismissal of Defendant in advance of the continued order to show cause date.

**7. CU0000485                   Hicks, Jennifer et al v. Sokolow, Sonia et al**

Appearances required for prove up hearing. In addition, on the Court's own motion, the motion to dismiss set for March 4, 2026 is hereby vacated in light of the prove up hearing having been set.

**8. CU0001853                   John L. Dodd vs. Jacob O. Bjeldanes, et al.**

Plaintiff John L. Dodd, as Co-Trustee of the Dodd Family 2019 Revocable Trust's ("Dodd") unopposed motion for leave to file his First Amended Complaint ("FAC") is GRANTED. Dodd shall file the proposed FAC within ten (10) days of entry of this order.

## Legal Standard

The Court may, in its discretion and after notice to the adverse party, allow, upon any terms as may be just, an amendment to any pleading, including adding or striking out the name of any party, or correcting a mistake in the name of a party, or a mistake in any other respect. Code Civ. Proc., § 473(a)(1). “Public policy dictates that leave to amend be liberally granted.” *Centex Homes v. St. Paul Fire & Marine Ins. Co.* (2015) 237 Cal.App.4th 23, 32. A motion to amend a pleading must include a copy of the proposed amendment or amended pleading which must be serially numbered to differentiate it from previous pleadings or amendments and must state what allegations in the previous pleading are proposed to be deleted or added, if any, and where, by page, paragraph, and line number, the allegations are located. Cal. Rules of Court, Rule 3.1324(a). The motion shall also be accompanied by a declaration attesting to the effect of the amendment, why the amendment is necessary and proper, when the facts giving rise to the amended allegations were discovered, and why the request for amendment was not made earlier. Cal. Rules of Court, Rule 3.1324(b).

## Analysis

Dodd’s Complaint alleged damages for interference with an express easement traversing Defendants’ property. Bilheimer Decl., ¶ 6. Dodd’s proposed FAC seeks to address the existence of an easement as well as the interference with the same. *Id.* The facts giving rise to the amendment arose subsequent to Defendants’ Answer and Cross-Complaint, as well as extensive settlement discussions. *Id.*

Dodd’s motion is unopposed, and the motion complies with CRC, Rule 3.1324. Accordingly, the unopposed motion is GRANTED. Dodd shall file the proposed FAC within ten (10) days of entry of this order.

### **9. CU0002216          Peter Zellner et al vs. Amanda Jean Neadeau**

No appearances required. The OSC re Dismissal is vacated in light of the Petition for Approval of Minor Compromise filed by Plaintiff set for hearing on March 9, 2026 at 1:30 p.m. in Dept. A.

### **10. CU0002393          Bobbie Davida Lowe vs. Benjamin Matteo**

No appearances required. On the Court’s own motion and in light of the Declaration filed by counsel for Plaintiff, the Court continues the OSC re Dismissal to April 27, 2026 at 1:30 p.m. in Dept. A. Plaintiff shall file a proof of service, an application to serve by publication (if deemed appropriate), or a request for dismissal of defendant in advance of the continued order to show cause date.