

TENTATIVE RULINGS: CIVIL LAW & MOTION

**Wednesday, July 22, 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

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TO JOIN ZOOM BY PHONE:

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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. 25CV07854, Parrish v. Pang

Defendant Ashley Pang's Anti-SLAPP Motion to Strike is **GRANTED**. Defendant's request for attorney's fees and costs is **GRANTED** in the amount of \$14,193.75.

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

Defendant's Request for Judicial Notice

Defendant requests judicial notice of following documents:

1. Civil Harassment Restraining Order filed by Jaime Estrella against Plaintiff Derek Parrish, Case No. 25CV01970

2. Gun Violence Emergency Protective Order and the Declaration of Matthew Hayes filed by the Sonoma County Sheriff against Plaintiff DEREK PARRISH, Case No. 25CV01972
3. Court Docket in the matter of Pang v. Parrish, Case No. SFL079921

The Court will take judicial notice of items 1 and 3 above. The Court will not take judicial notice of item 2 because the attachment was not submitted by Defendant. However, the Court notes that it is taking notice only of the existence of these documents and the date upon which they were filed, not of the truth of any of the matters contained within them. “‘Taking judicial notice of a document is not the same as accepting the truth of its contents or accepting a particular interpretation of its meaning.’ ... While courts take judicial notice of public records, they do not take notice of the truth of matters stated therein.” (*Herrera v. Deutsche Bank National Trust Co.* (2011) 196 Cal.App.4th 1366, 1375.)

Plaintiff’s Objections to Defendant’s Evidence

Plaintiff’s objections to Defendant’s evidence are **OVERRULED**.

Analysis:

Plaintiff, Derek Parrish, and moving Defendant, Ashley Pang, share custody of their twin boys and have been involved in a Family Law case regarding the boys since 2018. Prior to 2025, Plaintiff and Defendant shared custody of the boys pursuant to a stipulation and order that allowed them equal time.

Plaintiff alleges that on March 30, 2025, Defendant Jaime Estrella went to visit Plaintiff’s sister, Kristin Parrish, who lived next door to Plaintiff at the time. At some point, Estrella wandered over to the property controlled by Plaintiff. Afterward, Estrella made claims to multiple individuals, including Defendant Pang, that Plaintiff fired two shots near her vicinity when she was on his property. Plaintiff alleges that Defendant Pang thereafter repeated the allegation to multiple third parties outside of law enforcement, including, but not limited to, her mother. Plaintiff also alleges that both defendants have since told third parties, including Defendant Pang’s mother, that Plaintiff is a convicted felon, though he is not. These allegations serve as the basis for Defendant’s causes of action for defamation and intentional infliction of emotional distress against Defendant Pang.

Defendant Pang filed this anti-SLAPP motion contending that the conduct complained of is protected activity and that Plaintiff cannot establish a likelihood of prevailing on the merits of his claims. For the reasons explained below, Defendant’s motion is granted.

I. Burdens on Anti-SLAPP Motions

CCP § 425.16(b)(1) provides that a cause of action against a person “arising from any act of that person in furtherance of the person’s right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue” shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim. CCP § 425.16(e)(1) defines the foregoing phrase to include “any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law.” “In making its determination, the court shall consider the pleadings, and supporting and opposing affidavits stating

the facts upon which the liability or defense is based.” (CCP § 425.16(b)(2).)

A defendant has the initial burden to make a prima facie showing that the complaint “arises from” her exercise of free speech or petition rights. (*Equilon Enterprises, LLC v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 61; *Governor Gray Davis Committee v. American Taxpayers Alliance* (2002) 102 Cal.App.4th 449 at 458-59.) “At the first step of the analysis, the defendant must make two related showings. Comparing its statements and conduct against the statute, it must demonstrate activity qualifying for protection. (See § 425.16, subd. (e).) And comparing that protected activity against the complaint, it must also demonstrate that the activity supplies one or more elements of a plaintiff’s claims.” (*Wilson v. Cable News Network, Inc.* (2019) 7 Cal.5th 871, 887.) If defendant meets that initial burden, the burden shifts to the plaintiff to establish a “probability” that he will prevail on the claims which are based on protected activity. (CCP § 425.16(b).)

To establish a “probability” of prevailing on the merits, the plaintiff must demonstrate that the claim is both legally sufficient and supported by a prima facie showing of facts sufficient to support a favorable judgment if the evidence submitted by the plaintiff is credited. (*Navelier v. Sletten* (2002) 29 Cal.4th 82, 89.) The court does not weigh credibility or comparative strength of the evidence in making this summary judgment-like determination. (See, e.g. *Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 291.) But to demonstrate a probability of prevailing on the merits, the plaintiff must produce admissible evidence sufficient to overcome any privilege or defense that the defendant has asserted to the claim. (See, e.g. *Flatley v. Mauro* (2006) 39 Cal.4th 299, 323.) In making its determination, the Court considers the pleadings, as well as supporting and opposing affidavits. (CCP § 425.16(b).) The court considers defendant’s evidence only to determine if it defeats plaintiff’s showing *as a matter of law*. (*Soukup v. Law Offices of Herbert Hafif*, *supra*, at 291.) The court must accept as true the evidence favorable to plaintiff. (*Ibid.*)

A. Plaintiff’s Allegations Against This Defendant Arise Out of Protected Activity

Defendant Pang argues that the communications complained of arise out of protected activity because they were made in connection with an issue under consideration by a judicial body. As argued, the statements were made while issues of custody, safety, and protective orders were actively being addressed by the court, and were based on information obtained through law enforcement involvement, CPS contact, and related proceedings.

Plaintiff complains of statements made to third parties outside of law enforcement, such as Defendant Pang’s mother. The question before this Court is whether there is sufficient evidence that the offending statements were made “in connection with” a judicial proceeding, as argued by Defendant. Defendant points to *Neville v. Chudacoff* (2008) 160 Cal.App.4th 1255, 1261, in support of her position, where the Court found a letter to have been in connection with anticipated litigation and thus protected under CCP § 425.16(e)(2) where it was written 4 months prior to any lawsuit being filed and sent to non-parties.

Here, Defendant submits that the allegedly offending communications were made to her mother and a number of close friends regarding Defendant’s concerns while law enforcement conducted an investigation relating to firearms in Plaintiff’s home, potentially involving CPS. Plaintiff submits that these communications were made for the purpose of seeking support and addressing safety issues.

The Court finds that Defendant has met her burden to show that the statements complained of are

protected under CCP § 425.15(e)(2) as statements made “in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law...”

Defendant argues that the act of making a false police report is not privileged and if Defendant Estrella’s false report was not privileged, then Defendant Pang’s republication of the false allegations cannot be privileged. This argument is unsupported by authority and is not persuasive. Plaintiff does not allege that Defendant Pang made a false police report. Plaintiff complains of statements made by Defendant Pang to third parties “outside of law enforcement.” (Complaint ¶ 23.)

Defendant has sufficiently shown both that the activity qualifies for protection under the statute and that the activity supplies one or more elements of Plaintiff’s claims. Therefore, the burden on this motion shifts to Plaintiff to prove a probability of prevailing on the merits of his claims.

B. Probability of Prevailing on the Merits

i. Litigation Privilege

Defendant first argues that Plaintiff’s claims against her fail as a matter of law because Civil Code § 47 provides an absolute privilege for communications made in connection with judicial proceedings. Civil Code § 47 provides a privilege for communications made “in” judicial proceedings or other proceedings authorized by law, not those made “in connection with” such proceedings. Civil Code § 47 does not protect Defendant from liability for statements made to her mother and friends.

ii. First Cause of Action – Defamation

In order to establish this cause of action, Plaintiff would need to prove:

1. That Defendant made one or more statements to a person other than Plaintiff;
2. That the person reasonably understood that the statements were about Plaintiff;
3. That the person reasonably understood the statements to mean that Plaintiff was a convicted felon/Plaintiff had shot twice at Ms. Estrella];
4. That Defendant failed to use reasonable care to determine the truth or falsity of the statement(s).
5. That Defendant’s wrongful conduct was a substantial factor in causing any of the following:
 - a. Harm to Plaintiff’s property, business, trade, profession, or occupation;
 - b. Expenses Plaintiff had to pay as a result of the defamatory statements;
 - c. Harm to Plaintiff’s reputation; or
 - d. Shame, mortification, or hurt feelings.

(CACI 1704.)

Here, Plaintiff has submitted sufficient evidence to show the likelihood that Defendant made false statements. However, Plaintiff has not submitted evidence that would establish the likelihood of prevailing on any of the remaining elements of defamation. He has not submitted any evidence regarding the harm suffered as a result of the false statements. Plaintiff repeatedly argues the

insufficiency of Defendant's evidence to disprove Plaintiff's allegations. However, the evidentiary burden is on Plaintiff to prove the likelihood of prevailing on the merits of his allegations. Plaintiff has failed to do so.

iii. *Third Cause of Action – Intentional Infliction of Emotional Distress*

The elements of the tort of intentional infliction of emotional distress ("IIED") are "(1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering severe or extreme emotional distress; and (3) actual and proximate causation of the emotional distress by the defendant's outrageous conduct." (*Cervantez v. J.C. Penney Co.* (1979) 24 Cal.3d 579, 593.) To be "outrageous," conduct "must be so extreme as to exceed all bounds of that usually tolerated in a civilized community." (*Davidson v. City of Westminster* (1982) 32 Cal.3d 197, 209.) "Intentional infliction of emotional distress, without physical trauma, can be a ground of liability ... but only when the defendant's conduct is "outrageous" ... or "has gone beyond all reasonable bounds of decency"" (*Fuentes v. Perez* (1977) 66 Cal.App.3d 163, 170.)

A great deal of conduct may cause emotional harm, but the requisite conduct for this claim—extreme and outrageous—describes a very small slice of human behavior." (Restatement (Third) of Torts: Phys. & Emot. Harm § 46 (Comment) (2012).) "[E]xtreme and outrageous, requires both that the character of the conduct be outrageous and that the conduct be sufficiently unusual to be extreme." (Restatement (Third) of Torts: Phys. & Emot. Harm § 46 (Comment) (2012).)

Here, the conduct underlying this cause of action is that Plaintiff made statements to third parties without due regard for their truth. The alleged conduct is not extreme or outrageous such that it has gone beyond all reasonable bounds of decency. Even if it was sufficient to support such a cause of action, Plaintiff has failed to submit any evidence to support that he suffered severe or extreme emotional distress as a result. Plaintiff has failed to prove the likelihood of success on the merits of this cause of action.

C. Attorney's Fees and Costs

Pursuant to CCP § 425.16(c), the prevailing defendant on an anti-SLAPP motion is entitled to recover reasonable attorney's fees and costs incurred in making the motion. Defendant has prevailed on the motion and is therefore entitled to fees. Plaintiff has not argued against this in Plaintiff's opposition. Defendant seeks \$14,193.75 in attorney's fees based on attorney rates of \$425, paralegal rates of \$225 and 34 total hours spent on this motion. The Court finds this request to be reasonable. It is granted.

2-6. 25CV01337, Bushman v. Volkswagen Group of America, Inc.

This is a joint ruling on Defendant Volkswagen Group of America, Inc. (VGA)'s motions to compel initial responses to Form Interrogatories, Set One, Special Interrogatories, Set One, Requests for Production of Documents, Set One, motion to deem Requests for Admissions, Set One, admitted, and related requests for monetary sanctions.

Defendant Hansel Volkswagen of Santa Rosa's motion to compel initial responses to Special Interrogatories, Set One is scheduled for hearing as well, but the Court has already issued a ruling on that motion (see June 24, 2026 Minute Order). The motion appears to have been filed in duplicate. It is **DROPPED FROM CALENDAR**.

Defendant VGA's motions to compel verified, objection-free responses to its From Interrogatories, Set One, Special Interrogatories, Set One, and Request for Production of Documents, Set One, are **GRANTED**.

Defendant VGA's motion to deem the Requests for Admissions, Set One, admitted is **GRANTED**.

Defendant VGA's requests for monetary sanctions are **GRANTED** in the total amount of \$7,350.00. Sanctions shall be imposed jointly against Plaintiff and Plaintiff's counsel.

Plaintiff shall provide the verified substantive objection-free responses to Defendant VGA's discovery requests within 30 days of notice of entry of an order on this motion. The ordered sanctions shall be paid within 30 days of notice of entry of an order on this motion.

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

Analysis:

Defendant VGA served its Special Interrogatories, Set One ("SROGs"), Form Interrogatories, Set One ("FROGs"), Requests for Admissions, Set One ("RFAs"), and Requests for Production of Documents, Set One ("RPDs") on Plaintiff on May 28, 2025. Plaintiff's deadline to serve responses was June 30, 2025. On July 2, 2025, Plaintiff served unverified responses that stated that verifications would follow.

Defendant attempted to meet and confer to no avail. Defendant now seeks to compel initial responses to these discovery requests without objections, seeks to deem the RFAs admitted, and seeks monetary sanctions. Plaintiff argues that the motions are moot because Plaintiff's served substantive responses. However, those responses were unverified and stated that verifications were to follow. Plaintiff has not represented that verifications have been provided. Defendant's reply to the motion regarding the RFAs suggests that perhaps a verification was served for the supplemental responses to the RFAs, but that is not the record before this Court. Plaintiff has not submitted any evidence of this. Furthermore, even if verifications were provided, objections have been waived, so any supplemental response containing objections would not be code-compliant.

Unverified responses are tantamount to no responses at all. (*Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636; see also *Melendrez v. Superior Court* (2013) 215 Cal.App.4th 1343.)

Plaintiff's July 2nd responses were untimely and did not contain verifications. Plaintiff's responses were due June 30th. Therefore, Plaintiff's objections had already been waived. Accordingly, though objections need not be verified to be preserved, they are waived due to their untimeliness.

The trial court may relieve the party of its waiver, but that party must first demonstrate that (a) it subsequently served a response to the demand; (b) its response “is in substantial compliance” with the statutory provisions governing the form and content of the response; and (c) “[t]he party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.” (*Sinaiiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 404; CCP § 2030.290(a).)

Plaintiff has not presented compelling grounds for relief from waiver. Plaintiff’s unverified responses amounted to no response at all. Accordingly, Plaintiff shall provide verified, code-compliant, objection-free responses to each discovery demand. Furthermore, the RFAs shall be deemed admitted.

Sanctions are warranted pursuant to CCP §§ 2030.290(c), 2031.300(c) and 2033.280(c). Defendant requests \$2,035.00 for the motion regarding the SROGs. This is based on an hourly rate of \$395 for 5 hours of work and a \$60 filing fee. Defendant requests \$1,640.00 each for the motions regarding the RPDs and FROGs based on the same hourly rate and filing fee and 4 hours of work on each motion. Finally, Defendant requests \$2,035.00 for the motion regarding the RFAs based on the same hourly rate and filing fee and 5 hours spent on the motion. The Court finds these requests to be reasonable. Monetary sanctions are imposed in the total amount of \$7,350.00.

The Court finds it warranted to impose these sanctions against Plaintiff and Plaintiff’s counsel jointly pursuant to CCP § 2023.030 because Plaintiff’s counsel failed to respond to Defendant’s meet and confer efforts and has failed to provide any explanation for why verifications have still not been provided a year after they were due and several months after Defendant’s meet and confer efforts.

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