November 6, 2026, Civil Law & Motion Tentative Rulings

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

Plaintiff has withdrawn her previously filed June 18, 2026, motion to quash certain subpoenas served on Plaintiff's current employers by Defendants Truckee Donner Public Utility District. *See* 10/30/26 Pl. Notice. The motion is deemed withdrawn.

2. CU0002532 Brian Taylor vs. Rolling Green, Inc.

This matter is properly heard by the Truckee Branch of the Court and is transferred to Department A for all purposes. *See* Local Rule 2.05. Defendant Rolling Green, Inc.'s demurrer to Plaintiff's First Amended Complaint and motion to strike are continued on the Court's motion to November 23, 2026 at 1:30 p.m., in Department A. The Case Management Conference is continued from January 11, 2027, to January 15, 2027, at 9:00 a.m., in Department A. The Nevada City Clerk's Office shall advise the Truckee Clerk's Office of the transfer forthwith.

3. CU0002778 James Inman vs. Lake Wildwood Association, et al.

Appearances required at the hearing on Defendant Lake Wildwood Association's motion to conduct an early evaluation conference and stay proceedings. The parties shall be prepared to discuss the issues below.

Defendant must clarify how it plans to proceed with the early evaluation conference process. The scheme distinguishes between two distinct options (with different requirements): 1) one option in which a defendant indicates it will cure some or all violations; and 2) another option in which a defendant disputes some or all of a plaintiff's allegations. In its request for early evaluation, Defendant states it intends to cure "any failures to furnish employees with an accurate, itemized wage statement and any meal or rest break premium affected by this correction as well as any other alleged violations that may be substantiated through the early evaluation conference" but "disputes the remaining allegations contained in Plaintiff's PAGA notice and FAC." Mot., 3:11-14. Are all of the remaining substantive allegations in the Amended First Amended Complaint ¶ 165 still contested (*e.g.*, overtime compensation, wages owed)?

Second, in either situation described above (denial of the allegations or a plan to cure), Defendant will be required to provide a factual basis for a claim and evidence in support, and Plaintiff will be required to respond with evidence and argument. While the statute does not expressly discuss discovery, "[t]he law abhors idle acts." *Resure, Inc. v. Superior Court* (1996) 42 Cal.App.4th 156, 165. Would an early evaluation without sufficient discovery be an idle act?

Finally, who shall serve as the neutral evaluator-- a judge, commissioner or other "experienced" designee (such as a private mediator selected and paid by the parties)?

4. CU0003100 Michael Adel, et al., vs. Grass Valley Pickleball Club, et al.

The October 12, 2026, verified petition for peremptory writ of mandate by Petitioners Victoria Yeager and Michael Adel is denied.

Scheduled Hearing

On October 12, 2026, Petitioners filed an *ex parte* application for an alternative writ of mandate or alternatively, an order to show cause regarding a peremptory writ. At the October 13, 2026, hearing, the Court *expressly* declined to adjudicate that application and continued the *ex parte* hearing to November 6, 2026, at 10:00 a.m., directing Petitioners to give notice of the same. *See* 10/13/26 Minutes. For reasons unknown to the Court, Petitioners filed and served a "Notice of Entry of Order to Show Cause Re: Alternative Writ of Mandate" suggesting that the Court "issued an Order to Show Cause … regarding Petitioners' Application for Alternative Writ of Mandate," and further indicating that "Respondents shall appear and show cause, if any exists, why a Peremptory Writ of Mandate and requested injunctive relief should not issue…." 10/21/26 Pet. Notice. The Court *did not* issue any such Order to Show Cause; the Notice given by Petitioners is *erroneous*. Respondents have filed an opposition brief on the merits. Given that the parties have briefed the merits of the requested relief, the Court will proceed with consideration of the same.

Legal Standard

Under Code of Civil Procedure section 1085, a writ "may be issued by any court to any …corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person."

"To obtain a writ of mandate under Code of Civil Procedure section 1085, the petitioner has the burden of proving a clear, present, and usually ministerial duty on the part of the respondent, and a clear, present, and beneficial right in the petitioner for the performance of that duty." *Marquez v. State Dept. of Health Care Services* (2015) 240 Cal.App.4th 87, 103.

While "mandamus will lie to correct an abuse of discretion by an official," it "will not lie to control an exercise of discretion." *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432, 442. "The courts play only a very limited role in adjudicating disputes concerning the affairs of private clubs and associations. In many disputes in which such rights and duties are at issue ... the courts may decline to exercise jurisdiction. Their determination not to intervene reflects their judgment that the resulting burdens on the judiciary outweigh the interests of the parties at stake." *Hee Shen Cemetery & Benevelont Assn.,* 100 Cal.App.5th at 238 (quotations omitted). "[C]ourts must guard against unduly interfering in a private association's autonomy by substituting judicial judgment for that of the [association] in an area where the competence of the court does not equal that of the" association." *Id*. at 239 (quotations omitted). "The standard for any court intervention in cases concerning a private association's affairs is therefore quite high." *Ibid.*

First Cause of Action

In their First Cause of Action, Petitioners argue that Respondents owe a ministerial duty under Corporations Code sections 6333, 8333, 18100, *et seq.*, and common law (*i.e.*, the common law doctrine of fair procedure and *Mooney v. Bartenders Union Local No. 284* (1957) 48 Cal.2d 841) to permit dues-paying members to inspect and copy accounting books, ledgers, insurance policies, and board minutes upon written demand. Respondents argue this action fails because the statutes cited are inapplicable to unincorporated associations and there is no such common law duty.[1] The Court ultimately concludes that Petitioners are not entitled to the relief requested.

Corporation Code sections 6333 and 8333 have no direct application here. Corporations Code section 6333 governs the right of inspection for members of nonprofit public benefit corporations, which may be formed for any public or charitable purpose. *See* Corp. Code § 5110, *et seq*. Corporations Code section 8333 governs the right of inspection for members of nonprofit mutual benefit corporations, which assets must be irrevocably dedicated to charitable, religious or public purposes. *See* Corp. Code § 7110, *et seq*. In order to be considered as one of these types of nonprofit corporations, "one or more persons may form a corporation under" these parts of the Corporations Code "by executing and filing articles of incorporation." Corp. Code §§ 5120(a), 7120(a). At bar, Respondent Grass Valley Pickleball Club ("GVPC") is an unincorporated recreational association. Pet., ¶ 5. Therefore, the provisions of Corporations Code sections 6333 and 8333 do not *expressly* serve as a basis for the relief requested herein.

Corporations Code section 18000, *et seq*., applies to unincorporated associations and GVPC is an unincorporated association under these provisions. That noted, Petitioners have failed to identify any statutory provision under Section 18000, *et seq.*, which mandates inspection obligations for these types of associations. These provisions do not serve as a basis for the claimed right of relief.

The common law doctrine of fair procedure also has no application here. *See, e.g., Potvin v. Metropolitan Life Ins. Co.* (2000) 22 Cal.4th 1060, 1063 ("the common law right to fair procedure … forbids arbitrary expulsions from private organizations under certain circumstances, [without] reasonable notice and an opportunity to be heard before … removal."). The instant matter does not involve *expulsion* or *exclusion* from a private organization with substantial economic ramifications or valuable membership interests. *Id.* at 1069.

Under *Mooney v. Bartenders Union Local No. 284* (1957) 48 Cal.2d 841, "[t]he courts will … act in a proper case for the purpose of protecting the property rights of a member of an unincorporated association and will enforce, so far as applicable, the rules applied to incorporated bodies of the same character." *Id.* at 843 ("It would seem clear that a member of an unincorporated labor union is entitled to inspect its financial records.").

[1] Respondents point out that judicial intervention in a dispute is sometimes permitted in instances where a private voluntary association unreasonably construes a plain and unambiguous provision of its bylaws. *See Hee Shen Cemetery & Benevolent Assn.,* 100 Cal.App.5th at 239. Petitioners do not argue in their petition that Respondent association violated any of its bylaws.

Moreover, it appears, as Petitioners suggest, that incorporated bodies of the same character as GVPC require that accounting books and records and minutes of proceedings of the members and the board shall be open to inspection upon the written demand. *See* Corp. Code § 6333 ("The accounting books and records and minutes of proceedings of the members and the board and committees of the board shall be open to inspection upon the written demand on the [Nonprofit Public Benefit Corporation] of any member at any reasonable time, for a purpose reasonably related to such person's interests as a member."); Corp. Code § 8333 (similar for Nonprofit Mutual Benefit Corporation). Conversely, Petitioners have not provided the Court with any authority to suggest that incorporated bodies of the same character require that insurance policies be available for inspection.

For purposes of this case, the Court assumes, without deciding, that Petitioners have a right to potentially require inspection of financial records and minutes of GVPC under *Mooney*. No such right has been demonstrated with respect to insurance records. In any event, "[i]rrespective of whether [Petitioners have] rights to inspect under state law …, there [nevertheless] must be a proper showing to justify the inspection." *Deacon v. International Union of Operating Engineers, Local No. 12* (1965) 236 Cal.App.2d 302, 307. "[R]easonable grounds for the inspection must be shown." *Id.* at 308.

At bar, Petitioners request minutes and financial records from September 1, 2024, to the present as well as the operative insurance policy for the association. Verified Pet. ¶ 21, Prayer 1. The Court has carefully considered the evidence presented by Petitioners in support of their request, *see* Verified Pet. and Petitioners' Declarations, as well as the evidence presented by Respondents, *see* Cilenti Decl.. Having exercised its discretion to weigh the evidence and assess credibility, the Court finds that there is insufficient, credible and persuasive evidence of good cause or reasonable grounds for the requested inspection. The Court notes, among other things, that there is no persuasive showing of "financial mismanagement" by GVPC in connection with the Western Gateway Park tournament or otherwise. Moreover, both Petitioners previously been offered reasonable and appropriate access to minutes and financial records for recent years. Lastly, there has been no showing as to a need for inspection of the insurance policy.[2] In short, there is good cause for Court intervention.

Second Cause of Action

Petitioners argue that, under the common law doctrine of fair procedure, Respondents owe a ministerial duty to conduct club elections in a fair, democratic and reasonable manner and that Respondents have violated the same by engaging in candidate censorship and bad-faith records withholding. Petitioners then request judicial intervention to enjoin candidate pre-approval rules and to appoint an independent third party to conduct the November 2026 election. Respondents argue that the doctrine of fair procedure is inapplicable here and that intervention is unwarranted under the circumstances. Respondents have the better argument.

As noted previously, the common law doctrine of fair procedure has no application here. The instant matter does not involve *expulsion* or *exclusion* from a private organization with

[2] The Court does not consider unsworn arguments raised by Petitioners as to the same for the first time in their Reply.

substantial economic ramifications or valuable membership interests. *Potvin* , 22 Cal.4th at 1069. In addition or the alternative, no good legal or factual cause has been established on the record presented for judicial intervention with respect to GVPC electoral affairs as requested.

In sum, mandamus relief is not warranted under the circumstances presented. The petition for a writ is denied.

5. PR0000798 In the Matter off Mark Lenci Living Trust

Motion to Compel Discovery Responses

Petitioner David True's motions to compel discovery responses of Patricia Taylor with respect to form and special interrogatories and requests for production of documents are granted. Respondent Patricia Taylor is ordered to provide verified responses, without objections to all discovery requests (except the Requests for Admissions) within thirty (30) days of notice of the Court's order. Additionally, the matters specified in Petitioner's RFAs are deemed admitted, unless Respondent serves, before the hearing, a proposed response to the requests for admission, that is in substantial compliance with Code of Civil Procedure Section 2033.220. Respondent shall also pay Petitioner $810.00 in sanctions within thirty (30) days of notice of the Court's order.

Legal Standard

Form and Special Interrogatories

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." *Ibid.*

Requests for Production of Documents

Where there has been no timely response to a demand to produce documents, the demanding party may seek an order compelling a response. Code Civ. Proc. § 2031.300(b). Failure to timely respond waives all objections, including privilege and work product. Code Civ. Proc. § 2031.300(a). There is no deadline for a motion to compel responses when there has been a failure to respond. *See ibid.*

Requests for Admission

A party may move for an order deeming its Requests for Admission ("RFAs") admitted if the party to whom they are directed has failed to serve a timely response. Code Civ. Proc. § 2033.280(b). "The court shall make this order, unless it finds that the party to whom the requests

for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220." Code Civ. Proc. § 2033.280(c).

Sanctions

A party's failure to respond to an authorized method of discovery is a misuse of the discovery process. Code Civ. Proc. § 2023.010(d). When a party engages in a misuse of discovery, the court may impose a monetary sanction ordering that party pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct. Code of Civ. Proc. § 2023.030(a) Also, "[i]t is mandatory that the court impose a monetary sanction … on a party … whose failure to serve a timely response to the [RFAs] necessitated th[e] motion." Code Civ. Proc. § 2033.280(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.

Analysis

As a preliminary matter, Respondent has filed no opposition to the motion; as such, the Court deems Respondent'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, Petitioner propounded his Form Interrogatories, Set One, and Requests for Admission, Set One, on Respondent by mail and email on March 2, 2026. Harpainter Decl., ¶ 2, Exs. 1-2. Respondent's responses to these discovery demands were due by April 6, 2026, and on April 1, 2026, Respondent indicated at her deposition she would be providing responses; however, Respondent failed to serve any responses by the deadline. Harpainter Decl., ¶¶ 3-4.

Petitioner subsequently propounded his Special Interrogatories, Set One, and Requests for Production of Documents, Set One, by mail and email on June 12, 2026. Harpainter Decl., ¶ 5, Exs. 3-4. Respondent's responses to these discovery demands were due by July 20, 2026; however, Respondent failed to serve any response by the deadline. Harpainter Decl., ¶¶ 5-6.

Therefore, an order compelling responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production of Documents, Set One is warranted. Additionally, the matters specified in Petitioner's RFAs are deemed admitted, unless Respondent serves, before the hearing, a proposed response to the requests for admission, that is in substantial compliance with Code of Civil Procedure Section 2033.220.

Petitioner's request for sanctions in the amount of $1,010.00, is granted, in part. Counsel argues he spent 2.5 hours total for the motion, and his paralegal spent 0.5 hours assisting in the drafting of the motion. Harpainter Decl., ¶ 7. The Court finds an hourly rate of $300.00 per hour reasonable for counsel and $150.00 per hour for paralegal. However, the motion itself required minimal work. Therefore, the Court awards $750.00 for fees (2 hours of attorney fees and 0.5 hours of paralegal fees) and costs in the amount of $60.00 (the filing fee). Plaintiff shall pay sanctions in the total amount of $810.00.

Motion to Consolidate

Petitioner David True's motion to consolidate is granted.

"When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay." Code Civ. Proc. § 1048(a).

"The purpose of consolidation is merely to promote trial convenience and economy by avoiding duplication of procedure, particularly in the proof of issues common to both actions." *Woulridge v. Burns* (1968) 265 Cal.App.2d 82, 86. "[C]onsolidation of actions decreases the backlog of cases pending before trial courts, and thus enables other litigants to bring their actions to trial with less delay. Consolidation also constitutes an important protection to defendants who might otherwise be subjected to a multiplicity of actions involving related issues." *General Motors Corp. v. Superior Court* (1966) 65 Cal.2d 88, 91.

A trial court's decision regarding whether to consolidate actions involving common questions of law or fact will not be disturbed on appeal absent a clear showing of abuse of discretion. *Todd-Stenberg v. Dalkon Shield Claimants Trust* (1996) 48 Cal.App.4th 976, 978-979. "[A]ll that the moving party need show is that the issues in each case are basically the same, and that 'economy and convenience' would be served by a joint trial." Weil & Brown, Prac. Guide: Civil Procedure Before Trial (2026) § 12:359. Factors to be considered by the court when ruling on a motion to consolidate are: (1) timeliness of the motions (whether granting the motion will delay the trial of any of the cases or whether discovery had proceeded in one or more cases without all parties present); (2) complexity (whether joining the actions would make the trial too confusing or complex for the jury); and (3) prejudice to the rights of any party. *Id*. at § 12:362; *Todd-Stenberg, 4*8 Cal.App.4th at 979 (issues regarding consolidation are: "whether the cases consolidated … had common issues and whether undue confusion or prejudice was likely to result from the consolidation.")

At bar, the Court has carefully considered the arguments of Petitioner in favor of consolidation of cases PR0000798 and CU0002970 as well as those of Respondent Carman and Defendants Tiffani Aanestad and Aanestad Law in opposition. On balance, the Court is persuaded that consolidation is warranted. In short, the Court finds that there are common issues of law and fact in both actions (specifically, the predominant issue of alleged undue influence over decedent Mark Lenci), consolidation will best promote judicial/party economy and avoid unnecessary duplication of litigation costs/efforts; consolidation will not make the case unduly confusing/complex; consolidation will help mitigate the danger of inconsistent adjudications; and

the request is timely under the circumstances presented. The Court is ultimately not persuaded by the arguments to the contrary by those in opposition. The Court will ensure that: all parties have a fair opportunity to prepare for a consolidated case; the matter is brought to trial expeditiously, consistent with the requirements of due process for all parties; and there is appropriate adjudication of the necessary legal/factual issues by the Court and the jury in the consolidated trial.

CU0002970 shall be the lead case. All future filings shall be in that case with captions noting both case numbers and the fact of consolidation. No further filings shall be made in PR0000798.

The Case Management Conference (CMC) for CU0002970 is continued from November 9, 2026, to December 7, 2026. All parties shall be prepared to set a trial date at the scheduled CMC.

Respondent Carman's September 4, 2026, motions in limine are withdrawn from calendar without prejudice. Respondent Taylor's October 2, 2026, motion to strike has not been calendared for hearing. The Court takes no action with respect to the same. These parties must file and notice these motions anew in connection with the next scheduled trial date in the consolidated case.

6. CU0000430 Sierra Foothills Construction Co. v. Matthew Coulter

Respondent's motion to exclude the testimony of witnesses is granted solely as to proposed witness Coulter; it is otherwise denied as to proposed witnesses Herrera, Gamalgaard, Last, and Ferguson.

Standard-The Workplace Violence Safety Act

"[Code of Civil Procedure] Section 527.8, the Workplace Violence Safety Act, enables an employer to seek an injunction to prevent violence or threatened violence against its employees." *City of San Jose v. Garbett* (2010) 190 Cal.App.4th 526, 536. "The statute provides, in relevant part: 'Any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an injunction on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.' (§ 527.8, subd. (a).)" *Ibid.*

"[Code of Civil Procedure section 527.8] orders may be renewed, upon the request of a party, for a duration of not more than three years, *without a showing of any further violence or threats of violence since the issuance of the original order*, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party." Code Civ. Proc., § 527.8(l)(1) (italics added).

"[R]enewal under section [527.8(l)(1)] is not automatic; instead the trial court has discretion whether to renew the restraining order and the duration of the restraining order." *Cooper v.*

Bettinger (2015) 242 Cal.App.4th 77, 89 (interpreting analogous Code Civ. Proc. § 527.6(j)(1)). "[A] restraining order should be renewed only when the trial court finds a reasonable probability that the defendant's wrongful acts would be repeated in the future." *Cooper,* 242 Cal.App.4th at 90.[1]

"[T]he determination of whether it is reasonably probable an unlawful act will be repeated in the future rests upon the nature of the unlawful violent act evaluated in the light of the relevant surrounding circumstances of its commission and whether precipitating circumstances continue to exist so as to establish the likelihood of future harm." *Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 499–500 (under analogous Code Civ. Proc. § 527.6).

Of significance, "[i]n deciding to renew a restraining order under Section 527.[8], the trial court may rely solely on the record in the original case." *Cooper,* 242 Cal.App.4th at 90. "In other words, the current statute grants the trial court discretion to renew a restraining order based on its review of the record of the past harassment underlying the original issuance of the restraining order and without the protected party presenting any new evidence." *Ibid*.[2]

Finally, "the court could consider any evidence showing a likelihood of future [wrongful acts], including evidence of conduct that might not itself constitute harassment. … Behavior that may not alone constitute [unlawful harassment] logically still might show an intention to resume or continue [wrongful] acts." *Harris*, 248 Cal.App.4th at 501.[3]

Analysis

The Court has examined the proffers for witnesses Herrera, Gamalgaard, Last, and Ferguson. Assuming that the events/recollections of these witnesses post-date the February 1, 2023, order at issue, each witness appears to potentially have recollections that would be relevant to proof of a likelihood that Respondent Coulter would conduct future wrongful acts and/or that logically might show an intention to resume or continue such acts. *See* Evid. Code 350. On the record presented, the Court does not conclude that the probative value of this evidence is outweighed by any of the countervailing Evidence Code section 352 concerns.

[1] The Court is not persuaded that the "reasonable apprehension of future abuse" standard applies in this case as suggested by Petitioner. *See Cooper v. Bettinger* (2015) 242 Cal.App.4th 77, 92, n. 14 (declining to apply that standard in the context of renewal under Code Civ Proc. §527.6 based on the authority of *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1284). The Court is likewise not persuaded that the "reasonable probability of future harm or harassment" standard applies, as suggested by Respondent. That standard applies during initial consideration of a motion for a restraining order. *See, e.g., Adelanto Elementary School Dist. v. Krause* (2026) 121 Cal.App.5th 699, 718 (required "evidence of future harm to support the issuance of [a] WVRO").

[2] "At the point where a protected party seeks a renewal of a restraining order and the restrained party has either failed to appeal …or has lost on appeal, the restrained party cannot challenge the findings and evidence underlying that original order nor the validity of that order." *Cooper*, 242 Cal.App.4th at 90–92.

[3] "A person is expected to obey lawful court orders as this section presumes. Thus, the fact that there has been no further harassment … since the restraining order was issued … does not affect the trial court's authority to renew the restraining order." *Cooper*, 242 Cal.App.4th at 91.

The same is not true for the proffered testimony of Cameron Coulter. Propensity or credibility evidence from this witness has minimal probative value for purposes of the renewal analysis and is substantially outweighed by the risk of confusing issues and unduly consuming time. Testimony from witness Coulter is excluded.

In sum, the motion to exclude witnesses is granted in limited part.