

March 20, 2026, Civil Law & Motion Tentative Rulings

1. CL0001259 Thomas M. Deal v. Fred Gerkenmeyer, et al.

Plaintiff Thomas M. Deal’s motion for reconsideration is denied. Any perceived request to approve a Third Amended Complaint is denied as Plaintiff has failed to file a noticed motion requesting such.

At bar, it is unclear what Plaintiff is requesting the court reconsider. It appears Plaintiff is under the incorrect impression the sustaining of Defendant Regional Housing (“RHA”) Authority’s demurrer without leave to amend necessitated the filing of a third amended complaint just to Defendant Gerkenmeyer. Such is not the case. RHA was dismissed from the case on January 20, 2025, but Defendant Gerkenmeyer remains as a party.

Self-represented litigants are to be treated like any other party and receive no greater consideration than litigants represented by attorneys. *ViaView, Inc. v. Retzlaff* (2016) 1 Cal.App.5th 198, 208. Accordingly, pro se parties are held to the same standards and must comply with the same rules as attorneys. *Nuno v. California State University, Bakersfield* (2020) 47 Cal.App.5th 799, 811 (“[J]udges are not required to act as counsel for self-represented part[ies], instead, self-represented litigants “must expect and receive the same treatment as if represented by an attorney – no different, no better, no worse.”, quoting *Taylor v. Bell* (1971) 21 Cal.App.3d 1002, 1009).

Therefore, Plaintiff is admonished to not file any amended complaint prior to a motion for leave and absent leave of the court. Additionally, contrary to Plaintiff’s belief in his papers, the court notes Plaintiff remains on the Vexatious Litigant List, which has been updated as of March 1, 2026.

2. CL0003838 In the Matter of Brandon Murray

The petition for release of mechanic’s lien is denied without prejudice.

Introduction

The case concerns the property located at 16343 Rattlesnake Rd., Grass Valley, CA 95945 (“Property”). Petitioners Brandon Murray and Krystal Murray are the owners of the Property. On November 3, 2025, Respondent Andrew Ehlers recorded a mechanic’s lien against the property in the amount of \$95,000.00 for labor, services, equipment, or materials furnished by Respondent for work of improvement.

Legal Standard

After a mechanic’s lien has been recorded, “[t]he owner of property or the owner of any interest in property subject to a claim of lien may petition the court for an order to release the property from the claim of lien if the claimant has not commenced an action to enforce the lien within the time provided in Section 8460.” Civ. Code § 8480(a). A claimant must commence an action to enforce a lien within 90 days of recording the lien. Civ. Code, § 8460(a). Civil Code § 8460

further provides that “[i]f the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable.” Civ. Code, § 8460(a). Civil Code § 8460 also provides that the 90-day time limit to commence an action to enforce a lien does not apply if there was an agreement to extend credit and a notice of that fact was recorded within 90 days after recordation of the claim of lien or more than 90 days after recordation of the claim of lien but before a purchaser or encumbrancer for value and in good faith acquires rights in the property. Civ. Code, § 8460(b).

Civil Code § 8484 requires that the petition for release order be verified by the petitioner and allege the following:

- (a) The date of recordation of the claim of lien. A certified copy of the claim of lien shall be attached to the petition.
- (b) The county in which the claim of lien is recorded.
- (c) The book and page or series number of the place in the official records where the claim of lien is recorded.
- (d) The legal description of the property subject to the claim of lien.
- (e) Whether an extension of credit has been granted under Section 8460, if so to what date, and that the time for commencement of an action to enforce the lien has expired.
- (f) That the owner has given the claimant notice under Section 8482 demanding that the claimant execute and record a release of the lien and that the claimant is unable or unwilling to do so or cannot with reasonable diligence be found.
- (g) Whether an action to enforce the lien is pending.
- (h) Whether the owner of the property or interest in the property has filed for relief in bankruptcy or there is another restraint that prevents the claimant from commencing an action to enforce the lien.

A property owner may not petition for a release order until he or she gives the claimant notice demanding that the claimant execute and record a release of lien claim at least ten days before filing the petition. Civ. Code § 8482. The manner of giving notice must comply with the requirements of Civil Code sections 8100, et. seq. *Id.*

“The petitioner shall serve a copy of the petition and a notice of hearing on the claimant at least 15 days before the hearing.” Civ. Code, § 8486(b). “Service shall be made in the same manner as service of summons, or by certified or registered mail, postage prepaid, return receipt requested, addressed to the claimant as provided in Section 8108.” *Id.*

Civil Code section 8108 provides that notice can be given to Respondent at the address shown on Respondent’s claim of lien. Civ. Code § 8108(d). The petitioner bears the burden of proving compliance with the service and notice requirements. Civ. Code § 8488(a).

Analysis

Statutory Requirements

At bar, the petition does not fully comply with the statutory requirements. The Petition is verified, alleges the date of recordation of the Claim of Mechanic’s Lien, the county in which it was recorded (Nevada County), and attaches and incorporates by reference a certified copy of the Claim of Mechanic’s Lien. Pet., ¶ 3; Pet. p. 4 (verification); Exh. A. The Petition states the lien was recorded in the official records of the County Recorder as Document No. 20250017281. Pet., ¶ 3. The Petition alleges the legal description of the Subject Property. Pet., ¶ 1.

The Petition alleges that no extension of credit has been granted, that no action to foreclose the Claim of Mechanic’s Lien was filed, that the 90-day time period to enforce the Claim of Mechanic’s Lien has expired. Pet., ¶ 4. The Petition also alleges Petitioner has not filed for bankruptcy and that no other restraint exists preventing Respondent from filing an action to enforce the lien. Pet., ¶ 8. The Petition alleges that on February 12, 2026, which is at least ten days prior to the filing of the Petition, Petitioner sent Respondent, by certified mail a written demand to remove the Claim of Mechanic’s Lien. Pet., ¶ 6, Exh. B; POS on Petitioner’s Demand for Release, p. 11. Service of the written demand by “registered or certified mail, express mail, or overnight delivery by an express service carrier” is proper. Civ. Code §§ 8100, 8106(b), 8110.

In sum, Petitioner has met the substantive requirements for relief.

Service Requirements

“The petitioner shall serve a copy of the petition and a notice of hearing on the claimant at least 15 days before the hearing.” Civ. Code, § 8486(b). “Service shall be made in the same manner as service of summons, or by certified or registered mail, postage prepaid, return receipt requested, addressed to the claimant as provided in Section 8108.” *Id.* If service is made by mail, notice of hearing must be given at least 15 days before the hearing, plus 5 calendar days for service by mail. Code of Civ. Proc. § 1013(a). The petitioner bears the burden of proving compliance with the service and notice requirements. Civ. Code § 8488(a).

At bar, Petitioner’s proof of service filed February 25, 2026 indicates service was made by electronic service on February 23, 2026. There is no indication service was made “in the same manner as service of summons, or by certified or registered mail, postage prepaid, return receipt requested.” Civ. Code § 8486(b); Code Civ. Proc. §§ 415.10, 1010.6(a)(2). Thus, the Court finds Petitioner fails to sustain his burden of proof with respect to service and notice of hearing.

As such, the Court denies the petition without prejudice to renewal given the defects discussed.

3. CU0001540 Bradley Dorigo, et al v. County of Nevada

Defendants’ California Department of Transportation (“CalTrans”) and California Transportation Agency (“CalSTA”) unopposed demurrer to plaintiff’s second amended complaint is sustained without leave to amend.

Legal Standard

A demurrer challenges defects appearing on the face of the pleading or from matters

appearing through judicial notice. *See* Code Civ. Proc. §§ 430.30, 430.70. On demurrer, the court reasonably interprets the challenged pleading, reading it as a whole and its parts in context; the court determines whether the complaint states facts sufficient to constitute a cause of action under the pertinent substantive law, and assumes the truth of all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law; in deciding whether to sustain a demurrer without leave to amend, the Court must consider whether a reasonable possibility exists that the defect can be cured by amendment. *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.

First Cause of Action: Dangerous Condition of Public Property

Defendant argues the first cause of action for dangerous condition of public property under Government Code § 835 fails to allege facts sufficient to support the cause of action. The court agrees.

“Under the Government Claims Act (Gov. Code, § 810 et seq.), a public entity can be held liable for either creating a dangerous condition on its property (§ 835(a)) or failing to protect against such a condition when the entity had notice of the danger and sufficient time to remedy the situation (§ 835(b).)” *Tansavatdi v. City of Rancho Palos Verdes* (2023) 14 Cal.5th 639, 648. Section 835(a) and (b) establish that:

Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury incurred, and that either (a) a negligent or wrongful act or omission of an employee of the public employee within the scope of his employer created the dangerous condition; or (b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.”

To establish liability under section 835, a plaintiff must show that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and either, pursuant to 835(a), a public employee negligently or wrongfully created the dangerous condition or, per section 835(b), the public entity had actual or constructive notice of the dangerous condition a sufficient time prior to the injury to have taken measures to protect against it. *Transvatdi, supra*, at 653. Therefore, section 835 authorizes two different forms of dangerous conditions liability based on negligence: an act or omission by a government actor that created the dangerous condition based on control (§ 835(a)); or alternatively, failure “to protect against” dangerous conditions of which the entity did not create but of which it had notice.

What distinguishes the two types of cases is not simply whether the public entity has notice of the dangerous condition. Instead, what distinguishes the two cases in practice is who created the dangerous condition. Because an entity must act through its employees, virtually all suits brought on account of dangerous

conditions created by the entity will be brought under subdivision (a). In contrast, subdivision (b) can also support suits based on dangerous conditions not created by the entity or its employees.

Brown v. Poway Unified School Dist. (1993) 4 Cal.4th 820, 836.

Plaintiff, as part of its pleading burden, must allege with specific facts the following to establish a dangerous condition of public property cause of action: 1) a dangerous condition of public property; 2) a proximate causal connection between the condition and the injury sustained; 3) a reasonably foreseeable risk that the kind of injury that occurred would result from the dangerous condition; and 4) the entity either created the condition or had actual notice or constructive notice of its existence, and there was sufficient time before the injury for it to have taken remedial action. *Mittenhuber v. City of Redondo Beach* (1983) 142 Cal.App.3d 1, 5; see *People ex rel. Dept. of Transportation v. Superior Court* (1992) 5 Cal.App.4th 1480, 1485-1486.

The fourth element requires plaintiff to demonstrate defendant was negligent either under section 835(a) where the entity created the condition, or section 835(b) where the danger was created by a third party, and the entity had actual or constructive notice of the dangerous condition with a reasonable time to correct. As explained above, there is a difference. Under section 835(a), plaintiff must show the public entity created the danger itself through an employee's affirmative act or omission to act; if so, the law assumes a public entity necessarily had notice of the dangerous condition it itself created. *Wise v. Los Angeles* (1935) 9 Cal.App.2d 364, 367. Thus, actual or constructive notice is not at issue. *Martinez v. City of Beverly Hills* (2021) 71 Cal.App.5th 508, 518-519. Actual or constructive notice is relevant only if a third party creates the danger on public property, per section 835(b). The complaint is silent about the basis of Defendants' negligence, meaning defendants cannot reasonably respond. The inadequate pleading prevents defendants from advancing certain defenses it would be able to raise depending on the theory of negligence advanced. *People Ex Rel Dept. of Transportation, supra*, 5 Cal.App.4th at p. 1486.

Additionally, plaintiff cannot rely on generalized allegations; rather, he must allege detailed facts to support each element of the dangerous condition on public property cause of action. For example, a dangerous condition is defined as a "condition of property that creates a substantial danger (as distinguished from a minor, trivial, or insignificant) of risk of injury when such property . . . is used with due care in manner in which it is reasonably foreseeable that it will be used." Gov. Code § 830 (a). While Plaintiff alleges the roadway where plaintiff fell off his motorcycle was in a dangerous condition at the time of the incident and there was a lack of safety measures and/or warnings of the dangerous condition, he fails to plead facts sufficient to inform defendant about the nature of the relationship between the condition of the road and the injuries suffered by plaintiff. See *Ex Rel Dept. of Transportation, supra*, 5 Cal.App.4th at 1486. Plaintiffs "have an obligation to give [the public entity] more information." *Ibid.*

At bar, Plaintiff merely alleges Mr. Dorigo was lawfully on the subject roadway and unable to foresee or prevent the impending injury; and that a dangerous condition existed at the roadway at the time Mr. Dorigo fell off his motorcycle including tight curves, zero shoulders, and no clear recovery. FAC, ¶¶ 8, 14, 19. However, plaintiff's perfunctory allegations fail to inform defendants what other factors, such as weather or time of day, were responsible for his fall.

Therefore, plaintiff fails to plead with specific facts the nature of the relationship between the condition of the roadway and the injuries suffered by plaintiff sufficient to show why the condition at issue is dangerous, why a proximate causal connection between the condition of the roadway and the injury sustained; and whether there was a reasonably foreseeable risk the kind of injury which occurred would result from the alleged dangerous condition.

Second Cause of Action: Negligence

Defendants argue the second cause of action for negligence fails because public entities and their employees cannot be held vicariously liable for a dangerous property condition. The court again agrees.

“Public entity liability for property defects is not governed by the general rule of vicarious liability provided in section 815.2.” *Van Kempen v. Hayward Area Park etc. Dist.* (1972) 23 Cal.App.3d 822, 825. “[P]ublic entity liability for property defects is not governed by the general rule of vicarious liability provided in section 815.2, but rather by the provisions in sections 830 to 835.4 of the Government Code. A public employee is not liable for injuries caused by a condition of public property where such condition exists because of any act or omission of such employee within the scope of his employee.” *Longfellow v. County of San Luis Obispo* (1983) 144 Cal.App.3d 379, 383. Because this is what plaintiffs allege in the cause of action at bar, “since the employee is immune, the public entity cannot be held liable for the acts of the employee and plaintiffs have no cause of action.” *Ibid.*

Leave to Amend

The burden is on the plaintiff “to articulate how it could amend its pleading to render it sufficient.” *Palm Springs Villas II Homeowners Assn., Inc. v. Parth* (2016) 248 Cal.App.4th 268, 290. To satisfy that burden, a plaintiff “must show in what manner he can amend his complaint and how that amendment will change the legal effect of his pleading.” *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 349. Plaintiff did not file an opposition to Defendants’ demurrer or other papers with the court to identify the facts that he could allege to cure the defects with his first and second causes of action. Thus, the court finds that Plaintiff has not met his burden to articulate how he could amend the FAC to render it sufficient against Defendants and therefore sustains the demurrer without leave to amend.

4. CU0001750 McKellar Tree Service & Logging, Inc. v. Blue Lead Gold Mining, LLC, et al.

Intervenor Red Dog Mining and Reclamation, LLC’s (“Red Dog”) motion to release property from Mechanic’s Lien is granted.

Request for Judicial Notice

Red Dog’s unopposed requests for judicial notice filed on January 16, 2026 are granted. Evid. Code § 452(d). McKellar Tree Service & Logging, Inc.’s (“McKellar”) requests for judicial notice are granted. Evid. Code § 452(d). Judicial notice is limited to the fact that the documents

were filed, but not of the truth of their contents. *Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 130, fn. 7.

Red Dog's requests for judicial notice on reply are denied. *Dominguez v. Bonta* (2022) 87 Cal.App.5th 389, 400 ("Courts can take judicial notice of the existence, content and authenticity of public records and other specified documents, but do not take judicial notice of the truth of the factual matters asserted in those documents"); *Gould v. Maryland Sound Industries, Inc.* (1995) 31 Cal.App.4th 1137, 1145 ("the existence of a contract between private parties cannot be established by judicial notice"); *Stevens v. Superior Court* (1999) 75 Cal.App.4th 594, 607-608 (materials prepared by private parties and merely on file with state agencies are not ordinarily not properly subject to judicial notice"); *Jolley v. Chase Home Finance, LLC* (2013) 213 Cal.App.4th 872, 889 (while judicial notice may be taken of the existence of government websites, "the same is not true of their factual content").

"Taking judicial notice of a document is not the same as accepting the truth of its contents or accepting a particular interpretation of its meaning." *Joslin v. H.A.S. Ins. Brokerage* (1986) 184 Cal.App.3d 369, 374.

Evidentiary Objection

McKellar has submitted an evidentiary objection to Statement 5 and the document attached as Exhibit B in the Declaration of Olaf Bleck. The objections are unnecessary. The court, when reviewing the evidence, is presumed to ignore material it knows is incompetent, irrelevant, or inadmissible. *In re Marriage of Davenport* (2011) 194 Cal.App.4th 1507, 1526. As such, the court declines to rule on the objection because it is aware of the rules of evidence, and how much weight, if any, should be given to the proposed evidence.

Legal Standard

A property owner may challenge a mechanic's lien or stop notice via motion. *Lambert v. Superior Court* (1991) 228 Cal.App.3rd 387. A *Lambert* motion to remove a mechanic's lien is recognized as a device that allows the property owner to obtain speedy relief from an unjustified lien, or a lien of an unjustified amount, without waiting for trial on the action to foreclose the lien. *Connolly Devel., Inc. v. Superior Court of Merced County* (1976) 17 Cal.3rd 803, 822-823; *Howard S. Wright Construction Co. v. Superior Court* (2003) 106 Cal.App.4th 314, 318 (*Howard*).

"The inquiry upon such motion is...limited to the 'probable validity' of the lien" and the burden is on the party opposing the motion – i.e., the claimant-plaintiff – to establish the probable validity of the underlying claim." *Howard, supra*, at 318-319. "The claimant-plaintiff must establish the probable validity of the claim by a preponderance of the evidence." *Id.* Pursuant to Code of Civil Procedure section 405.3, "probable validity" means "that it is more likely than not that the claimant will obtain a judgment against the defendant on the claim." Code Civ. Proc. § 405.3.

In deciding such a motion, "the question presented is not the ultimate merit of the contractor's claim but whether the contractor should be entitled to retain the security of the mechanic's lien or

stop notice pending resolution of the matter.” *Cal Sierra Construction, Inc. v. Comerica Bank* (2012) 206 Cal.App.4th 841, 850.

Discussion

Red Dog moves to release the mechanic’s lien on the basis that it is invalid because Plaintiff McKellar did not record the lien within the time allowed under Civil Code sections 8412(a) and/or 8414(a). The court agrees.

A direct contractor may not enforce a lien unless the contractor records a claim of lien after the contractor completes the direct contract, and before the earlier of the following times:

- (a) Ninety days after completion of the work of improvement.
- (b) Sixty days after the owner records a notice of completion or cessation.”

Civ. Code § 8412.

A claimant other than a direct contractor may not enforce a lien unless the claimant records a claim of lien within the following times:

- (a) After the claimant ceases to provide work.
- (b) Before the earlier following times:
 - (1) Ninety days after completion of the work of improvement.
 - (2) Thirty days after the owner records a notice of completion or cessation.

Civ. Code § 8414.

“[C]ompletion of a work of improvement occurs upon the occurrence of any of the following events: (1) Actual completion of the work of improvement.... (3) Cessation of labor for a continuous period of 60 days.” Civ. Code § 8180(a).

At bar, Plaintiff argues the mechanic’s lien was timely recorded because “the work was not completed as there was still 2.82 acres still to complete, as well as clearing/burning brush piles for the entire 73 acres” and a Timber Harvest Plan “has not been signed off as finished by the State.” Opp. 5:8-10, 5:14-16. This argument is not availing.

The Complaint states, “Plaintiff entered and executed a contract on or about November 24, 2022, with Defendant Enegix Mining Group (“EMG”) for logging operations at the Subject Property.” Red Dog, RJN, Exh. 1, ¶ 4. The Complaint adds the work “has not been completed due to lack of payment to Plaintiff for the work Plaintiff performed.” *Id.* Additionally, the Complaint states,

“Plaintiff has performed all obligations required of it pursuant to the agreement.” *Id.* at ¶ 10. In support of McKellar’s request for entry of default judgment, it filed a declaration stating that the contract “was entered into on or about October 4, 2022 between MTSL and Enegix Mining Group, LLP.... I...have personal knowledge that the work contracted for was completed in full on or about November 24, 2022.” Red Dog RJN, Exh. 2, McKellar Decl. ISO Default Judgment, ¶ 2. “MTSL performed and completed the contracted work on or about November 24, 2022.” *Id.* at ¶ 4. McKellar also filed a declaration in support of its request for default judgment stating, “Invoice No. 1130 was sent on or about the date of completion....” Red Dog RJN, Exh. 3, Ingraham Decl. ISO Default Judgment, ¶ 3. Invoice No. 1130 shows the last date of logging as 10/24/2022, and all subsequent fees are late fees. *Id.* at Exh. 2. “Invoice No. 1129 was sent on or about the date of completion....” *Id.* at ¶ 4. Invoice No. 1129 shows the date of logging as 11/24/2022, with all subsequent charges as late fees. *Id.* at Exh. 3.

The primary evidence for plaintiff’s opposition is the declaration of Doug McKellar, President and Chief Executive Officer for McKellar. He states the contract was to harvest 73 acres of timber from the property, but McKellar only completed 70.18 acres, leaving 2.82 acres to be cleared, consequently meaning the project has not been completed. McKellar Decl., ¶ 3. Such is insufficient to meet Plaintiff’s burden to establish the probable validity of the claim.

As asserted by Red Dog, completion of work occurs after labor ceases for a continuous 60 day period. Civ. Code § 8180(a). Plaintiff has provided no evidence that any work occurred after November 24, 2022 and the filing of the mechanic’s lien on October 7, 2024. Therefore, absent other evidence to the contrary, to be timely, a lien would have to have been filed within 150 days of November 24, 2022. Such did not occur.

The argument the project has not been completed, if successful, might assist Plaintiff in arguing the lien was timely made if its contention was that all work had been completed within 90 days prior to the recordation of the mechanic’s lien. However, its argument the project had not yet been completed even at the time of recordation of the lien would lead to the conclusion the lien was recorded prematurely and should still be expunged. Therefore, short of evidence there was ongoing work between November 24, 2022 and ninety days prior to the recording of the lien, Plaintiff has not established the probable validity of the claim underlying the lien.

Because the court finds the above sufficient basis to release the lien, it need not reach Red Dog’s other arguments regarding the validity of the lien.

5. CU0001842 Charles Eugene Murdock v. Jodi Michelle Andrews

Defendant Donald Leslie Ringen’s motion for stay of case pending conclusion of criminal case against Defendant Jodi Michelle Andrews is denied.

Legal Standard

Pursuant to Code of Civil Procedure § 128(a)(3), every court has the power to provide for the orderly conduct of proceedings, including the power to stay a civil action pending outcome of a related criminal case.

Courts recognize the dilemma faced by a Defendant who must choose between defending the civil litigation by providing testimony that may be incriminating on the one hand, and losing the case by asserting the constitutional right and remaining silent, on the other hand. At the same time, courts must also consider the interests of the Plaintiff in civil litigation where the Defendant is exposed to parallel criminal prosecution. Plaintiffs are entitled to an expeditious and fair resolution of their civil claims without being subjected to unwarranted surprise. Added to the mix, of course, is the interest of the Courts in fairly and expeditiously disposing of civil cases, and in efficiently utilizing judicial resources. Courts that are confronted with a civil Defendant who is exposed to criminal prosecution arising from the same facts weigh the parties' competing interests with a view toward accommodating the interests of both parties, if possible. One accommodation is to stay the civil proceeding until disposition of the related criminal prosecution. Another possibility is to... [preclude] a litigant who claims the constitutional privilege against self-incrimination in discovery from waiving the privilege and testifying at trial to matters upon which the privilege had been asserted."

Fuller v. Superior Court (2001) 87 Cal.App.4th 299, 305-307.

Analysis

At bar, the criminal action against Defendant Andrews involves the same incident that forms the basis for Plaintiff's complaint.

'There may be cases where the requirement that a criminal Defendant participate in a civil action, at peril of being denied some portion of his worldly goods, violates concepts of elementary fairness in view of the Defendant's position in an inter-related criminal prosecution. On the other hand, the fact that a man is indicted cannot give him a blank check to block all civil litigation on the same or related underlying subject matter. Justice is meted out in both civil and criminal litigation. The overall interest of the Courts that justice be done may very well require that the compensation and remedy due a civil Plaintiff should not be delayed (and possibly denied). The Court, in its sound discretion, must assess and balance the nature and substantiality of the injustices claimed on either side.'

[Citation.]

People v. Coleman (1975) 13 Cal.3d 867, 885.

Under circumstances where the silence of a Defendant is "constitutionally guaranteed, the Court should weigh the parties' competing interests with a view toward accommodating the interests of both parties, if possible." *Pacers, Inc. v. Superior Court* (1984) 162 Cal.App.3d 686, 690. "While accommodation in this regard is sometimes made to a Defendant in a civil action, it is done from the standpoint of fairness, not from any constitutional right. [Citation.] The self-incrimination privilege is not applicable to matters that will subject a witness to civil liability." *Blackburn v. Superior Court* (1993) 21 Cal.App.4th 414, 425-426 fn. 11.

“[C]ourts are [also] guided by the strong principle that any elapsed time other than that reasonably required for pleadings and discovery ‘is unacceptable and should be eliminated.’ [Citation.] Courts must control the pace of litigation, reduce delay, and maintain a current docket so as to enable the just, expeditious, and efficient resolution of cases. [Citation.]” *Fuller, supra*, 87 Cal.App.4th at 306-307.

Defendant Ringen argues any responses Defendant Andrews provides to Plaintiff’s allegations in this action could implicate Defendant Andrews’ Fifth Amendment right against self-incrimination in the parallel criminal action, and as such implicate Defendant Ringen’s rights as well. The court finds that the nature and substance of the interests and purported injustices claimed by Defendant Ringen and, conversely, Plaintiff, on balance weigh against granting a blanket stay of the proceedings.

The court notes that Defendant Andrews is not entitled to decide for herself whether the privilege against self-incrimination may be invoked.” *Fuller, supra*, 87 Cal.App.4th at 305. “ ‘Rather, this question is for the Court to decide after conducting “*a particularized inquiry, deciding, in connection with each specific area that the questioning party seeks to explore*, whether or not the privilege is well-founded.” [Citation.]’ [Citation.]” *Warford v. Medeiros* (1984) 160 Cal.App.3d 1035, 1045, original italics.

Relevant to the request for a blanket stay of the civil case, “a blanket refusal to testify is unacceptable; a person claiming the Fifth Amendment privilege must do so with specific reference to particular questions asked or other evidence sought. [O]nce this is done, the trial Court must undertake a particularized inquiry with respect to each specific claim of privilege to determine whether the claimant has sustained his burden of establishing that the testimony or other evidence sought might tend to incriminate him.” *Warford, supra*, 160 Cal.App.3d at 1045 fn. 8. At bar, the motion to stay fails to include any information or reasoned argument showing “1) the nature of the information sought to be disclosed, 2) implications derived from the question asked, 3) the nature and verifiability of any investigation or proceeding claimed to justify the fear of incrimination, or the possibility that any such investigation or proceeding may be commenced, 4) matters disclosed by counsel in argument on the claim of privilege, and 5) evidence previously admitted.” *Ibid*.

For example, the motion to stay includes no information or evidence showing the nature of any discovery propounded by Plaintiff on Defendants, or which discovery requests seek the disclosure of matters which may tend to incriminate Defendant Andrews. More, Defendant Ringen, and not Defendant Andrews brought the instant motion. Defendant Ringen fails to make the above connection in regards to which requests may tend to incriminate Defendant Andrews, and thus fails to make any showing of how such discovery would then incriminate Defendant Ringen.

The Court “must also consider the interests of the Plaintiff in civil litigation Plaintiffs are entitled to an expeditious and fair resolution of their civil claims without being subjected to unwarranted surprise. Among the myriad purposes of the civil discovery statutes is to safeguard against surprise and gamesmanship, and to prevent delay.” *Fuller, supra*, 87 Cal.App.4th at 306. Plaintiff, and the Court, have an interest resolving the claims alleged in this civil litigation in an

appropriate manner without unnecessary or unwarranted delay. For these reasons, the motion to stay is denied.

6. CU0002046 Glenn Kalaveras, et al. v. Kelly Purves

Plaintiffs' Glenn Kalaveras and Jessica Calderon's motion for order permitting substituted service on Defendant Kamaljit Takhar is denied as an order permitting substituted service is not a necessary prerequisite.

Code of Civil Procedure section 415.20(b) states:

If a copy of the summons and complaint cannot with reasonable diligence be personally delivered to the person to be served, as specified in Section 416.60, 416.70, 416.80, or 416.90, a summons may be served by leaving a copy of the summons and complaint at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a competent member of the household or a person apparently in charge of his or her office, place of business, or usual mailing address other than a United States Postal Service post office box, at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing.

Code Civ. Proc. § 415.20; *see id.* Comment for subd. (b) ("The papers must be left in the presence of a competent member of the household or a person apparently in charge of such business, as to case may be, who must be at least 18 years of age and be informed of the general nature of the papers. In addition, a copy of the papers thereafter must be mailed (by ordinary first-class mail, postage prepaid) to the person to be served at the place of delivery.").

7. CU0002207 Deborah J Carver v. Michael W. Horner

Plaintiff Deborah J. Carver's proposed settled statements for demurrer hearing 10-10-2025 and motion under CCP § 473 hearing 12-12-2026 are moot. The court entered its decision and order sustaining demurrer on October 16, 2025, entry of judgment on November 3, 2025, and order on motion to vacate judgment and disqualify counsel on December 12, 2025.

8. CU0002305 Christ, Jason v. Hannah, Jordan

9. CU0002304 Jason Christ v. Justis Barquilla

On the Court's motion, the hearing for these matters are continued until March 27, 2026 at 10:00 a.m. Judge Tice-Raskin issued tentative rulings prior to the March 6, 2026 hearing and, on March 9, 2026, continued the hearing at the request of Plaintiff to March 20, 2026. Judge Tice-Raskin is no longer available on March 20, 2026. The clerk shall give notice to all parties of the new hearing date.

10. CU22-086174 Michael Robert Pasner vs. Song Kowbel

On the Court's motion, the hearing for these matters are continued until March 27, 2026 at 10:00 a.m. Judge Tice-Raskin issued a tentative ruling prior to the previous hearing on February 6, 2026, and continued the hearing at the request of the parties to March 20, 2026. Judge Tice-Raskin is no longer available on March 20, 2026. The clerk shall give notice to all parties of the new hearing date.