TENTATIVE RULINGS: CIVIL LAW & MOTION

Wednesday, July 1, 2026 at 3:00 p.m.
Courtroom 18 – Hon. Dana Simonds
Civil and Family Law Courthouse
3055 Cleveland Avenue
Santa Rosa, California 95403

The 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, **YOU MUST NOTIFY** the Judge's Judicial Assistant by telephone at **(707) 521-6724**, and all other opposing parties of your intent to appear, **and whether that appearance is in person or via Zoom**, no later 4:00 p.m. the court day immediately preceding the day of the hearing.

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

TO JOIN ZOOM ONLINE:

Department 18:
Meeting ID: **160—739—4368**
Password: **000169**
https://sonomacourtorg.zoomgov.com/j/1607394368?pwd=aW1JTWlIL3NBeE9LVHU2NVVpQlVRUT09

TO JOIN ZOOM BY PHONE:
By Phone (same meeting ID and password as listed for each calendar):
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Unless notification of an appearance has been given as provided above, the tentative ruling shall become the ruling of the Court the day of the hearing at the beginning of the calendar.

1. 25CV07600, Draper v. George

Plaintiffs' motion to compel further discovery responses from Defendant is **GRANTED**. Defendant shall provide supplemental responses to Form Interrogatory 15.1 as well as each Request for Production of Document within 20 days of service of notice of an order on this motion. Plaintiffs' request for sanctions is **GRANTED** in the amount of $2,700.00.

Plaintiffs' counsel shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1212.

Analysis:

Plaintiffs propounded discovery demands on Defendant on January 17, 2026. Plaintiffs agreed to an extension of time for Defendant to respond until March 9, 2026. Defendant served untimely responses on March 12, 2026. Although, they contained no objections.

In their moving papers, Plaintiffs contend that some of Defendants' responses were insufficient, including his response to Form Interrogatories 2.3, 15.1, and 17.1 and each of his responses to the Requests for Production of Documents ("RPDs").

Defendant represents in his opposition that supplemental responses have now been propounded, though Defendant did not submit those supplemental responses for evaluation by the Court.

In reply, Plaintiffs agree that Defendant's responses to Form Interrogatories 2.3 and 17.1 have been sufficiently supplemented. However, Plaintiffs still seek further response to Form Interrogatory 15.1 as well as each RPD. Defendant amended each RPD response to state that he does not have any documents in his possession that are responsive to the request. However, Plaintiffs have demonstrated, and Defendant has acknowledged in his opposition, that he has in fact produced documentary evidence. Therefore, his written responses to the RPDs do not accurately reflect the circumstances.

As for Form Interrogatory 15.1, it requires Defendant to identify each denial of a material allegation and each special or affirmative defense in his Answer and state all facts upon which the denial or affirmative defense is based; state the names, addresses, and telephone numbers of all persons who have knowledge of those facts; and identify all documents and other tangible things that support the denial or defense and the people who have each document.

Neither Defendant's original nor supplemented answer complies with the requirements of this interrogatory. Defendant shall supplement his response to Form Interrogatory 15.1 and shall answer every part of the interrogatory completely and thoroughly.

As for Defendant's responses to the RPDs, it is clear that Defendant does in fact have in his possession documents that are responsive to Plaintiff's discovery requests. This is evidenced by Defendant's own declaration in opposition in which he admits that he has produced documentation responsive to the requests. Accordingly, his written responses to the RPDs do not appear to be accurate. Defendant shall supplement his responses to reflect the accurate state of his document production.

Plaintiffs seek monetary sanctions in the amount of $5,310.00 based on 11.8 hours of work on this motion at $450 per hour. The Court finds sanctions to be warranted considering Defendant's evasive and delayed responses. However, the number of hours requested is unreasonable. The Court finds 6 total hours to be reasonable for a motion of this type. Accordingly, sanctions are awarded in the amount of $2,700.00.

2. <u>24CV04952, County of Sonoma v. Kovacs</u>

APPEARANCES REQUIRED.

3. 23CV00014, Sonray Solar, Inc. v. Morgan Properties, Inc.

Defendant's motion for stay and/or consolidation is **DENIED**.

Plaintiff's counsel shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1312.

Analysis:

On August 21, 2023, Plaintiff Sonray Solar, Inc. dba Sonray Construction filed a complaint against several defendants, including Morgan Properties, Inc., which was amended on October 25, 2023. The amended complaint alleges that on or about February 24, 2021, Plaintiff entered into a written Master Contract Agreement ("MCA") with Morgan Properties in which Plaintiff agreed to furnish labor, materials and equipment for roofing work on single-family residences pursuant to subsequent work orders and agreed upon pricing. The project in question is called Marlow Commons which is a 44-unit family housing development in Santa Rosa that was developed by Morgan Properties. As alleged, the total and final agreed value of the Plaintiff s work was, after deducting payments and credits, $183,548.00 which remained unpaid at the time this action was filed.

The parties stipulated to arbitrate the matter pursuant to the arbitration provisions of the MCA. The Court signed the stipulation and order to stay the action pending mediation/arbitration on January 3, 2024. Accordingly, the matter is currently stayed pending the arbitration.

On July 11, 2024, a group of homeowners who own homes in Marlow Commons filed a lawsuit in this court for construction defect damages, naming as defendants Daniel Morgan, individually, and the moving party, Morgan Properties, Inc. (*DiBari, et al. vs. Daniel Morgan, et al.* (24CV04060).) On September 12, 2025 Daniel Morgan as an individual, and his company Morgan Properties, Inc. filed a Cross-Complaint in *DiBari v. Morgan* against various subcontractors, including the Plaintiff in this matter, Sonray Solar, Inc. Defendant has not filed a Notice of Related Case as required by Cal. Rules of Court, Rule 3.300.

Defendant herein moves to stay all proceedings in this matter, including the arbitration, or in the alternative, to consolidate this action with the DiBari case, since Sonray is a named Cross-Defendant in the DiBari case. Defendant argues "If it turns out that some of the damages the Dibari plaintiffs are complaining about were caused by Solar, those damages need to be resolved before this Solar litigation can proceed any further in this court."

There are several issues with Defendant's argument. First, Sonray Solar and Morgan Properties stipulated to arbitration pursuant to the MCA. In the MCA, the parties expressly agreed that the FAA would be controlling. (See MCA section 19.1.)

> The FAA requires courts to enforce arbitration provisions. (9 U.S.C., § 2.) **It does not authorize courts to stay arbitration pending resolution of litigation**, or to refuse to enforce a valid arbitration provision to avoid duplicative proceedings or conflicting rulings.

(*Mastick v. TD Ameritrade, Inc.* (2012) 209 Cal.App.4th 1258, 1263. Emphasis added.) "Under the FAA, the decision whether to stay litigation pending arbitration may be based only on issues relating to the making and performance of the agreement to arbitrate." (*Ibid*.) "'Considerations of

judicial economy bear no relation to "the making and performance of an agreement to arbitrate…"'." (*Ibid*.)

Since the parties expressly agreed that the FAA would be controlling, since the FAA does not authorize this Court to stay arbitration pending resolution of litigation unless issues relating to the making and performance of the agreement to arbitrate arise, and since no such issues are raised here, the request must be denied.

Notwithstanding the FAA, Defendant has failed to provide a compelling reason for a stay. Defendant has represented a possibility that Sonray Solar could be partially responsible for the DiBari plaintiffs' damages. However, Defendant has provided nothing more than the existence of a possibility to support its argument. The Court will not grant a stay based on such.

Finally, Defendant seeks consolidation of the two cases in the alternative. However, Defendant has failed to comply with the procedural requirements of a motion to consolidate. Cal. Rules of Court, Rule 3.350(a)(1)(C) provides that a notice of motion to consolidate cases must be filed in each case sought to be consolidated. Defendant did not do so here. The motion has only been filed in this case, but not in the DiBari case. Moreover, Defendant has failed to comply with Rule 3.300.

4. SCV-264327, Paulsen v. MidPen Housing Corporation

Defendant Sonoma County Community Development Commission ("CDC")'s motion to dismiss is **DENIED**.

Plaintiffs' counsel shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1312.

As an initial matter, the Court exercises its discretion to consider Plaintiffs' tardy opposition. Plaintiffs failed to comply with the time requirements of Cal. Rules of Court, Rule 3.1342 and instead filed their opposition by the typical deadline for oppositions to motions. Nonetheless, the Court finds this mistake to be unprejudicial to Defendant.

Analysis:

Plaintiffs, John Paulsen, Roseland Village, and Paulsen Land Co. ("PLC") assert prescriptive easement rights against Defendants MidPen Housing Corp. and CDC. They claim that they have the right to use the CDC property for parking purposes and oppose the CDC's plan to redevelop the land into housing. This matter was tried in June of 2021 before the Honorable Gary Nadler. Judge Nadler ruled that former Plaintiff Roseland Village Corporation ("RVC") and the current Plaintiffs did not prove their claims for interference with a written easement because the CDC's and MidPen's planned use of the property did not violate the terms of the 1956 written easement between RVC and the former owners of the CDC property, Codding Enterprises ("Codding"). Judge Nadler also determined, without a trial, that Plaintiffs' prescriptive easement claims were foreclosed because use of the CDC property by all of the Plaintiffs had historically been permissive. Plaintiffs appealed.

In February 2024, the Court of Appeal affirmed Judge Nadler's ruling as to the written easement claims, but reversed as to the prescriptive easement claims. The Court of Appeal found that

Plaintiffs had a constitutional right to a jury trial on the prescriptive easement claims. The Court remanded for further proceedings relating to PLC and Paulsen's claimed prescriptive easement over the CDC land "because they are not parties to the written easement, and the court did not make any findings regarding whether their use of CDC's parking lots and drive-ways was permissive." (Muller Decl., Exhibit A., p. 23.) The remittitur is dated April 18, 2024.

CCP § 583.410(a) provides, "The court may in its discretion dismiss an action for delay in prosecution pursuant to this article on its own motion or on motion of the defendant if to do so appears to the court appropriate under the circumstances of the case." CCP § 583.420 provides that the Court may not dismiss an action for delay in prosecution except, as pertinent here, "(3) A new trial is granted and the action is not again brought to trial within the following times: …(C) If on appeal an order granting a new trial is affirmed or a judgment is reversed and the action remanded for a new trial, within two years after the remittitur is filed by the clerk of the trial court."

Cal. Rules of Court, Rule 3.1342, sets forth the factors that the Court must consider when deciding whether to grant dismissal. It also states, "The court must be guided by the policies set forth in Code of Civil Procedure section 583.130." CCP § 583.130 provides,

> It is the policy of the state that a plaintiff shall proceed with reasonable diligence in the prosecution of an action but that all parties shall cooperate in bringing the action to trial or other disposition. Except as otherwise provided by statute or by rule of court adopted pursuant to statute, *the policy favoring the right of parties to make stipulations in their own interests and the policy favoring trial or other disposition of an action on the merits are generally to be preferred over the policy that requires dismissal for failure to proceed with reasonable diligence in the prosecution of an action in construing the provisions of this chapter.*

(Italics added.)

Defendant CDC seeks to dismiss this action based on Plaintiffs' failure to bring the matter to trial within two years of the filing of the remittitur. CDC argues that the factors that the Court must consider pursuant to Rule 3.1342 weigh in favor of dismissal. As argued, Plaintiffs' counsel did not seek to set this matter for trial for a year after the remittitur and the delay in trial is solely due to Plaintiffs' own conduct.

Plaintiffs oppose the motion and submit that their counsel was not aware of the remittitur until February of 2025 because he was not given notice. Once Plaintiffs' counsel became aware of the remittitur, he promptly requested that the case be returned to the Civil Active Status List and that a Case Management Conference be scheduled. The setting of the initial trial date on May 8, 2026 was the result of the Court's availability for jury trials. It is Plaintiffs' right to request a jury trial rather than a bench trial. The trial date was ultimately continued from May 8, 2026, to August 28, 2026, by stipulation of the parties, not by any unilateral request of the Plaintiffs. The stipulation was prepared and submitted by CDC.

By explicitly agreeing to the August trial date, the parties implicitly agreed to extend the statutory period to August 28, 2026. (See *Nunn v. JPMorgan Chase Bank, N.A.* (2021) 64 Cal.App.5th 346, 356-357.) Moreover, the record does not reflect dilatory conduct on Plaintiffs' behalf. Though Plaintiffs did not take action to set a trial date until February 2025, the Court accepts Plaintiffs' counsel's representation regarding knowledge of the remittitur. The original trial date of May 8,

2026 was set past the two-year mark because of Court availability for a jury trial. Defendant complains of Plaintiffs' conduct requiring motions to compel further discovery responses from Plaintiffs', but Defendant has not demonstrated that such discovery practice caused a delay in trial.

Trial is imminent and neither party has shown any reason why this matter will be unable to proceed to trial on August 28th. Moreover, the August 28th trial date is only a few months past the two-year deadline. Dismissal is discretionary here, not mandatory. The Court finds that the factors set forth in Rule 3.1342(e) weigh against dismissal. It is in the interest of justice for this matter to proceed to trial on August 28th. This is especially so considering the policy favoring trial on the merits over dismissal. (CCP § 583.130.)

5., 6. <u>25CV05334, Hunter v. Pulp Farms, LLC</u>

This is a joint ruling on Defendants' motion for relief from waiver of objections to discovery and Plaintiffs' motion to compel discovery responses and deem requests for admissions admitted.

Defendants' motion for relief from waiver of objections to discovery is **DENIED**.

Plaintiff's motion to compel discovery responses, deem requests for admissions admitted, and for monetary sanctions is **GRANTED** in part and **DENIED** in part. Plaintiff's request to compel verified, objection-free responses to his first set of Special Interrogatories, Form Interrogatories, and Requests for Production of Documents is **GRANTED**. Plaintiff's request to deem matters in requests for admissions as admitted is **DENIED**. However, Defendants are required to amend their responses to the Requests for Admissions to omit their objections. Plaintiff's request for monetary sanctions is **GRANTED** in the amount of $1,917.15 to imposed jointly against Defendants and Defendants' counsel.

Plaintiff's counsel shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1312.

<u>Analysis</u>:

Plaintiff served Special Interrogatories, Form Interrogatories, Requests for Admission, and Requests for Production of Documents on Defendants on January 2, 2026. Plaintiff agreed to an extension of the deadline to respond until February 20, 2026. Defendants did not provide responses by that date.

Defendants' counsel, Ms. Olivero, did not reach out to Plaintiff's counsel until after the deadline had already expired, on February 25, 2026. During that conversation, she did not request any further extension of time to respond.

Plaintiff filed and served their motion to compel responses on March 4th. Ms. Olivero flagged the motion for another attorney, Mr. Fox, who was taking over for Ms. Olivero. Ms. Olivero went on maternity leave on March 5th. On March 23rd, Mr. Fox announced that he was leaving the firm. Defendants do not confirm what day his last day was. Mr. Fox did not take any action on the case.

Defendants' counsel, Mr. Agosta was apprised of this action on March 25th and "quickly discovered" that Defendants had not responded to Plaintiff's discovery requests. California counsel was engaged on March 30th. Defendants did not serve responses to the discovery until May 19, 2026.

I. Relief from Waiver

Defendants waived objections to the discovery when they failed to respond by the February 20th deadline. Defendants have filed a motion for relief from waiver of their objections stating that Ms. Oliver lost track of the deadlines as she was preparing for maternity leave and then Mr. Fox resigned soon thereafter without taking action on the matter.

The Discovery Act authorizes the Court to relieve a party from waiver of objections where: "(1) the party has subsequently served a response that is in substantial compliance with [the Code]; and (2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect." (CCP §§ 2030.290, 2031.300, 2033.280.)

Here, Defendants' counsel's explanation for why they failed to meet the original deadline of February 20th is wanting. Counsel Olivero states that she was working on the responses, but also that she was transitioning her caseload to other attorneys. She also states that she did not reach out to Plaintiffs' counsel until after the deadline had already passed. This demonstrates that Ms. Olivero was still responsible for this case at least until February 25th. She does not represent how much work had been done on the responses by that time, if any. While it appears that several miscommunications occurred after Ms. Olivero went out on maternity leave that caused the extended delay in responses, Defendants have not offered a compelling explanation for why they did not respond or seek an extension before the deadline expired.

Defendants also fail to provide a compelling explanation for why Mr. Fox did not take any action on the matter. Presumably this matter was assigned to him as early as March 5th when Ms. Olivero went on maternity leave. Mr. Fox did not announce his resignation until March 23rd. There is no explanation for why Mr. Fox took no action in the meantime.

Finally, California counsel was engaged on March 30th, but did not reach out to Plaintiff's counsel to seek withdrawal of the motion until April 22nd. Even after obtaining confirmation on April 28th that Plaintiff would not withdraw the motion, Defendants did not provide responses until three weeks later, on May 19th.

This is not a case of one simple mistake that was remedied quickly. This is a case of a series of mistakes and neglect spanning months. The Court does not find it to be excusable or warranting relief.

Defendants argue that, at a minimum, the Court should preserve Defendants' attorney-client privilege and work production protections. However, CCP sections 2030.290(a), 2031.300(a), and 2033.280(a) each provide that a party failing to serve timely responses waives "any objection to the [discovery requests], *including one based on privilege or on the protection for work product*[.]" Defendants have failed to provide a compelling reason to stray from the statutes.

II. Defendants Shall Provide Objection-Free Responses

Plaintiff seeks to compel verified, objection-free responses to his first set of Special Interrogatories, Form Interrogatories, and Request for Production of Documents. Plaintiff also seeks to have the matters specified in Plaintiff's first set of Requests for Admission deemed admitted. Finally, Plaintiff seeks $1,917.15 in monetary sanctions to be imposed on Defendants and their counsel jointly. Defendants oppose the motion arguing that it is moot since they provided verified, code-compliant responses on May 19th.

The trial court is not divested of authority to grant a motion to compel discovery responses when tardy responses are served. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 405-411; *County of San Benito v. Superior Court* (2023) 96 Cal.App.5th 243, 256.)

Here, while Defendants provided responses to Plaintiff's discovery requests, those responses contain waived objections. Accordingly, Plaintiff's motion is not moot. The Court has denied Defendants' request for relief from waiver. Plaintiff is entitled to responses that are objection-free. As such, Defendants are ordered to provide objection-free, verified responses.

As for the requests for admissions, since Defendants provided substantive "admit" or "deny" responses in addition to the objections, the Court will not deem them as admitted. However, Defendants are required to amend their responses to omit their objections.

Defendant shall serve further responses within 20 days of notice of entry of an order on this motion.

III. Sanctions

The Court finds sanctions to be appropriate considering the significant delay in responding to Plaintiff's discovery demands. Defendants have not provided a compelling explanation why sanctions should not be imposed considering responses were not provided until May 19th when they were due February 20th. This is especially so considering that the responses were due before Ms. Olivero went on maternity leave and she was aware of their tardiness by February 25th, though she did not go out on leave until March 5th. This matter was allowed to slip through the cracks for several months, prejudicing Plaintiff in the meantime. This is why sanctions are imposed jointly against Defendants and Defendants' counsel. Plaintiff's request for $1,917.15 in sanctions is reasonable.

7. SCV-269767, Ravioli LLC v. Master Bango

The Court Appointed Discovery Referee's motion for order for payment of fees and costs is **GRANTED**.

Defendant Ronald Ferrero shall pay the outstanding amount due to JAMS within 10 days of notice of entry of an order on this motion. Defendant Ronald Ferrero shall also pay the required retainer of $12,500 within 20 days of notice of entry of an order on this motion. Defendant Ferraro shall be responsible for payment of all of Defendants' share of the JAMS fees for the remainder of the appointment of the discovery referee so long as Master Bango is insolvent. Any further nonpayment

of JAMS fees by Defendants in the future will result in the Court assessing whether contempt proceedings are necessary.

The discovery referee shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1312.

Analysis:

On September 4, 2024, the Court appointed Gregory Spaulding as the Discovery Referee in this matter. This matter has involved and continues to involve complicated discovery disputes that required the appointment of a referee. The Appointment Order provides that Plaintiffs and Defendants are equally obligated to pay Mr. Spaulding's fees for his work on the discovery disputes in this case. Furthermore, on October 23, 2024, the parties entered a Stipulation Regarding the Discovery Referee's Fees wherein they agreed,

> …
>
> NOW, THEREFORE, plaintiffs and cross-defendants Ravioli LLC, Spaghetti LLC, and Tortellini LLC (collectively, "Plaintiffs"), on the one hand, and defendant and cross-complainant Master Bango **and defendant Ronald Ferraro** (collectively, "Defendants"), on the other hand, by and through their respective counsel, stipulate that:
> …
>
> 2. Mr. Spaulding's fees, as set forth above and in his "General Fee Schedule" applicable to this matter, are acceptable;
> 3. The Court order appointing Mr. Spaulding as the discovery referee in this action states that the "[f]ees for Mr. Spaulding's services as the Discovery Referee in this matter shall be shared equally by Plaintiffs and Defendants unless Mr. Spaulding has good cause to recommend that the fees are paid on a different basis";
>
> …

(Spaulding Decl., Ex. B. Emphasis added.) This stipulation and order was submitted by Defendants' counsel.

Defendants have not paid $10,327.24 in outstanding fees to JAMS for Mr. Spaulding's work on this matter. They have also refused to pay the required $12,500 retainer for continued work on this matter. JAMS will not schedule any further meetings on this matter until these fees are paid. Defendant's refusal to pay has stalled any further movement on the several discovery issues that are still outstanding.

Defendants oppose the motion by arguing that Defendant Master Bango is insolvent and cannot pay the fees. Therefore, Defendants argue that Defendants' portion of the fees should be allocated to Plaintiffs until judgment. This argument is entirely unpersuasive. Defendants have not provided any compelling reason for the Court to do this.

Even if Master Bango is insolvent, the Court's appointment order and the parties' stipulation provides that the Defendants are jointly responsible for their equal share of the referee fees. Therefore, Mr. Ferrero is equally responsible for the Defendants' portion of the fees as Master

Bango. Defendants have neither argued Mr. Ferrero's insolvency nor provided any information showing his inability to pay. Defendants' argument regarding Mr. Ferrero's personal involvement in the discovery disputes being minimal is not persuasive.

Finally, Defendants request that the Court supervise the discovery itself going forward. This request is denied. It is quite clear from the record before this Court that a discovery referee is still necessary.

8. 25CV02466, Macias v. Safeway, Inc.

Plaintiff's motion for sanctions is **GRANTED** in part and **DENIED** in part. Monetary sanctions are **GRANTED** in the amount of $2,500.00. Issue and evidentiary sanctions are **DENIED**. Defendant shall pay the monetary sanctions no later than 10 days from notice of entry of an order on this motion.

Plaintiff's counsel shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1312.

Analysis:

On March 16, 2026, this Court issued an order compelling Defendant Safeway, Inc. to produce further responses to Plaintiff's Request for Production of Documents, Set One. The order required Defendant Safeway to provide further responses to RFPDs Nos. 3, 5, 6, 7, 8, 9, 10, and 15 within 10 days of service of notice of entry of an order on the motion. Notice of entry of the order was given on March 27th.

As of the date of the filing of this motion, Safeway had failed to produce documents responsive to RFPDs numbers 9 and 15. They did not produce the documents until June 17, 2026, the date their opposition to this motion was due. Plaintiff's counsel tried numerous times to obtain the documents before resorting to filing this motion.

Safeway now argues that this motion is moot because it has produced the required documents. This argument is not persuasive. The motion is for sanctions for failure to comply with the Court's order. The record is clear that Safeway failed to comply with the Court's order until June 17th, when the responses were due April 6th. The motion is not moot. Rather, sanctions are appropriate pursuant to CCP §§ 2023.010(g) and 2023.030.)

Plaintiff seeks monetary sanctions in the amount of $2,500 based on 5 hours of attorney work on this motion at $500 per hour. The Court finds this request to be reasonable.

Plaintiff also seeks an order establishing that Defendant had prior food spills and prior slip and falls in the Self Check-Out area of its store at 2300 Mendocino Avenue, Santa Rosa, CA, such that it was on notice of these dangers prior to the date of Plaintiff's slip and fall at that location. The Court

does not find this sanction to be warranted considering that Defendant has now produced the documents that are responsive on this issue.

9. 25CV05800, Looney v. Tacos Y Mariscos Casa Tabares, Inc.

Plaintiff's unopposed motion to appoint receiver to take possession and, if necessary, sell Defendant's liquor license is **GRANTED**.

Plaintiff shall submit a written order consistent with this tentative ruling. Due to the lack of opposition, compliance with Rule 3.1312 is excused.

Judgment was entered against Defendant on December 2, 2025, in the amount of $2,763.31 to be paid to Plaintiff/Judgment Creditor Gary Looney dba Collectronics of California. Plaintiff has propounded postjudgment discovery on Defendant and has received no response. Plaintiff has attempted several times to contact Defendant via phone and letter to no avail. Plaintiff represents all measures to enforce the judgment have been unsuccessful. Plaintiff submits that the only attachable asset is the liquor license. Plaintiff has met his burden of proving that the appointment of a receiver is necessary.

The Court approves Landon McPherson as the receiver. Mr. McPherson shall post an undertaking in the amount of $1,000.00 upon his appointment.

*****This is the end of the Tentative Rulings*****