

October 2, 2026, Civil Law & Motion Tentative Rulings

1. CU0000871 County of Nevada vs. Linda Higginbotham, et al.

Receiver's motion for payment of Receiver's fees and costs, discharge of Receiver, exoneration of surety, and distribution of funds is granted.

A receiver is an independent third party, a "hand" or "agent" of the court that acts only upon the direction and authority of the appointing court. *Takeba v. Superior Court* (1919) 43 Cal. App. 469, 475. Once the work of a receivership is finished, the receiver is required to submit a motion or stipulation for discharge, and a summary of all accounts, payments, and debts of the receivership. See California Rules of Court, rules 3.1183 and 3.1184. All receiver actions undertaken are subject to final ratification by the court, and the discharge hearing is the appropriate venue for a court to utilize its discretion on all receivership actions. *Hanno v. Superior Court* (1939) 30 Cal.App.2d 639, 641. The order discharging the receiver is necessary to fully complete the receivership and end the court's involvement. *Jun v. Myers* (2001) 88 Cal.App.4th 117, 123-24. The discharge does not happen automatically and must be requested. *Scoville v. De Bretteville* (1942) 50 Cal.App.2d 622, 632; *Hanno*, 30 Cal.App.2d at 641. The discharge order settling the account is the final judgment in a receivership proceeding. *Aviation Brake Systems, Ltd. v. Voorhis* (1982) 133 Cal.App.3d 230, 233. Because all issues concerning a receiver's actions are fully adjudicated as part of the final accounting, the discharge order operates as res judicata to any claims of liability against the receiver in his official capacity. *Id.* at 234; *Southern California Sunbelt Developers, Inc. v. Banyan Limited Partnership* (2017) 8 Cal.App.5th 910, 926.

The Court has reviewed the instant motion. The Court appointed the Receiver to bring the subject property into compliance with all applicable state and local laws and sell the property, which he has now completed. The Court has also previously approved the monthly accountings submitted by the Receiver. The Court is satisfied that there is good cause to discharge the Receiver at this time, exonerate the surety and distribute remaining funds as proposed by the Receiver.

The Court has carefully considered all the arguments of Carrington Mortgage Services, LLC, for a different distribution including greater distribution for its benefit. In short, the Court is not persuaded by the same. Consistent with applicable law, as a matter of equity and in the exercise of its discretion, the Court finds that payment of fees and costs to both the Receiver and the County of Nevada, *as proposed*, are appropriate. See, e.g., *Winslow v. Harold G. Ferguson Corp.* (1944) 25 Cal.2d 274, 285 ("The expense incurred by a litigant for legal services in causing the appointment of a receiver is as much an expense of administration as the charge of the receiver's counsel and should have priority to the same extent."). The Court is cognizant that the County is not entitled to super-priority and makes its decision, as indicated, on discretionary and equitable grounds. See *County of Sonoma v. Quail* (2020) 56 Cal. App. 5th 657, 688 ("Code of Civil Procedure 568 and section 17980.7 allow for the payment of a receiver's remediation fees and costs on a super-priority basis under appropriate circumstances, we see no such authority for treating the County's attorney fees and costs in a similar fashion.").

Accordingly, the Receiver's motion is granted in its entirety.

2. CU0002367 Diana Dentoni vs. Patrick Gilmore

One of the parties apparently reserved this date for the filing of a motion; none was filed. This matter is removed from calendar.

3. CU0002418 Andrew Ehlers v. Brandon Murray, et al.

Defendant Brandon Murray's motion to compel Plaintiff Andrew Ehlers' responses to Special Interrogatories, Set One ("SIs") and request for sanctions against Plaintiff is granted. Plaintiff is ordered to provide verified responses, without objections, to the Special Interrogatories, Set One, within thirty (30) days of notice of the court's order. Plaintiff shall also pay Defendant \$780.00 in sanctions within thirty (30) days of notice of the Court's order.

Legal Standard

If a party to whom interrogatories are directed fails to serve a timely response, the propounding party may move for an order compelling responses and for a monetary sanction. *See* Code Civ. Proc. § 2030.290(b). The statute contains no time limit for a motion to compel where no responses have been served. All that need be shown in the moving papers is that a set of interrogatories was properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. *See Leach v. Superior Court* (1980) 111 Cal. App. 3d 902, 905-906. Moreover, "[w]here no objections have been made within the statutorily permitted time, they are deemed waived." *Id.*

"The court shall impose a monetary sanction ... against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel motions for interrogatories or requests for production, unless the Court finds the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Code Civ. Proc. § 2030.290(c). The amount of sanctions awarded centers on two main principles: causation, and reasonableness. *See Cornerstone Realty Advisors, LLC. V. Summit Healthcare Reit, Inc.* (2020) 56 Cal.App.5th 771, 790. First, monetary sanctions may only be imposed based on attorney's fees and costs incurred "as a result" of the misuse of the discovery process. *Ibid.*, citing Cal. Civ. Pro. § 2023.030(a). Second, "[t]he amount of monetary sanctions is limited to the 'reasonable expenses, including attorney's fees' that a party incurred as a result of the discovery abuse." *Id.* at 791. Again, a party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must *already* be liable for those expenses before the court can award the costs as sanctions. *See Tucker v. Pacific Bell Mobile Servs.*, 186 Cal. App. 4th 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

Analysis

As a preliminary matter, Plaintiff has filed no opposition to the motion; as such, the Court deems Plaintiff's failure to oppose the motion as consent to the granting of the same. *See* Cal. Rules of Court, rule 8.54(c) ("failure to oppose a motion may be deemed a consent to the granting of the motion."); *see, e.g., Amato v. Downs* (2022) 78 Cal.App.5th 435, 440, n.3 (unopposed motion can be granted on that basis, citing rule 8.54(c)).

Turning to the merits, Defendant propounded his SIs on Plaintiff via email on December 11, 2025. Faircloth Decl., ¶ 3; Ex. A. Plaintiff's responses to these discovery demands were originally due by January 14, 2026; however, Plaintiff failed to serve any responses by the deadline. Faircloth Decl., ¶ 4. After meeting and conferring with Plaintiff, Defendant granted multiple extensions through June 3, 2026. Faircloth Decl., ¶¶ 5-12, Exs. B-G. Plaintiff still has failed to serve any responses to Defendant's SIs. Therefore, an order compelling responses is warranted.

Defendant's request for sanctions in the amount of \$1,537.95, is granted, in part. Counsel argues he will spend six (6) hours for the motion, including time spent to draft the motion and anticipated time to review an opposition, prepare a reply, and appear at the hearing. Faircloth Decl., ¶ 16. At bar, as noted, the motion is unopposed; moreover, appearance at the hearing has not yet occurred and may not be necessary. Therefore, the Court grants sanctions for the amount of time and costs actually incurred. The claimed fees of \$240.00 per hour are reasonable. The Court awards \$720.00 for fees (3 hours) and costs in the amount of \$60.00 (the actual filing fee). Plaintiff shall pay sanctions in the total amount of \$780.00.

4. CU0002609 Sonya Sokolow v. California Public Utilities Commission

Defendant California Public Utilities Commission's ("CPUC") demurrer to the petition for writ of mandate and complaint for injunctive and declaratory relief is sustained without leave to amend.

Legal Standard

A demurrer tests the legal sufficiency of the challenged pleading. *Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113-114. In determining a demurrer, the court assumes the truth of the facts alleged in the complaint and the reasonable inferences that may be drawn from those facts. *Miklosy v. Regents of the Univ. of Cal.* (2008) 44 Cal.4th 876, 883. A court must determine if the factual allegations of the complaint are adequate to state a cause of action under any legal theory. *Barquis v. Merchants Collection Assn.* (1972) 7 Cal.3d 94, 103.

For a court to consider a plaintiff's claims, it must have subject matter over those claims. *Lefebvre v. Southern California Edison* (2016) 244 Cal.App.4th 143, 151. " ' The principle of "subject matter jurisdiction" relates to the inherent authority of the court involved to deal with the case or matter before it.' Thus, in the absence of subject matter jurisdiction, a trial court has no power 'to hear or determine [the] case.' ' " *Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196. Lack of subject matter jurisdiction is an appropriate basis for sustaining a demurrer. *Holiday Matinee, Inc. v. Rambus, Inc.* (2004) 118 Cal.App.4th 1413, 1427 (citations omitted).

Analysis

Unopposed Motion

Petitioner Sokolow has filed no opposition to the motion; as such, the Court deems Petitioner's failure to oppose the motion as consent to the granting of the same. See Cal. Rules of Court, rule 8.54(c) ("failure to oppose a motion may be deemed a consent to the granting of the motion."); see, e.g., *Amato v. Downs* (2022) 78 Cal.App.5th 435, 440, n.3 (unopposed motion can be granted on that basis, citing rule 8.54(c)).

Lack of Jurisdiction

Respondent argues the Court lacks jurisdiction over this action. The Court agrees.

"[A]n action for damages against a public utility ... is barred by section 1759 not only when an award of damages would directly contravene a specific order or decision of the commission, i.e., when it would 'reverse, correct, or annul' that order or decision, but also when an award of damages would simply have the effect of undermining a general supervisory or regulatory policy of the commission, i.e., when it would 'hinder' or 'frustrate' or 'interfere with' or 'obstruct' that policy." *San Diego Gas & Electric Co. v. Superior Court* (1996) 13 Cal.4th 893, 918, fn. omitted. Further, "section 1759 must be read to bar superior court jurisdiction that interferes with the [Public Utility Commission's (PUC)] performance of its *regulatory* duties, duties which by constitutional mandate apply only to regulated utilities." *Hartwell Corp. v. Superior Court* (2002) 27 Cal.4th 256, 280-281 (emphasis in original).

"Section 1759 bars an action when three requirements are met: (1) the PUC had the authority to adopt certain regulations or policies; (2) the PUC actually exercised that authority; and (3) the action would interfere with the PUC's exercise of that authority." *Gantner v. PG&E Corp.* (2023) 15 Cal.5th 396, 405. "[W]hen the relief sought would have interfered with a broad and continuing supervisory or regulatory program of the commission, the courts have found such a hindrance and barred the action under section 1759." *Covalt*, 13 Cal.4th at 918-919.

At bar, Petitioner appears to be claiming PG&E is not giving her full credit for her solar power. Petition, Ex. 1:4-5. The Petition also appears to suggest PG&E has not followed the requirements of AB 920 in determining the amounts of her credits. Petition, Ex. 9:7-8. Assembly Bill 920 amended Public Utilities Code section 2827 relating to energy to require the ratemaking authority for the electric utility to adopt "a net surplus electricity valuation to compensate a net surplus customer-generator ... for the value of net surplus electricity ... generated by an eligible customer-generator ... delivered to the grid ..." in excess of the amount used by the customer. CA Assembly Bill 920 (2009-2010). "Section 2827.1(b)(4) directs the Commission to devise a successor tariff that balances the total costs and benefits across all customers and the electrical system. It does not require the Commission to ensure no customers were charged more by the utilities than the cost to serve them." *Center for Biological Diversity, Inc. v. Public Utilities Com.* (2026) 118 Cal.App.5th 1288, 1312. "[I]t requires the Commission ensure the total costs and benefits of the successor tariff 'to all customers and the electrical system' are approximately equal." *Ibid.*

Here, the present action meets all three prongs of the test described above: (1) PUC had the authority to adopt the regulations; (2) it actually exercised that authority; and (3) the present Petition would interfere with PUC's exercise of that authority. Thus, the Court does not have jurisdiction over the action, and the demurrer is sustained without leave to amend.

Exhaustion of Administrative Remedies

Respondent argues the action is barred because Petitioner failed to exhaust PUC's administrative remedies. The Court agrees.

"When remedies before an administrative forum are available, a party must in general exhaust them before seeking judicial relief." *City of San Jose v. Operating Engineers Local Union No. 3* (2010) 49 Cal.4th 597, 609. "A cause of action arising out of any order or decision of the commission shall not accrue in any court to any corporation or person unless the corporation or person has filed an application to the commission for a rehearing." Pub. Util. Code § 1731(b)(1). However, the exhaustion doctrine has certain exceptions, including "when the administrative procedure is too slow to be effective." *City of San Jose*, 49 Cal.4th at 609. This is the case when a lengthy amount of time has "passed from the time the commission accepted [the] administrative appeal until [petitioner] filed [the] writ." *Rittiman v. Public Utilities Com.* (2022) 80 Cal.App.5th 1018, 1038.

At bar, Ms. Sokolow impliedly admits in her Petition that she did not apply for rehearing of the Commission decision she seeks to challenge by the November 30, 2025, deadline (30 days after the decision). See Petition ¶ 11, p. 2 lines 4-5. Without timely filing for rehearing, Ms. Sokolow has failed to exhaust the administrative remedies available and is precluded from seeking judicial review.

5. CU0002546 Joann Pennington et al vs. Tahoe Forest Hospital District, et al.

Petitioners' petition for relief from Government Code section 945.4 pursuant to Government Code section 946.6 is granted as follows.

"For decades, there has been an unresolved split of authority as to whether a plaintiff who files a section 946.6 petition seeking relief from the claim presentation requirement may assert that he actually submitted a timely claim, or whether that argument may be raised only by filing a lawsuit in which the complaint alleges compliance with the claim presentation requirement." *Simms v. Bear Valley Community Healthcare District* (2022) 80 Cal.App.5th 391, 397. Compare, e.g., *Ngo v. County of Los Angeles* (1989) 207 Cal.App.3d 946, 951-952 (must be raised in a complaint alleging compliance), *Rason v. Santa Barbara City Housing Authority* (1988) 201 Cal.App.3d 817, 827-828 (same); with *Simms v. Bear Valley Community Healthcare District* (2022) 80 Cal.App.5th 391, 397 (may be addressed in a claim-relief proceeding); *Santee v. Santa Clara County Office of Education* (1990) 220 Cal.App.3d 702, 711 (same) and *Reyes v. County of Los Angeles* (1988) 197 Cal.App.3d 584, 593-594 (same). The Third District Court of Appeal has specifically noted that "the date of accrual can be a necessary subsidiary finding in deciding whether a party qualifies for relief, even if section 946.6 does not authorize the court to grant relief on the basis that a claim was in fact timely." *DeVore v. Department of California Highway Patrol* (2013) 221 Cal.App.4th 454, 460 (granting relief but declining to decide date of accrual).

“No doubt, given the split of appellate authority, a ‘careful practitioner’ would take the belt-and-suspenders approach of both filing a complaint alleging timely filing of a claim and filing a claim-relief petition, as case law and practice guides advise.” *Simms*, 80 Cal.App.5th at 398.

Petitioner argues that “Ms. Pennington’s Government Claim was submitted timely. Ms. Pennington’s claims all survive her death and those causes of action began accruing on June 26, 2025, the date of her death. Ms. Pennington submitted her Government Claim on December 10, 2025, within the six-month claims filing period.” Mot. 2:7-9 (*italics added*).

Tahoe Forest Hospital District has filed no opposition to the motion; as such, the Court deems Petitioner’s failure to oppose the motion as consent to the granting of the same on this stated ground. *See* Cal. Rules of Court, rule 8.54(c) (“failure to oppose a motion may be deemed a consent to the granting of the motion.”); *see, e.g., Amato v. Downs* (2022) 78 Cal.App.5th 435, 440, n.3 (unopposed motion can be granted on that basis, citing rule 8.54(c)).

In the alternative, Petitioner argues: “even if Ms. Pennington’s Government Claim could be deemed untimely, which it is not, she was relieved from filing within the claims filing period because she was deceased. Gov. Code § 946.6(c)(6).” Mot at 2:10-12.

Again, Tahoe Forest Hospital District has filed no opposition to the motion; as such, the Court deems Petitioner’s failure to oppose the motion as consent to the granting of the same on this stated ground.

The Court need not and does not reach the third ground for relief.