

TENTATIVE RULINGS

LAW & MOTION CALENDAR

Wednesday, July 23, 2025 3:00 p.m.

Courtroom 17 – Hon. Patrick Broderick for Hon. Jane Gaskell

3035 Cleveland Avenue, Santa Rosa

PLEASE NOTE: In accordance with the Order of the Presiding Judge, a party or representative of a party may appear in Department 17 in person or remotely by Zoom, a web conferencing platform.

CourtCall is not permitted for this calendar.

If the tentative ruling is accepted, no appearance is necessary via Zoom unless otherwise indicated.

TO JOIN D17 ZOOM ONLINE:

Meeting ID: 161 126 4123

Passcode: 062178

<https://sonomacourt-org.zoomgov.com/j/1611264123>

TO JOIN ZOOM BY PHONE:

By Phone (same meeting ID and password as listed for each calendar):

+1 669 254 5252

The following tentative rulings will become the ruling of the Court unless a party desires to be heard. If you desire to appear and present oral argument as to any motion, **YOU MUST NOTIFY** Judge Gaskell's Judicial Assistant by telephone at **(707) 521-6723 6725**, and all other opposing parties of your intent to appear, and **whether that appearance is in person or via Zoom**, by **4:00 p.m. the court day immediately preceding the day of the hearing.**

1. 24CV01061, O'Connel v. City of Santa Rosa

Counsel Lucas Edwards of Law Offices of Samer Habbas & Associates, P.C. moves unopposed to be relieved as counsel for Plaintiff David O'Connell. The motion is **GRANTED**, per Code of Civil Procedure section 284(2).

Counsel Edwards declares that his office has had a complete breakdown in their ability to communicate with Plaintiff such that continuing representation is not possible. (Counsel's Declaration, ¶ 2.) Counsel lost all contact with Plaintiff and has been unable to locate Plaintiff or re-establish contact despite reasonable efforts. (*Ibid.*) Counsel served all parties, including Plaintiff, with notice per the proof of service filed on May 21, 2025. He served Plaintiff at his last known address. (*Id.* at ¶ 3(a)(2).) Counsel was unable to confirm the addresses as valid, but mailed the moving papers with return receipt requested, called Plaintiff at his last known telephone number, contacted Plaintiff's brother, and conducted an internet search. (*Id.* at ¶ 3(b)(2); See, Declaration of Holt.) The proposed order lodged with the motion states that the next hearing set in this matter is a Case Management Conference to reset Jury Trial set for August 7, 2025. Unless oral argument is requested, the Court will sign the proposed order on the motion.

2. 24CV01985, Looney v. Azarpour

Plaintiff Gary Looney moves unopposed against Defendant Maryam N. Azarpour, doing business as AZ Market & Liquor, to appoint Landon McPherson as receiver to seize and sell Defendant's California Liquor License number 645339 to satisfy the \$5,256.72 judgment entered July 5, 2024 (the "Judgment"). The unopposed motion is **GRANTED**, per California Code of Civil Procedure ("C.C.P.") section 564(b)(3).

Per C.C.P. section 564(b)(3), a court may appoint a receiver to carry out a judgment entered into effect. The receiver may enforce the judgment where the judgment creditor has shown that, considering the interests of both the judgment creditor and debtor, the appointment of a receiver will reasonably allow the fair and orderly satisfaction of the judgment. (C.C.P. § 708.620.) Specifically, a court can appoint a receiver to transfer the judgment debtor's interest in an alcoholic beverage license for the purpose of satisfying a judgment. (C.C.P. § 708.630.)

Plaintiff was unable to enforce this Court's Judgment, so moves to appoint Mr. McPherson as receiver to take possession of and, if necessary, sell Defendant's California Liquor License number 645339 to satisfy the outstanding Judgment. (Motion, 1:22-28, 2:1-16.) Defendant's license is not subject to any security interests except for obligations under California law. (*Id.* at 2:25-28.) Plaintiff provided sufficient notice of the motion's hearing. (See Notice of Motion dated May 20, 2025.) Defendant has not opposed the motion.

Plaintiff has sufficiently shown that the appointment of Mr. McPherson as receiver is warranted because Defendant has never responded to the complaint, to any post-judgment discovery requests even after this Court's order compelling responses, or to any of Plaintiff's efforts to enforce the judgment entered. (Motion, pp. 3-5.) Mr. McPherson is a consultant broker for CAL ABC License Services and specializes in the acquisition and sale of liquor licenses in California with over 15 years of experience in the field. (McPherson Declaration, ¶¶ 1-4.)

As Plaintiff has satisfied the minimum requirements for the appointment of a receiver, Plaintiff's motion is **GRANTED**. The Court appoints Mr. McPherson as receiver to take possession of and, if necessary, sell Defendant's California Liquor License number 645339 to satisfy the \$5,256.72 judgment entered July 5, 2024. Plaintiff shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312.

3. **24CV06465, Looney v. Apricode KDS Corp**

Plaintiff Looney's unopposed motion to compel responses to post-judgment discovery from Defendants is **CONTINUED** to Friday, August 13, 2025, at 3:00 P.M. in Department 17. Plaintiff did not file any proof of service showing that the moving papers were timely and properly served on Defendants. Counsel shall file a proof of service before the next hearing date, otherwise the Court will deny the motion.

4. **25CV00121, Strouse v. Bell Fund VII Redwood Creek LP**

The hearing on Defendant's motion to reclassify is **CONTINUED** to **September 17, 2025**, at 3:00 P.M. in Department 17, per the parties' request for continuance due to lack of timely notice of the hearing date to Plaintiffs as mentioned in the Opposition and Reply.

As the parties may not have had adequate time to prepare their opposition and reply briefs, they are permitted to submit a supplemental opposition and reply brief per regular deadlines under C.C.P. section 1005(b) based on the new hearing date.

