

July 13, 2026 Truckee Civil Law & Motion Tentative Rulings

1. CL0001017 American Express National Bank vs. Xavier R. Jimenez

Appearance required by Plaintiff to provide evidence as to how the request for costs has been calculated. The Court requests counsel for Plaintiff submit a declaration re costs in advance of the hearing. The Court is inclined to grant Plaintiff's motion with the additional information submitted under penalty of perjury.

2. CL0003437 Capital One, N.A. successor by merger to Discover Bank vs. Michelle Mattingly

No appearances required. On the Court's own motion and in light of the Declaration filed by counsel for Plaintiff, the Court continues the OSC re Dismissal to September 18, 2026 at 1:30 p.m. in Dept. A. Plaintiff shall file a proof of service, an application to serve by publication (if deemed appropriate), or a request for dismissal of defendant in advance of the continued order to show cause date. The Court is disinclined to provide further continuances absent continued good faith and diligent efforts to serve.

3. CL0003717 Crown Asset Management, LLC vs. Steven Christopherson

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendant despite the fact this case has been pending for over five (5) months. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for September 18, 2026 at 11:00 a.m.

4. CL0003782 JP Morgan Chase Bank vs. Jessica DeAragon

No appearances required. On the Court's own motion and in light of the proof of service filed on June 26, 2026, the OSC re Dismissal is hereby dismissed.

5. CU0000485 Jennifer Hicks, et al vs. Sonia Sokolow, et al.

Defendant Sonia Sokolow's Motion for Set Aside of Default (Amended) is DENIED.

Defendant filed her motion on May 5, 2026 seeking set aside of entry of default issued on January 15, 2025. Subsequently, Defendant filed an Amended Motion to Set Aside on June 22, 2026 ("Motion"). There is no proof of service evidencing the amended motion was ever served on Plaintiffs, Jennifer Hicks and David Silber. However, on the same date the amended motion was filed, Plaintiffs filed their Opposition to Defendant's Motion. In their opposition, Defendants clearly address the issues raised in the amended motion as opposed to the original motion. Moreover, Defendants do not object to the timeliness of the filing and/or any presumed service of the amended motion. Accordingly, the Court will consider the Amended Motion filed

by Defendant Sokolow on June 22, 2026 as the evidence is such Plaintiffs received actual notice of the amended filing and waived any issue of timeliness by failing to object.

In her Motion, Defendant seeks relief from default pursuant to Code of Civil Procedure section 473(b) and/or the Court's inherent equitable authority, the public policy favoring resolution of actions on their merits, and the "doctrines of attorney abandonment and extrinsic mistake." See, Motion, Pg. 1, ll. 24-27.

Code of Civil Procedure section 473(b) provides in pertinent part:

"The court may, upon any terms as may be just, relieve a party or the party's legal representative from a judgment, dismissal, order, or other proceeding taken against the party through the party's mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken."

Here, Defendant Sokolow's default was taken on January 15, 2025, approximately sixteen (16) months prior to the filing of her Motion. Thus, CCP section 473.5(b) is inapplicable here. Moreover, the Motion fails to include a copy of an answer or other responsive pleading proposed to be filed. Accordingly, even if brought within the requisite six (6) months, the Motion fails on this ground. (The Court notes the Motion fails on this ground under Code of Civil Procedure section 473.5(b) as well – a code section relied upon in Defendant's original motion.)

Next, Defendant seeks relief asserting she reasonably believed she was represented by counsel at the time her "Answer to Plaintiffs' Second Amended Complaint" was due. A review of the docket in this matter evidences Defendant Sokolow was personally served with the Second Amended Complaint on July 3, 2024 making her answer or other responsive pleading due within thirty (30) days from that date of service. Although not explained by Defendant, she and the email exhibit submitted asserts her first responsive pleading to the Second Amended Complaint was due on October 30, 2024. It appears an extension to respond was provided by Plaintiffs to Defendants insurance company attorney. It appears, no further extension was provided.

Moreover, Defendant asserts and provides documentary evidence of the fact her insurance company clearly informed her, as of October, 30, 2024, they were not providing her a defense. More importantly, Sara Woods from the law firm of Tyson & Mendes, clearly indicated to Defendant they no longer represented her, and she needed to "move quickly as plaintiffs can file a request for entry of default against you." See, Exhibit A to Motion. The assertion by Defendant a motion to be relieved or substitution of attorney should have been filed is perplexing. First, having never made a formal appearance in the case, counsel was never of record for Defendant. Further, in her email, Ms. Woods recommends Defendant "immediately retain counsel to represent you in this matter." Id. It is also notable, Defendant merely asserts "Before October 30, 2024..." she was not aware of any substitution of attorney or motion to be relieved having been filed. See, Declaration of Defendant, Pg. 9 of Motion, ll. 27-28. Such assertion in no way addresses the remaining two and a half months that went by prior to entry of default.

Defendant's assertion she was unable to file a responsive pleading on October 30, 2024 due to the last minute notification her insurance company was no longer going to defend her misses the issue and the applicable law. Default was not taken because Defendant failed to file a responsive pleading by October 30, 2024. Defendant's default entered on January 15, 2025, because no responsive pleading had been filed by her by that, much later, date.

Next, Defendant asserts she did not understand the "legal significance of the October 30, 2024 email until Matthew Baker later helped me organize and review my case materials." See, Declaration, Pg. 10 of Motion, ll. 14-15. However, Defendant wholly fails to indicate when that occurred.

The Court notes Defendant has continuously appeared on various court dates and filed or sought to file multiple pleadings in this matter long after her default was taken. On November 20, 2025, Defendant was served with a court order confirming her default status and vacating trial and related dates due to there being no named defendants who had not been defaulted or dismissed. She has also been served with various pleadings in this matter continuously since her default was taken. She has filed for disability accommodations on multiple occasions. She has filed pleadings in relation to the setting of a default prove up hearing. She has filed a motion to change venue, motion for continuance, and other substantive pleadings. In her pleadings, Defendant cites statutory and case law evidencing her ability to file comprehensive pleadings. She has appeared remotely on multiple occasions. Defendant has asserted she requires remote appearance accommodation absent reasonable advance notice, and has been granted the ability to appear remotely at all times in this matter. Notably, even when Defendant has what one would consider "well in advance" notice, she still appears remotely often with unreliable internet connectivity. As recently as January 12, 2026, Defendant was made aware Plaintiffs were seeking to have a prove up hearing. Despite her multiple appearances and filings, Defendant has failed to seek relief from default until now. In addition, this matter has been set for prove up hearing since December of 2025 yet, for various reasons including the Court's desire to provide Defendant adequate notice should she wish to appear in person, such hearing is yet to occur. Finally, the Court reminded Defendant of her default status in the spring of 2025 and has recommended she seek the assistance of the Court's self-help center or otherwise hire an attorney. To the Court's knowledge, Defendant has declined to do either of these things.

Here, Defendant asserts the Court should use its equitable power to set aside default, because she was denied a meaningful opportunity to defend against this action before her default was taken and/or based on California's public policy favoring resolving cases on their merits.

"Certainly it is true that a policy of the law favors deciding cases on their merits, but other policies favor getting cases to trial on time, avoiding unnecessary and prejudicial delay, and preventing litigants from playing fast and loose with the pertinent legal rules and procedures." *Gardner v. Superior Court* (1986) 182 Cal.App.3d 335, 339. While *Gardner* dealt with a Code of Civil Procedure section 473 request, the commentary is apt to consider in relation to any request for relief from entry of default.

At bar, a default judgment has not yet entered in this matter which would favor denial of set aside based on the policy favoring finality of judgments absent exceptional circumstances. *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 981-982. However, it is also true Defendant has

failed to show a satisfactory excuse for failing to file an answer or other responsive pleading in the two and a half months from being notified she was at risk of entry of default and the actual entry of her default. Defendant fails to explain why she did not heed the advice of former counsel and “act quickly”. The Court further finds there was no reasonable mistake leading Defendant to believe she did not need to respond timely. Finally, Defendant has failed to show she has even now prepared a responsive pleading despite seeking relief under a statute requiring such be done.

Further, the Court takes judicial notice of the fact Defendant is presently and has recently (in 2025 and 2026) been involved in several litigation matters in this very court as a self-represented plaintiff. See, for example, Nevada County Superior Court Case Nos. CL0003700; CL0003255; CU0001796. There are additional active cases pending involving Defendant, as well as multiple cases which have resolved via judgment being taken in the past year. See, for example, Nevada County Superior Court Case Nos. CU0002159 and CL0002834. This fact provides further evidence in support of absence of mistake, excusable neglect or other circumstances which would warrant equitable relief. See also, *McClain v. Kissler* (2019) 39 Cal.App.5th 399.

Defendant had two and a half months to obtain counsel and/or file a responsive pleading or otherwise seek additional time to respond as a self-represented litigant. There is no evidence she attempted to do either of these things. She also had approximately sixteen (16) months to seek set aside of the default, yet, despite multiple filings and appearances in this and many other cases, she failed to do so. There is no evidence of attorney misconduct or abandonment resulting in entry of default here. Had Defendant’s default been taken in November of 2025, such an argument might hold water. Yet, at this late date, it simply does not. The Court notes, at the time of default, Defendant clearly was not represented by counsel making the requirement for advance notice to counsel inapplicable. In sum, although she makes a blanket assertion of extrinsic fraud and attorney abandonment, Defendant fails to provide actual evidentiary facts which would support granting relief on either of these theories.

It is undisputed California law favors deciding cases on their merits. However, such preference is not unchecked, and, ultimately, the Court must exercise its discretion in whether to grant such equitable relief. Here, the Court finds Defendant has failed to show good cause as to why the Court should exercise its inherent power to grant equitable relief from entry of a default entered approximately sixteen (16) months ago.

Accordingly, Defendant’s Motion to Set Aside or otherwise vacate the entry of default occurring on January 15, 2025 is hereby denied.

6.CU0001445 James B. House vs. Gregory Atchley, et al.

No appearances required. On the Court's own motion, the Motion to Quash filed by subpoenaed party Corey Birnberg on May 26, 2026 is continued to July 27, 2026 such that it may be heard contemporaneously with the Motion to Compel compliance with the very same subpoena.

7. CU0002605 Maria Cota, et al. v. State of California, et al.

On the Court's own motion and in light of the Declaration of counsel filed on June 30, 2026 evidencing continued diligence in relation to service on all named Defendants, the Court continues the OSC to September 18, 2026 at 1:30 p.m.

8. CU0002702 BlueStar Construction, LLC vs. Bruce Lecuyer, et al.

Defendant/Cross-Complainants' unopposed Motion to Reclassify this matter as a limited civil action is GRANTED. The Court grants the requests for judicial notice of the Complaint filed on March 10, 2026 and the Answer filed on May 1, 2026 noting the existence and allegations though not the truth of the matters asserted. The Court denies the request to take judicial notice of the Cross-Complaint filed on May 1, 2026 as an amended Cross-Complaint has since been filed making the pleading filed on May 1, 2026 moot. The Court notes, in reclassifying this matter as a limited civil action, the case number will not change, but the jurisdictional limits imposed will be those set forth in CCP sections 85 and 86 for a limited civil action. In reclassifying the case, the Court finds this case has been improperly classified based on the amounts alleged owing in the Complaint, and, to the extent Cross-Complainants (who seek an unspecified amount of damages, costs and fees) have willingly subjected their cross-claims to the jurisdictional limits for a limited civil action. Moreover, the Court finds good cause exists for allowing the motion to proceed despite the fact it was filed after Defendants' time to respond to the Complaint in this matter. See, CCP section 403.040(b). In reclassifying from an unlimited civil filing to a limited civil filing, no reclassification fee is due.

9. CU0002800 In Re Oziel Lopez

The Court grants the name change request finding notice has been given as required by law and good cause exists to do so. No objections have been received. No appearance is required by Petitioner.