

March 27, 2026, Civil Law & Motion Tentative Rulings

1. CU0001237 Peter Lindley vs. Regional Emergency Medical Services Auth., et al.

On the Court's motion, this matter is continued to March 27, 2026, at 1:00 p.m. The parties shall appear for argument limited to no more than 10 minutes per side.

2. CU0002209 Julli Conde vs. City of Nevada, et al.

Defendant Inn Town Development, LLC's motion to compel discovery is denied. Defendant's request for sanctions is granted in the amount of \$1,060.00.

Plaintiff filed untimely responses. As such, the motion to compel is denied as moot.

A court retains the authority to hear a motion to compel even after responses are served, as the court may still award sanctions in favor of the propounding party due to the responding party's failure to provide timely responses. *See Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409. At bar, Plaintiff failed to provide timely responses to the discovery requests, which forced Defendant to file the present motion to compel. No good cause or justification has been provided for Plaintiff's inaction. Defendant is entitled to sanctions for the cost of bringing the motion. The Court awards sanctions against Plaintiff in the amount of \$1,060.00 for reasonable attorney's fees in relation to the instant motion, payable by Plaintiff to Defendant within thirty (30) days of the hearing date.

3. CU0002355 Scott Baker vs. Tahoe Forest Hospital District

Defendant Tahoe Forest Hospital District's Demurrer to Plaintiff's complaint is sustained without leave to amend as to the second cause of action for breach of contract and the third cause of action for breach of the implied covenant of good faith and fair dealing.

Legal Standard

On demurrer, a court's function is limited to testing the legal sufficiency of the complaint. *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. The 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.

Contentions, deductions and conclusions of law, however, are not presumed as true. *Aubry v. Tri-City Hospital Dist.* (1992) 2 Cal.4th 962, 967. A plaintiff is not required to plead evidentiary facts supporting the allegation of ultimate facts; the pleading is adequate if it apprises the defendant of the factual basis for the plaintiff's claim. *Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6. A demurrer is not the appropriate procedure for determining the truth of disputed facts. *Fremont Indemnity Co.*, 148 Cal.App.4th at 113-14.

Second Cause of Action – Breach of Contract

Defendant argues that Plaintiff, an employee of a public entity, cannot state a cause of action for breach of his employment contract. The Court agrees.

It is well settled that public employment in California is held by statute, not by contract. *Miller v. California* (1977) 18 Cal.3d 808, 813. Thus, no public employee has a vested contractual right because the employee occupies a civil service position. *Id.* The statutory provisions control the terms and conditions of civil employment and “cannot be circumvented by purported contracts in conflict therewith.” *Id.* Whether in the civil service or not, public employees cannot state a cause of action for breach of contract. *Kim v. Regents of Univ. of Cal.* (2000) 80 Cal.App.4th 160, 164.

At bar, Plaintiff seeks remedies in the second cause of action due to a purported breach of a condition or term of his employment, namely notice. *See* Complaint ¶ 29. As such, the contract claim is barred under controlling law. Plaintiff argues he can maintain a cause of action as to other breaches of the employment agreement besides his termination or duration of employment, such as lack of notice. The Court is not persuaded. Indeed, Plaintiff fails to cite any specific authority establishing such a right. The court sustains the demurrer as to this cause of action.

Third Cause of Action – Breach of Implied Covenant of Good Faith and Fair Dealing

Defendant argues Plaintiff’s claim for breach of the implied covenant of good faith and fair dealing fails for the same reason; *i.e.*, no implied covenant of good faith and fair dealing exists because public employment is governed by statute, not contract. The Court again agrees.

The covenant of good faith is an implied term arising out of a contract itself. *Kim*, 80 Cal.App.4th at 164. “The existence of a contractual relationship is thus a prerequisite for any action for breach of the covenant.” *Id.* (plaintiff cannot state a cause of action for breach of implied covenant of good faith because her status as a public employee barred her contract claim).

At bar, as noted previously, Plaintiff, a public employee, cannot state a contract claim against Defendant. Moreover, Plaintiff fails to cite any authority to support his position that this claim is allowed for a breach distinct from his termination. The Court sustains the demurrer as to this cause of action.

Leave to Amend

Leave to amend must be allowed where there is a reasonable possibility of successful amendment. *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 348. The burden is on the plaintiff to show a court a pleading can be amended successfully. *Ibid.*

Plaintiff has failed to demonstrate a fair probability that he can cure the noted defects in his brief. On the current record, the demurrer is sustained without leave to amend.

4. CU0002414 California Fair Plan Association vs. James R. Kropp

Defendant Kropp's demurrer to Plaintiff's complaint is sustained with leave to amend. Plaintiff shall file and serve its amended complaint within 10 days of service of the order after hearing.

Legal Standard

On demurrer, a court's function is limited to testing the legal sufficiency of the complaint. *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. The 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.

Contentions, deductions and conclusions of law, however, are not presumed as true. *Aubry v. Tri-City Hospital Dist.* (1992) 2 Cal.4th 962, 967. A plaintiff is not required to plead evidentiary facts supporting the allegation of ultimate facts; the pleading is adequate if it apprises the defendant of the factual basis for the plaintiff's claim. *Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6. A demurrer is not the appropriate procedure for determining the truth of disputed facts. *Fremont Indemnity Co.*, 148 Cal.App.4th at 113-14.

First Cause of Action – Negligence

Defendant argues the complaint fails to allege *how* Defendant caused the fire at issue. The Court agrees.

The elements of a negligence cause of action are: (1) duty, (2) breach of duty; (3) proximate cause; and (4) damages. *Predia v. HR Mobile Services, Inc.* (2018) 25 Cal.App.5th 680, 687. A breach is the failure to meet the standard of care, and the element of causation requires there be a connection between the defendant's breach and the plaintiff's injury. *Coyle v. Historic Mission Inn Corp.* (2018) 24 Cal.App.5th 627, 643.

At bar, the Complaint alleges: a children's ride-on car normally charged in the *northern* quadrant of the garage, using an extension cord plugged into a duplex receptacle *northeast* of the dryer, Complaint 7:1-4 (emphasis added); the extension cord was wrapped on the floor near a pile of Christmas lights in the same quadrant of the garage, Complaint 7:6-8; investigators observed that the upper portion of the duplex receptacle had a white appearance consistent with a power cord having been plugged into it at the time of the fire, but it is unclear which power cord was plugged in, Complaint 7:21-8:2; investigators also observed another overhead receptacle arrangement powered by a yellow extension cord in the *northwestern* wall of the garage, but it is unclear who installed such, Complaint 8:8-22 (emphasis added); the investigation concluded that the area of origin of the fire was on or near the *western* quadrant of the garage, Complaint 9:11-13 (emphasis added); the data gathered determined the initial ignition or heat source of the fire remains unresolved, Complaint 9:16-18; *potential* ignition sources include the lithium-ion or lithium polymer batteries from the car, Complaint 9:21-24 (emphasis added); *potential* fuel sources include the plastic components of the kids car; Complaint 9:27-28 (emphasis added); the

ignition sequence *hypotheses* are either the fire resulted from failure of the car battery generating increased heat until plastic components or other combustible materials reached ignition temperatures, Complaint 10:5-8 (emphasis added); or, “actions of a known or unknown person” using an unidentified ignition source which came into contact with combustible materials, Complaint 10:9-12.

Plaintiff argues the above facts are sufficient to allege Defendant’s breach of duty. The Court is not persuaded. The allegations in the Complaint allege the child’s car and charger was located in the northern quadrant of the garage, and the fire originated in the western quadrant of the garage. The Complaint also states the lithium batteries *could* be the source of the fire, among other things. The Complaint does not explain how Defendant engaged in any wrongful conduct in connection with these batteries or otherwise. Moreover, the allegations in the Complaint make no connection between the findings of the investigation and Defendant’s actions or failure to act, only stating “ [t]he starting of a fire at a property ordinarily does not occur unless there is negligence.” Complaint 11:8-9. Plaintiff has failed to sufficiently allege Defendant’s negligence caused the fire. The demurrer as to the first cause of action is sustained.

Second Cause of Action – Breach of Contract

Defendant argues the Complaint fails to state facts sufficient to constitute a cause of action for breach of contract. The Court agrees.

To state a claim for breach of contract, a plaintiff must allege: (1) the existence of the contract, (2) plaintiff’s performance or excuse for nonperformance, (3) defendant’s breach, and (4) the resulting damages to the plaintiff. *D’Arrigo Bros. of California v. United Farmworkers of America* (2014) 224 Cal.App.4th 790, 800.

The Complaint alleges the damage to the subject rental property occurred because Defendant failed to keep the property and its fixtures in good working order as required by the contract/lease, and so breached the contract. Complaint 13:21-25. As discussed above, the Complaint fails to allege *how* Defendant failed to maintain the property in a safe and reasonable manner.

Subsection 33 of the lease required Defendant to carry his own renter’s insurance. There are no allegations in the Complaint that Defendant had not obtained insurance; rather it is alleged that Defendant did not force his insurance carrier to pay the claim. Plaintiff has failed to demonstrate how the latter situation, refusal of the carrier to cover the claim, constitutes a breach of the lease by Defendant. The demurrer as to the second cause of action is sustained.

Leave to Amend

Leave to amend must be allowed where there is a reasonable possibility of successful amendment. *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 348. The burden is on the plaintiff to show a court a pleading can be amended successfully. *Ibid.*

At bar, Plaintiff asserts it can amend the complaint with additional detail. In light of that representation, leave to amend is granted.

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.

'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.

Analysis

This case arises from a rear-end collision on October 28, 2024. Defendant Andrews was operating a 2007 Toyota Tundra owned by Defendant Ringen when she allegedly struck the rear of Plaintiff Murdock’s vehicle. Andrews faces felony DUI charges in *People v. Andrews*, Nevada County Case No. CR0005948.

In support of his request for a complete stay, 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, “Ringen is hamstrung in any effort to defend himself.” The Court is not persuaded.

The court notes that Defendant Andrews is not entitled to decide for herself whether the privilege against self-incrimination may be invoked.” *Fuller*, 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). “[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*, 160 Cal.App.3d at 1045, fn. 8.

At bar, *Defendant Ringen*, not Defendant Andrews brought the instant motion. Defendant Andrews, not Defendant Ringen, holds the Fifth Amendment privilege. The motion to stay includes no information or reasoned argument showing the nature of any discovery propounded by Plaintiff on Defendants, which discovery requests in particular seek the disclosure of matters which may tend to incriminate Defendant Andrews, how Defendant Andrews will choose to address any such requests, and importantly, how any such requests would impact the interests of Defendant Ringen or impede his ability to defend himself.

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. Moreover, all parties, and the Court, have an interest resolving the claims alleged in this

civil litigation in an appropriate manner without unnecessary or unwarranted delay. Such is particularly true given the representations made by Plaintiff as to his age and health.

For these reasons, the motion to stay is denied. The parties remain free to file appropriate motions should they believe that discovery is improperly being propounded or withheld.

6. CU0002305 Jason Christ v. Jordan Hannah

Judge Tice-Raskin issued a tentative ruling prior to the March 6, 2026 hearing. It is restated, in relevant part, here.

Plaintiff's December 8, 2025, motion to strike the answer and cross-complaint is denied.

Defendant urges the Court to deny the motion because no supporting memorandum of points and authorities was filed by Plaintiff. The Court agrees.

Cal. Rules of Court, rule 3.113 "requires motions to be supported by memoranda containing 'a statement of facts, a concise statement of the law, evidence and arguments relied on, and a discussion of the statutes, cases, and textbooks cited in support of the position advanced,'" and provides that a motion's failure to provide such a memorandum can be construed "as an admission that the motion ... is not meritorious...." *Quantum Cooking Concepts, Inc. v. LV Associates, Inc.* (2011) 197 Cal.App.4th 927, 931, quoting Rule 3.1113(b) & (a). "Rule 3.1113 rests on a policy-based allocation of resources, preventing the trial court from being cast as a tacit advocate for the moving party's theories by freeing it from any obligation to comb the record and the law for factual and legal support that a party has failed to identify or provide." *Id.* at 934.

Accordingly, the motion is denied.

7. CU0002304 Jason Christ v. Justis Barquilla

Judge Tice-Raskin issued a tentative ruling prior to the March 6, 2026 hearing. It is restated, in relevant part, here.

The December 5, 2025, motion of Defendant Nationstar Mortgage LLC and America West Lender Services LLC to strike Plaintiff's first amended complaint ("FAC") is granted. Plaintiff's complaint filed on August 7, 2025 shall proceed as the operative complaint in this matter.

Defendants assert Plaintiff's FAC was not filed in conformity with the laws of the state and should be stricken. The Court agrees.

"Ordinarily, an amended complaint may be filed without leave of court only before responsive pleadings are filed." *Woo v. Superior Court* (1999) 75 Cal.App.4th 169, 175, citing Code of Civ. Proc. § 472. "After the responsive pleadings are filed an amendment to a complaint ... requires leave of court." *Ibid.*, citing Code of Civ. Proc. § 473 (a).

Here, Plaintiff filed the FAC without leave of the Court after Defendants had answered the initial complaint. As such, it was not filed in conformity with the Rules of Procedure and is subject to striking under Code of Civil Procedure section 436(b). See *Ferraro v. Camarlinghi* (2008) 161 Cal.App.4th 509, 528 (“This provision is commonly invoked to challenge pleadings filed in violation of a ... requirement of prior leave of court.”)

Plaintiff has not opposed the motion and has made no showing that she had authority to file the FAC. The Court is aware that during the meet and confer process Plaintiff suggested the FAC filed on November 21, 2025 “was submitted pursuant to ... judicial authorization” permitted to correct the defect of being unverified. Chaffin Decl., Exh. A, pg. 2. In the court’s November 14, 2025 order denying Plaintiff’s request for preliminary injunction, the court held, “[t]he verified complaint, in fact, does not include a verification; it is not considered as evidence.... To the extent that Plaintiff seeks other relief, she must file and notice an appropriate motion for the same.” Nov. 14, 2025 Order, 2:5-10. That order did not, in any way, authorize Plaintiff to file a FAC after Defendant filed an answer.

Defendants’ motion to strike is granted.

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

Judge Tice-Raskin issued a tentative ruling prior to the February 6, 2026 hearing. It is restated here.

Petitioner Michael Pasner’s motion for attorneys’ fees and costs is granted.

Code of Civil Procedure section 527.6(s) provides, “The prevailing party in an action brought pursuant to this section [for a civil harassment order] may be awarded court costs and attorney’s fees, if any.” “The recovery of attorney fees under subdivision (s) of section 527.6 is committed to the trial court’s discretion. ... The Legislature’s use of the word “may” plainly indicates the issues of *whether to award any fees and, if awarded, the amount recovered* are committed to the trial court’s discretion. *Wash v. Banda-Wash* (2025) 108 Cal.App.5th 561, 568 (italics added), *citing Krug v. Maschmeier* (2009) 172 Cal.App.4th 796, 802.

Courts utilize Code of Civil Procedure section 1032 as guidance for determining who is the prevailing party for purposes of section 527.6. *Elster v. Friedman* (1989) 211 Cal. App. 3d 1439, 1443.

Code of Civil Procedure section 1032 . . . states in part: "(a) ... (4) 'Prevailing party' includes the party with a net monetary recovery, a defendant in whose favor a dismissal is entered, a defendant where neither plaintiff nor defendant obtains any relief, and a defendant as against those plaintiffs who do not recover any relief against that defendant. *When any party recovers other than monetary relief and in situations other than as specified, the 'prevailing party' shall be as determined by the court*

Ibid. (italics added).

In the case at bar, there is no dispute Petitioner is the prevailing party. Respondent requested to renew the restraining order against Petitioner which request was denied after a full evidentiary hearing on October 24, 2024. As prevailing party, Petitioner now moves for an order of attorney's fees and costs. He notes that the fees were necessarily incurred and further notes that he is an individual of limited means, *i.e.*, monthly income of \$2,418.00. In opposition, Respondent does not challenge the amount of fees requested, the hourly rate, or the number of hours spent by Petitioner's counsel. Rather, Respondent asserts she has limited monthly income of \$1,381.00. She argues that that fees must be reasonable and proportionate to the circumstances of the case and financial condition of the parties, and, in determining reasonableness, the Court should consider the financial hardship such an award would impose on her.

“It is well established that the determination of what constitutes reasonable attorney fees is committed to the discretion of the trial court [Citations.] The value of legal services performed in a case is a matter in which the trial court has its own expertise. [Citation.] The trial court may make its own determination of the value of the services contrary to, or without the necessity for, expert testimony. [Citations.] The trial court makes its determination after consideration of a number of factors, including the nature of the litigation, its difficulty, the amount involved, the skill required in its handling, the skill employed, the attention given, the success or failure, and other circumstances in the case.”

PLCM Group v. Drexler (2000) 22 Cal.4th 1084, 1096 (quotations omitted).

At bar, in the exercise of its discretion and based on the totality of the circumstances (including the parties' reported respective financial conditions), the Court awards reasonable attorney's fees to Petitioner in the aggregate amount of \$5,250.00 (the equivalent of 15 hours of work at a rate of \$350/hour.)