**August 24, 2026 Truckee Civil Law & Motion Tentative Rulings**

**1. CL0003956 Citibank, N.A. vs. Sonia Morales Cruz**

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 almost 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 November 20, 2026 at 11:00 a.m.

**2. CL0003991 Wells Fargo Bank, N.A. vs. Phyllis Carr, an individual**

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 almost five (5) months. The Court notes, while there are two Affidavits of Unsuccessful Service on file, they both reflect only three service attempts in May 2026 with no additional information regarding efforts to locate and serve Defendant Carr in over four 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 December 18, 2026 at 11:00 a.m.

**3. CU0002725 Bestor, Amanda v. Mueller, Robert et al**

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 Defendants despite the fact this case has been pending for almost 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 Case Management Conference date set for December 18, 2026 at 9:00 a.m.

**4. CU0002780 Juan Carlos vs. KELLY BROTHERS PAINTING, INC., a California corporation et al**

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 Defendants despite the fact this case has been pending for almost four (4) 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 Case Management Conference date set for September 18, 2026 at 9:00 a.m.

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

On the Court’s motion, the hearing on Defendant’s motion to quash service of summons and compliant and request for dismissal is continued to Monday, September 28, 2026, at 1:30 p.m. in Department A. The proof of service of the motion is insufficient, as described below. Therefore, Defendant will need to re-notice the matter for hearing.

The proof of service included in Defendant's motion is undated, signed with Defendant's /s/, and indicates service to "info@gurstel.com via the court's electronic filing system." On July 22, 2026, the Court issued a notice of rejection of the Notice of Service, stating the papers do not comply with California Rules of Court 2.100 et seq, and that signatures must be original or comply with the requirements for facsimile filing. Thus, Defendant's proof of service is deficient in that it was undated, it indicates service to an email address not listed on Plaintiff's complaint, and does not include an original signature or comply with the requirements for facsimile filing.

**6. CU0002183 Adventure Resort Marketing, LLC, (ARM) et al vs. B & W Resorts, Inc., dba Harmony Ridge Resort et al**

Plaintiffs' unopposed motion to compel Defendants B&W Resorts, Inc. and Sinor, Sr.'s responses and further responses to special interrogatories and form interrogatories; and further responses to requests for admissions are granted. Defendants are ordered to serve code-compliant further verified responses to Form Interrogatory No. 4.1; Special Interrogatories Nos. 1, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 34, 35, 36, 38, 40, 43, 45, 47, and 52; and Requests for Admission Nos. 3, 3*, 4, 5, 6, 10, 11, 23, 24, 25, 32, 33, 34, 37, 40, 41, 42, 43, 44, 45, 46, 53, 54, and 55 within 30 days of the date of this order. The Court awards Plaintiffs sanctions in the amount of $2,160.00 within 30 days of the date of this order.

Form Interrogatories

Legal Standard

Under Code of Civil Procedure section 2030.300(a), a court may order a party to serve a further response to an interrogatory when the court finds that: "(1) An answer to a particular interrogatory is evasive or incomplete[;] (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate[; or] (3) An objection to an interrogatory is without merit or too general."

Upon receipt of a response, the propounding party may move to compel further response if it deems that an answer to a particular interrogatory is evasive or incomplete, an exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate, or an objection to an interrogatory is without merit or too general. CCP §2030.300(a). Any motion to compel further answers to interrogatories must be filed within 45 days of receipt of response unless the parties agree to extend the time in writing. CCP § 2030.300 (c). When such a motion is filed, the Court must determine whether responses are sufficient under the Code and the burden is on the responding party to justify any objections made and/or its failure to fully answer the interrogatories. *Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220-21; *Fairmont Ins. Co. v. Sup. Ct.* (2000) 22 Cal.4th 245, 255.

Analysis

Form Interrogatory ("FI") No. 4.1 asks for information relating to the existence of insurance coverage for the damages, claims, or actions arising out of the incidents in the complaint.

Defendants' only response was an objection the term "incident" is vague and ambiguous, and responding only to the "breach of contract" cause of action with the response, "No." Pltf. Sep. St. re Interrogatories, 3:1-5.

Thus, Defendants only provide a response related to the breach of contract cause of action, and fails to provide a response to the defamation cause of action. Defendants have also failed to provide verifications to their responses. Therefore, Plaintiffs' motion to compel a further, verified response to FI No. 4.1 is granted.

Special Interrogatories

Legal Standard

Under Code of Civil Procedure section 2030.300(a), a court may order a party to serve a further response to an interrogatory when the court finds that: "(1) An answer to a particular interrogatory is evasive or incomplete[;] (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate[; or] (3) An objection to an interrogatory is without merit or too general."

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The scope of discovery is one of reason, logic and common sense. *Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612. The right to discovery is generally liberally construed. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 540. "California law provides parties with expansive discovery rights." *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. Specifically, the Code provides, "any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." Code Civ. Proc. § 2017.010; see also *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 712, fn. 8 ("For discovery purposes, information is relevant if it 'might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement…"). "Admissibility is not the test and information unless privileged, is discoverable if it might reasonably lead to admissible evidence." *Id*. "These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases." *Id*.

Good cause can be met through showing specific facts of the case and the relevance of the requested information. A*ssociated Brewers Distributing Co. v. Superior Court of Los Angeles County* (1967) 65 Cal.2d 583, 586–587. "(T)he good cause which must be shown should be such that will satisfy an impartial tribunal that the request may be granted without abuse of the inherent rights of the adversary. There is no requirement, or necessity, for a further showing." *Greyhound Corp. v. Superior Court In and For Merced County* (1961) 56 Cal.2d 355, 388. As the right to discovery is liberally construed, so too is good cause. *Id*. at 377-378. Generally, failure to assert a discovery objection in a response waives that objection later. *Stadish v. Superior Court* (1999) 71 Cal.App.4th 1130, 1140. "When discovery requests are grossly overbroad on their face, and hence do not appear reasonably related to a legitimate discovery need, a reasonable inference can be drawn of an intent to harass and improperly burden." *Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, 431.

<u>Analysis</u>

The Court notes the motion is unopposed.

Special Interrogatories ("SIs") Nos. 1, 8, 9, 11, 12, 13, 14, 15, 16, 17, and 18 seek facts supporting defendants' affirmative defenses. The responses only refer to the sufficiency of the complaint without reference to any facts. Therefore, a further response is required.

SI Nos. 43 and 45 also improperly limit Defendants responses to a one-year period. A further response is required.

SI Nos. 34, 35, 36, 38, 40, and 52 seek identification of persons and documents supporting Defendants' contentions. Defendants' responses state they "will supply names", "will identify" persons, or refer to an unidentified document. Such does not sufficiently specify the information Defendants are discussing. Further responses are required.

SI No. 47 seeks identification of all third-party marketing companies hired by Defendant B&W Resorts from 2010 to 2023. Defendants object to the interrogatory as being vague, ambiguous, and unintelligible. The Court disagrees with the contention. The terms of "third-party", "marketing companies", and "hired by" are unambiguous and intelligible enough to allow Defendants to provide a further response.

<u>Requests for Admission</u>

<u>Legal Standard</u>

Code of Civil Procedure § 2033.010 provides that "[a]ny party may obtain discovery ... by a written request that any other party to the action admit ... the truth of specified matters of fact, opinion relating to fact, or application of law to fact" relating to any "matter that is in controversy between the parties." Each response to a request for admission "shall be as complete and straightforward as the information reasonably available to the responding party permits" and must either object or answer, in writing and under oath, with an admission of so much of the matter as is true; a denial of so much of the matter as is untrue; or a specification of so much of the matter as the responding party is unable to admit or deny based on insufficient knowledge or information. Code Civ. Proc.

§§2033.210(a)-(b), 2033.220. "If a responding party gives lack of information or knowledge as a reason for a failure to admit all or part of a request for admission, that party shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter." Code Civ. Proc. § 2033.220(c). "If only a part of a request for admission is objectionable, the remainder of the request shall be answered" and if an objection is made to a request or part thereof, "the specific ground for the objection shall be set forth clearly in the response." Code Civ. Proc. §2033.230.

Upon receipt of a response, a requesting party may move for a further response if it determines that an answer to a particular request "is evasive or incomplete" or if an objection to a particular request "is without merit or too general." Code Civ. Proc.§ 2033.290(a). "California law provides parties with expansive discovery rights." *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. Specifically, the Code provides that "any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." Code Civ. Proc. § 2017.010; see also, *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 712, fn. 8. "For discovery purposes, information is relevant if it 'might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement…" See *Lopez, supra*, 246 Cal.App.4th at 590-591, citing *Garamendi, supra*, 116 Cal.App.4th at 712, fn. 8. "Admissibility is not the test and information[,] unless privileged, is discoverable if it might reasonably lead to admissible evidence." Id. "These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases." *Id*. The scope of discovery is one of reason, logic and common sense. *Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612. The right to discovery is generally liberally construed. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 540.

Analysis

Defendants' responses to Requests for Admission ("RFAs") Nos. 3, 3*, 4, 5, 6, 10, 11, 23, 24, 25, 32, 33, 37, 40, 41, 42, 43, 44, 45, 46, 53, 54, and 55 only address a portion of the requests, unilaterally limited to the one-year period prior to the filing of the complaint. Such is insufficient, and thus Defendants have refused to meaningfully respond to discovery requests that are reasonably calculated to lead to the discovery of admissible evidence. Further responses are warranted.

Sanctions

The motion was necessitated by Plaintiff's deficient response.

The purpose of monetary sanctions is to mitigate the effects of the necessity of discovery motions and responses on the prevailing party. The Court finds an award of sanctions to compensate Defendants for reasonable expenses incurred as a result of the discovery motion is warranted under the circumstances present here.

An award of monetary sanctions must be "reasonable under the circumstances …." *Mattco Forge, Inc. v. Arthur Young & Co*. (1990) 223 Cal.App.3d 1429, 1437; Code Civ. Proc., § 2023.030(a) (monetary sanctions may be awarded to compensate a party for reasonable expenses). "The principle of reasonableness means a trial court has discretion to reduce the amount of fees and costs requested as a discovery sanction in order to reach a reasonable award." *Cornerstone Realty Advisors, LLC v. Summit Healthcare Reit, Inc*. (2020) 56 Cal.App.5th 771, 791.

Based on information appearing in the Avansino declaration, the monetary sanctions requested by Defendant reflect 8.2 total attorney hours to draft the discovery motion, and an anticipated 2 hours to review the opposition and prepare a reply, and attend the hearing. Avansino Decl., ¶¶ 22-24. No opposition was filed in this matter and correspondingly no reply was submitted. Thus, no award of fees on that basis is warranted. Likewise, the *prospective* time to prepare and present the motion for hearing is speculative and unwarranted based on the current procedural posture. The Court also finds the time expended by counsel to prepare the discovery motion excessive. Therefore, the Court grants sanctions in the amount of six (6) hours of work at a rate of $350/hour, for a total of $2,100, plus the filing fee of $60, for a total amount of sanctions of $2,160.00.

**7. CU0002810 Daniel Dion et al vs. Dana May Dion**

Plaintiff's motion to change venue is granted. Venue shall be changed to Sonoma County, California. Plaintiffs shall have thirty (30) days to pay the statutory transfer fees to perfect the transfer to Sonoma County. If said fees are not paid within thirty (30) days of the entry of this Order, the instant case shall be dismissed.

**8. CU0002546 Joann Pennington et al vs. Tahoe Forest Hospital District dba Tahoe Forest Hospital D/P SNF et al**

Petitioners' petition for relief from Government Code Section 945.4 pursuant to Government Code Section 946.6 is denied.

Legal Standard

Government Claims Presentation

"A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with Section 915) not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) not later than one year after the accrual of the action." Gov. Code § 911.2(a). "When a claim that is required by Section 911.2 to be presented not later than six months after the accrual of the cause of action is not presented within that time, a written application may be made to the public entity for leave to present that claim." Gov. Code § 911.4(a). "The board shall grant or deny the application within 45 days after it is presented to the board." Gov. Code § 911.6(a). "If the board fails or refuses to act on an application within the time prescribed by this section, the application shall be deemed to have been denied on the 45th day…" Gov. Code § 911.6(c).

Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

Gov. Code § 945.4.

The applicable portions of Government Code section 946.6 provides:

(a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the Petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under Section 911.4 and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in Section 911.2.

(3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the Petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the Petitioner from the requirements of Section 945.4.

….

(6) The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the Respondent is a local public entity, or (2) the Attorney General, if the Respondent is the state.

….

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the Petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

Gov. Code § 946.6.

Service of Petition

A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity...." Gov. Code, § 946.6(d). In addition, service of the petition must be "effected in the same manner as service of summons in order to give the court jurisdiction to enter an order against the public entity." *Thierfeldt v. Marin Hosp. Dist.* (1973) 35 Cal.App.3d 186, 200.

Analysis

Government Claims Act

While there are several deficiencies with the arguments presented by Petitioners, the most glaring deficiency is Petitioners' argument is premised on the assertion that the claim was *not* late filed. Rather than requesting that the court excuse a late claim, Petitioner is asking this court to determine that the claim was timely filed. Such is not the proper purpose of a petition pursuant to Government Code section 946.6. Rather, the section, assumes that the claim was late filed and requires, under subdivision (c) (1)-(6), that the Petitioner demonstrate one or more of six enumerated factors are applicable to the late filing of the claim in order to excuse the late filing.

When, and to whom, a cause of action accrues is generally a question of fact for the trier of fact, not a question of law. See *Krusi v. S.J. Amoroso Construction Co*. (2000) 81 Cal.App.4th 995, 1006. "A proceeding under section 946.6 is not a trial of the action itself and the court in those proceedings has no more power than would the court handling the action itself to grant what amounts to a summary judgment so long as there are triable issues of fact concerning whether or not the claims statutes were complied with." *Ngo v. County of Los Angeles* (1989) 207 Cal.App.3d 946, 951. "The procedure set forth in section 946.6 is simply an avenue of relief similar to Code of Civil Procedure section 473 in providing relief from default [citation], and is not designed to resolve the issue of actual compliance with the claim filing requirements." *Ibid*. "A trial court's granting of relief under section 946.6 is not a determination of compliance but one of excusing compliance." *Ibid*. "Petitioners are, however, free to proceed on a complaint which properly pleads compliance with the claims statute . . ." *Id*. at p. 952.

Petitioners also argue Tahoe Forest Hospital District did not respond to Petitioners' Government Claim, constituting a waiver of any defense regarding timeliness, and untimely responded to Petitioners' application for leave to present a claim. Johnson Decl., ¶¶ 3, 4. Again, this is not the function of a petition under Government Code section 946.6. The sole purpose of a petition brought under the Code section is to relieve a party from their failure to present a timely Government Claim, not to make a finding of fact that the government entity did not properly reply.

Petitioners have not met their burden under Government Code section 946.6. The petition will be denied.

<u>Service</u>

A further deficiency in the Petition is the failure of Petitioners to meet the service requirements of the statute. While the "court has jurisdiction over the subject matter, but the question here is the manner in which the court is to attain jurisdiction over the person whom its judgment will affect. It would appear that personal service, or its equivalent, as provided for the service of process in civil proceedings should be necessary." *Thierfeldt, supra*, 35 Cal.App.3d at 198. Service of summons by mail authorized by Code of Civil Procedure § 415.30 "predicates the efficacy of such service upon the execution and return of an acknowledgement of service." *Ibid*. Additionally, a "A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing…on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity…." Gov. Code § 946.6(d)(1).

At bar, the Petition was served by mail, with no returned acknowledgment of service, on: Tahoe Forest Hospital District; County of Nevada, Clerk of the Board of Supervisors; Tahoe Forest Hospital District, Director of Quality and Regulations. POS, filed 7/20/26. There is no indication the Petition was served on the "clerk or secretary or board of the local public entity".

**9. CU0002903 Annette Merriman et al vs. Daniel Fraiman Construction et al**

On the Court's motion, Petitioners' unopposed petition to confirm contractual arbitration award is continued to October 12, 2026, at 1:30 p.m. in Department A.

<u>Legal Standard</u>

Once arbitration is concluded, "any arbitrator's award is enforceable only when confirmed as a judgment of the superior court." *O'Hare v. Municipal Resource Consultants* (2003) 107 Cal.App.4th 267, 278. Any of the parties may file a petition with the court, which must then "confirm the award, correct and confirm it, vacate it, or dismiss the petition." Code Civ. Proc. §§ 1285, 1286; *EHM Productions, Inc. v. Starline Tours of Hollywood, Inc.* (2018) 21 Cal.App.5th 1058, 1063. "It is well settled that the scope of judicial review of arbitration awards is extremely narrow." *California Faculty Assn. v. Superior Court* (1998) 63 Cal.App.4th 935, 943. "Neither the trial court, nor the appellate court, may 'review the merits of the dispute, the sufficiency of the evidence, or the arbitrator's reasoning, nor may we correct or review an award because of an arbitrator's legal or factual error, even if it appears on the award's face." *EHM Productions, supra,* at 1063-1064.

Discussion

Petitioners seek an order confirming the arbitration award issued in their favor on May 19, 2026.

An arbitrator's award is enforceable only after being confirmed by a court of law. *O'Hare, supra*, 107 Cal.App.4th at 278. "An award that has not been confirmed or vacated has the same force and effect as a contract in writing between the parties to the arbitration." Code Civ. Proc. § 1287.6. Thus, the court must first evaluate and confirm the initial arbitration award.

Filing Requirements – Code of Civil Procedure § 1285.4

Code of Civil Procedure section 1285.4 states: "A petition under this chapter shall:

> (a) Set forth the substance of or have attached a copy of the agreement to arbitrate unless the petitioner denies the existence of such an agreement.
> (b) Set forth the names of the arbitrators.
> (c) Set forth or have attached a copy of the award and the written opinion of the arbitrators, if any."

Here, Petitioners submit a copy of the arbitration agreements between the parties. Sullivan Decl., Exs. 1-2. Petitioner sets for the name of the arbitrator. Sullivan Decl., ¶ 8. Petitioner also submits the written Final Award issued by the Honorable David A. Garcia (Ret.) of JAMS. Sullivan Decl., ¶¶ 8, 10, Ex. 5. Petitioner has satisfied the filing requirements.

Service of the Arbitration Award & Timeliness of Petition – Code of Civil Procedure §§ 1283.6, 1288, 1288.4

Code of Civil Procedure section 1283.6 provides that: "The neutral arbitrator shall serve a signed copy of the award on each party to the arbitration personally or by registered or certified mail or as provided in the agreement." In addition, a party may seek a court judgment confirming an arbitration award by filing and serving a petition no more than four years, but not less than 10 days, after the award is served. Code Civ. Proc. §§ 1288, 1288.4.

Here, the court cannot tell if this motion is timely. Petitioner submits the Final Award which was issued on May 19, 2026. Seara Decl., Ex. 5. But, there is no proof of service, let alone any evidence that Arbitrator Garcia served a signed copy of the award to each party of the arbitration personally or by registered or certified mail or as provided in the agreement. For this reason, the court will continue the motion.

Service of the Petition and Notice of the Hearing – Code of Civil Procedure § 1290.4

Code of Civil Procedure section 1290.4, the statute governing proper service of this motion states, in pertinent part:

> "(a) A copy of the petition and a written notice of the time and place of the hearing thereof and any other papers upon which the petition is based shall be served in the manner provided in the arbitration agreement for the service of such petition and notice.
>
> (b) If the arbitration agreement does not provide the manner in which such service shall be made and the person upon whom service is to be made has not previously appeared in the proceeding and has not previously been served in accordance with this subdivision: ¶ (1) Service within this State shall be made in the manner provided by law for the service of summons in an action."

At bar, Petitioners served Respondents by personal service. However, the text of the "Notice of Hearing on Annette Merriman and Fred Isaak's Petition to Confirm Arbitration Award" is blank, and it is unclear if the caption page was filled out after service was made. See Notice of Hearing, dated 6/26/26. Thus, Petitioner does not demonstrate that the notice of hearing was properly made.

**10. CU0002801 In the Matter of Irina Naduhovskaya**

Appearance required by counsel for Petitioner to address the status of correcting the issues with the petition as described in the August 10, 2026 tentative ruling.