November 13, 2026, Civil Law & Motion Tentative Rulings

1. CU0001760 County of Nevada v. Craig Hufnagel, et al.

Receiver Richardson Griswold's ("Receiver") October 21, 2026, motion for final sale and approval is granted.

The Court expressly granted the Receiver the authority to sell the Property, subject to prior approval of the Court. Appointment Order, ¶ 3(N). The Court also approved the Receivership Plan, and permitted the Receiver to hire real estate brokers to list the Property for sale. February 23, 2026 Order, ¶ 13.

Code of Civil Procedure section 568.5 states: "A receiver may, pursuant to an order of the court, sell real or personal property in the receiver's possession upon the notice and in the manner prescribed by Article 6 (commencing with Section 701.510) of Chapter 3 of Division 2 of Title 9. The sale is not final until confirmed by the court." A receivership court is not strictly bound to the procedure set forth in section 568.5. "Code of Civil Procedure section 568 grants receivers the general power 'to do such acts respecting the property as the court may authorize.' Read together, these provisions permit a court to tailor the method of sale of receivership property to the circumstances before it." *County of Sonoma v. Quail* (2020) 56 Cal.App.5th 657, 684. The receivership court has broad discretion in determining the proper manner of sale of the property. *Lesser & Son v. Seymour* (1950) 35 Cal.2d 494, 499 ("a court in an equity proceeding has the power to change the manner of sale of property in its custody by a receiver appointed by it from that previously prescribed by it in the order directing the sale").

Notice procedures for the sale of real property are set forth in Code of Civil Procedure section 701.540, *et seq.* Code Civ. Proc. § 568.5. While a court sitting in equity is not strictly required to follow such procedures, the court must consider the circumstances of the case in determining the appropriate method of sale, including the notice given. *County of Sonoma,* 56 Cal.App.5th 657, 684. Absent some reason to not give notice of the sale, it would appear notice generally should be given. See *Cal-American Income Property Fund VII,* 138 Cal.App.3d at 273-74 (CCP sections 568 and 568.5 "authorize the receiver to … [sell] real and personal property upon notice and subject to court confirmation"). At bar, it appears from the proof of service that all parties have been served with the motion.

Pursuant to the February 23, 2026 Order, Receiver hired real estate agent Jerry Mason of Windermere Signature Properties Auburn to market and sell the Property. Griswold Decl. ¶ 5. On the advice of Mr. Mason the Property was initially listed for $270,000, reduced to $250,000, on April 3, 2026, and then to $210,000 on May 26, 2026. Griswold Decl., ¶ 5. The marketing process generated multiple offers and negotiations at different price points, which resulted in multiple offers and entries of escrow that were subsequently canceled. Griswold Decl., ¶ 6. Thereafter, the Receiver accepted an offer from Ridgecrest Rentals LLC for $160,000 all-cash, as-is sale subject to Court approval and the Buyer's execution of a compliance agreement with the County mandating rehabilitation of the Property within a reasonable period. Griswold Decl., ¶ 7. The Receiver believes the sale is the best available means of preserving the Property's value, advancing its rehabilitation, and will be sufficient to pay of all liens on the Property including the Receiver's Certificate. Griswold Decl., ¶¶ 8-9

The Court finds the proposed sale of the Property to be reasonable in light of the circumstances discussed herein. The Receiver's motion is granted.

2. CU0002046 Glenn Kalaveras, et al. vs. Kelly Purves

Defendant Kamaljit Takhar's August 10, 2026, motion to contest determination of good faith settlement is denied.

Requests for Judicial Notice
The unopposed requests for judicial notice by Defendant/Cross-Defendant Kelly Purves ("Purves") and Cross-Complainant/Defendant Kamaljit Takhar ("Takhar") are granted.

Legal Standard

On noticed motion, "[a]ny party to an action wherein it is alleged that two or more parties are joint tortfeasors or co-obligors on a contract debt shall be entitled to a hearing on the issue of the good faith of a settlement entered into by the plaintiff . . . and one or more alleged tortfeasors or co-obligors . . . ." Code Civ. Proc. § 877.6(a)(1).

"A determination by the court that the settlement was made in good faith shall bar any other joint tortfeasor or co-obligor from any further claims against the settling tortfeasor or co-obligor for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault." Code Civ. Proc. § 877.6(c).

In making a good faith settlement determination, a trial court should "inquire, among other things, whether the amount of the settlement is within the reasonable range of the settling tortfeasor's proportional share of comparative liability for the plaintiff's injuries." *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (*Tech-Bilt*) (1985) 38 Cal.3d 488, 499. Acknowledging that there is no precise method to determine whether parties entered into a good faith settlement, the Supreme Court in *Tech-Bilt* provided guidelines for determining whether a settlement is made in good faith. *Tech-Bilt,* 38 Cal.3d at 495. The court must strike a balance between the public policy favoring settlements and the competing policy favoring equitable allocation of costs between tortfeasors. *Id*. at 498-99. To accomplish this, a court must consider the following factors to determine whether a proposed settlement is in good faith: (1) a rough approximation of plaintiff's total recovery and the settling defendant's proportionate liability; (2) the amount paid in settlement; (3) allocation of settlement amounts among plaintiffs; (4) recognition that a settlor should pay less in settlement than it would if it were found liable after trial; (5) financial conditions and insurance policy limits of the settling defendant; and (6) the existence of collusion, fraud, or tortious conduct aimed to injure the interests of non-settling defendants. *Id*. at 499-500. The burden of proof in asserting that a settlement lacked good faith falls upon the party making the assertion and it must show that "the settlement is so far 'out of the ballpark' in relation to these factors as to be inconsistent with the equitable objectives of [Code of Civil Procedure section 877.6]." *Ibid*.

Analysis

At bar, Takhar, the non-settling Defendant, asks the Court to determine the settlement is not in good faith. Takhar argues Purves, the settling Defendant, fails to explain how the settlement is within the range of his potential liability or how the settlement amount is to be allocated among the various claims, some which only involve Purves and some which involve both Defendants. Defendant Purves argues that his settlement with Plaintiffs (*i.e.*, payment of $25,000.00 to Plaintiffs in exchange for expungement of the lis pendens Plaintiffs recorded) was made in good faith and meets all the relevant *Tech-Bilt* factors. Purves has the better argument.

As a preliminary matter, Takhar argues the settlement agreement was not attached to the application. Purves included a copy of the settlement agreement to his opposition to Takhar's motion. Baker Decl., Ex. A.

As for the merits, the Court finds that (1) the settlement entered into by and between Plaintiffs and Purves satisfies the *Tech-Bilt* factors, and (2) Takhar, the opposing party, has not met his burden of demonstrating the settlement "is so far 'out of the ballpark' in relation to these factors as to be inconsistent with the equitable objectives of the statute." *Tech-Bilt, Inc.*, 38 Cal.3d at 499-500; Code Civ. Proc. § 877.6(d). In evaluating the settlement, the Court notes the following: The critical claims for purposes of this analysis are the first cause of action (constructive eviction re Chattering Pines), second cause of action (retaliatory eviction) and seventh cause of action (negligence per se re Chattering Pines) as these are the sole claims alleged against both Purves and Takhar. (2) Purves disputes his liability but wishes to settle this action to avoid incurring additional costs of litigation; (3) Plaintiffs acknowledge the absence of any material written documentation or written contract to substantiate their contention. Further, allegations in the third amended complaint of oral agreements concerning real property raise statute of fraud and enforceability problems; (4) Purves lacks any insurance to insulate him from loss or pay for his defense; (5) The payment of $25,000 would likely be less than Purves's defense costs and attorney fees; and (6) "[A] settlor should pay less in settlement than if found liable after a trial." *Dole Food Co., Inc. v. Superior Court* (2015) 242 Cal.App.4th 894, 909. Takhar has not shown the settlement amount of $25,000 is so far out of the ballpark as to be inconsistent with the objectives of section 877.6. In addition, Purves has shown the settlement was reached as a result of arm's-length negotiations, and "there was no collusion, fraud, or intent to impair the rights of non-settling defendants." Baker Decl. ISO App. for Det. of GFS, ¶¶ 13, 15. Takhar has made no showing to the contrary.

In sum, the Court concludes the settlement between Plaintiffs and Purves was made in good faith. Takhar's motion to contest determination of good faith settlement is denied.

3. CU0002116 Regina Cooley vs. Truckee Donner Public Utility District, et al.

Defendant Truckee Donner Public Utility District's Motion for Summary Adjudication as to the Second Cause of Action and Defendant Michael Salmon's Motion for Summary Judgment are denied.

Request for Judicial Notice

Plaintiff's request for judicial notice of court records is granted. *See* Evid. Code § 452(d). However, judicial notice is limited to the fact that the documents were filed, not the truth of their contents. *Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 130, n. 7.

Defense Evidentiary Objections

With respect to Defendants' Objections to the Declaration of Regina[] Cooley:

The following objection is overruled: 5-7.

The following objections are sustained on the basis of lack of personal knowledge: 8, 23.

The Court need not resolve the following objections: 1-4, 9-24. *See* Code Civ. Proc. § 437c(q).

With respect to Objections 5-7, the Court observes as follows:

"In *D'Amico*, the California Supreme Court *did not* hold that declarations contradicting discovery responses must be 'excluded.' Rather, the court stated only that such declarations may be insufficient to create a triable issue of fact." *Harris v. Thomas Dee Engineering Co., Inc.* (2021) 68 Cal.App.5th 594, 604 (italics added). Moreover, "the decision does [not] require that a trial court give *no* weight to portions of a declaration contradicting a declarant's deposition testimony in *any* respect." *Id.* at 605. " '[A]dmissions of a party obtained through discovery receive an unusual deference in summary judgment proceedings, and, absent a credible explanation, prevail over that party's later inconsistent declarations[,]... [however,] … *D'Amico* should not be read "as saying that admissions should be shielded from careful examination in light of the entire record." ' " *Ibid.* (citation omitted). "*D'Amico* does not require a court to give no weight to a declaration "where there is a 'reasonable explanation for the discrepancy' or 'countenance ignoring other credible evidence that contradicts or explains that party's answers or otherwise demonstrates there are genuine issues of factual dispute.' " *Id.*. at 606.

With respect to Defendants' Objections to the Declaration of Nicholas Hanes:

The following objection is overruled: 32.

The following objections are sustained: 26-28 (hearsay).

The Court need not resolve the following objections: 25, 29-31, 33. *See* Code Civ. Proc. § 437c(q).

Legal Standard for Summary Adjudication and Summary Judgment

The function of a motion for summary judgment or adjudication is to allow a determination as to whether an opposing party cannot show evidentiary support for a pleading or claim and to enable

an order of summary dismissal without the need for trial. *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843. In analyzing such motions, courts must apply a three-step analysis: "(1) identify the issues framed by the pleadings; (2) determine whether the moving party has negated the opponent's claims; and (3) determine whether the opposition has demonstrated the existence of a triable, material factual issue." *Hinesley v. Oakshade Town Center* (2005) 135 Cal.App.4th 289, 294. Thus, summary judgment or summary adjudication is granted when, after the court's consideration of the evidence set forth in the papers and all reasonable inferences accordingly, no triable issues of fact exist and the moving party is entitled to judgment as a matter of law. Code Civ. Proc. § 437c(c); *Villa v. McFarren* (1995) 35 Cal.App.4th 733, 741. Code of Civil Procedure section 437c(f)(1) provides that, "A party may move for summary adjudication as to one or more causes of action within an action." Such "[a] motion for summary adjudication shall be granted only if it *completely* disposes of a cause of action…." Code Civ. Proc. § 437c(f)(1) (italics added).

A defendant moving for summary judgment/adjudication has the initial burden of showing that a cause of action lacks merit because one or more elements of the cause of action cannot be established or there is an affirmative defense to that cause of action. Code Civ. Proc. § 437c(o)(1), (2); *Aguilar*, 25 Cal. 4th at 850. As to each claim as framed by the complaint, the party moving for summary judgment or summary adjudication must satisfy the initial burden of proof by presenting facts to negate an essential element. *Scalf v. D. B. Log Homes, Inc.* (2005) 128 Cal.App.4th 1510, 1520. Once the moving party has met the burden, the burden shifts to the opposing party to show via specific facts that a triable issue of material facts exists as to a cause of action or a defense thereto. Code Civ. Proc. § 437c(o)(2). When a party cannot establish an essential element or defense, a court must grant a motion for summary judgment/adjudication. Code Civ. Proc. § 437c(o)(1)-(2).

In determining whether any triable issues of material fact exist, the court must strictly construe the moving papers and liberally construe the declarations of the party opposing summary judgment. Any doubts as to whether a triable issue of material fact exists are to be resolved in favor of the party opposing summary judgment. *Barber v. Marina Sailing, Inc.* (1995) 36 Cal.App.4th 558, 562; *see also See's Candy Shops, Inc. v. Superior Court* (2012) 210 Cal.App.4th 889, 900.

Second Cause of Action – Gender, Medical Condition, Disability Harassment, and Hostile Work Environment (Gov. Code § 12940(j)

Defendants argues Plaintiff's second cause of action for harassment and hostile work environment fails because it is solely based on a single incident that was neither severe nor pervasive, and because the alleged misconduct is not based on a protected characteristic. The Court is not persuaded.

Pursuant to Government Code section 12940(j)(1), harassment of an employee based on gender, medical condition, or disability, "shall be unlawful if the entity, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action." Gov. Code § 12940(j)(1); *Thompson v. City of Monrovia* (2010) 186 Cal.App.4th 860, 880. To establish a *prima facie* case of a work environment harassment, plaintiff must show that (1) she is a member of a protected class; (2) she was subjected to

unwelcome harassment; (3) the harassment was based on her protected status; (4) the harassment unreasonably interfered with her work performance by creating an intimidating, hostile, or offensive work environment; and (5) defendants are liable for the harassment. *Ortiz v. Dameron Hospital Assn.* (2019) 37 Cal.App.5th 568, 581. Of note, "to prevail, an employee claiming harassment based upon a hostile work environment must demonstrate that the conduct complained of was severe enough or sufficiently pervasive to alter the conditions of employment and create a work environment that qualifies as hostile or abusive to employees because of their [protected class]." *Miller v. Department of Corrections* (2005) 36 Cal.4th 446, 462.

To be a hostile work environment, it "must be both objectively and subjectively offensive, one that a reasonable person would find hostile or abusive, and one that the victim in fact did perceive to be so." *Faragher v. City of Boca Raton* (1998) 524 U.S. 775, 787.

> [T]o prevail, an employee claiming harassment based upon a hostile work environment must demonstrate that the conduct complained of was severe enough or sufficiently pervasive to alter the conditions of employment and create a work environment that qualifies as hostile or abusive to employees because of their sex. The working environment must be evaluated in light of the totality of the circumstances: '[W]hether an environment is "hostile" or "abusive" can be determined only by looking at all the circumstances. These may include the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance.'

Miller, 36 Cal.4th at 462 (citations omitted).

> Before 2019 the "severe or pervasive" requirement "was quite a high bar for plaintiffs to clear, even in the context of a motion for summary judgment." Effective January 1, 2019, however, the Legislature added section 12923, which "clarified existing law" to provide "that '[a] single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment if the harassing conduct has unreasonably interfered with the plaintiff's work performance or created an intimidating, hostile, or offensive work environment.' " Section 12923 also "clarified that a hostile work environment exists 'when the harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, affect the victim's ability to perform the job as usual, or otherwise interfere with and undermine the victim's personal sense of well-being.' The plaintiff is not required to show a decline in productivity, only 'that a reasonable person subjected to the discriminatory conduct would find, as the plaintiff did, that the harassment so altered working conditions as to "make it more difficult to do the job." ' "

Wawrzenski v. United Airlines, Inc. (2024) 106 Cal.App.5th 663, 693 (citations omitted).

Moreover, "abusive conduct that is not facially sex specific can be grounds for a hostile environment sexual harassment claim *if it is inflicted because of gender, i.e.*, if men and women are treated differently and the conduct is motivated by gender bias. *Pantoja v. Anton* (2011) 198 Cal.App.4th 87, 130. Moreover, "evidence that [an employer] harassed other women outside

[the named plaintiff's] presence [can assist a jury] … by showing that [an employer] harbored a discriminatory intent or bias based on gender." *Pantoja,* 198 Cal.App.4th at 110.

At bar, Plaintiff sufficiently demonstrates a triable issue of material fact concerning the existence of harassing conduct based on the October 2022 incident.

Specifically, excerpts from Plaintiff's deposition include the following statements:

> "Like I said, my brain today says that it was you're being greedy and a brat." 141:1-2.
>
> Q: "Did he block your exit, meaning you tried to get up and he actually bodily moved to get in front of you…?"
> A: "He was standing there. I stood up to walk away and he did not move, so I couldn't move either." 145:22 – 146:2.
>
> Q: "So Michael Salmon, from wherever he was standing, he stood there, you got up, and then you sat back down, right?"
> A: "Because he wouldn't move, yes." 146:3-6.
>
> "When he blocked me is what made me feel like I was being held down." 147:6-7.
>
> "Because just like with the Mike Salmon incident, dates are very, very fuzzy because of how traumatic it was." 148:11-13.
>
> Q: "But did he ever go past, further inside your cubicle than the level of that brown partition wall?"
> A: "That is in my cubicle at that point…. That space is very tiny." 151: 25 – 152:4.
>
> Q: "You put, I began to cry because of the intense feelings of pressure and feeling trapped in my corner of the cubicle. Did you cry because you were in the cubicle and felt you couldn't come out?"
> A: "I felt like a caged animal, yes." 175:14-19.
>
> "I made it very clear when I stood up to try and exit the first time that that's what I was trying to do." 175:22-24.
>
> Q: "And he made you cry by telling you that you have to pay taxes on the tuition reimbursement?
> A: "He made me cry by the overall interaction." 178:23-25.
>
> Q: "What was the body language that he was displaying that you said contributed to you crying?"
> A: "The fact that I felt like a caged animal in that moment trying to hold my composure with a six-foot-four man standing over me using his role as CFO to try and get me to shut up." 180:17-22.

Paige Decl. ISO Mot., Exhibit 2.

In addition, Plaintiff has demonstrated a triable issue of material fact that the reported harassment was *based on her protected status*. The conduct described above involved an incident between Plaintiff, a female and Salmon, a male. Moreover, Plaintiff has presented evidence that Salmon had a history of harassing at least one other woman on the basis of gender, to wit: Anabel Sanchez. *See* PF 23, including Ex. 27 (Decl. of Anabel Sanchez).

On the record presented, Defendants are not entitled to judgment as a matter of law.

4. CU0003090 County of Nevada v. David Mitchell, et al.

No appearances are required. Petitioner County of Nevada's October 2, 2026, Petition for an Order to Abate and for Appointment of a Receiver is continued on the Court's motion to December 18, 2026, at 10:00 a.m., in Department 6.

Respondent Terry Mitchell was personally served with the petition and notice of hearing on October 26, 2026. No other Respondent has been served. Motions ordinarily must be served 21 court days prior to the noticed hearing. *See* Code Civ. Proc. 1005(b). While Petitioner apparently served a notice of intent to file this action under Health and Safety Code section 17980.7(c) upon Respondents, Petition ¶ 7, Petitioner has not complied with the ordinary notice requirements of the Code of Civil Procedure for the instant motion as to Respondent Mitchell and has not otherwise given notice of the petition and hearing to the remaining Respondents. Petitioner shall give notice of the continued hearing date and file proof of service of the same at least five court days prior to the next hearing.

5. CU0003097 County of Nevada vs. American Sierra Enterprises, et al.

No appearances are required. Petitioner County of Nevada's October 6, 2026, Petition for an Order to Abate and for Appointment of a Receiver is continued on the Court's motion to December 18, 2026, at 10:00 a.m., in Department 6.

The petition and notice of hearing were personally served on the agent for service of process of Respondent American Sierra Enterprises on *October 27, 2026*. Motions ordinarily must be served 21 court days prior to the noticed hearing. *See* Code Civ. Proc. 1005(b). While Petitioner apparently served a notice of intent to file this action under Health and Safety Code section 17980.7(c) upon Respondent, Petition ¶ 4, Petitioner has not complied with the ordinary notice requirements of the Code of Civil Procedure for the instant motion. Petitioner shall give notice of the continued hearing date and file proof of service of the same at least five court days prior to the next hearing.

6. CU0002909 Jason Christ vs. Wendy Phares

On the Court's motion, Defendant Wendy Phares' demurrer to the First Amended Complaint is continued to January 29, 2026 at 10:00 a.m., in Department 6, to be heard concurrently with Defendant City of Nevada City's demurrer to the FAC. It will be more efficient to resolve both demurrers at the same time and to proceed thereafter, as warranted, with the current operative pleading or any potential amended pleading.