

TENTATIVE RULINGS

LAW & MOTION CALENDAR

Wednesday, September 23, 2026, 3:00 p.m.

Courtroom 16 – Hon. Randy Rhodes for Hon. Patrick M. Broderick

3035 Cleveland Avenue, Suite 200, Santa Rosa

TO JOIN “ZOOM” ONLINE,

Courtroom 16

Meeting ID: 161-460-6380

Passcode: 840359

<https://sonomacourt-org.zoomgov.com/j/1614606380>

TO JOIN “ZOOM” BY PHONE,

By Phone (same meeting ID and password as listed above):

(669) 254-5252 US (San Jose)

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 the Court by telephone at **(707) 521-6725**, and all other opposing parties of your intent to appear by 4:00 p.m. the court day immediately before the day of the hearing.

Parties in motions for claims of exemption are exempt from this requirement.

PLEASE NOTE: The Court WILL NOT provide a court reporter for this calendar. If there are any concerns, please contact the Court at the number provided above.

1. 25CV03430, Manzo v. Pedroncelli Mobile Bottling, Inc.

A. Motion to Compel Further Responses – Special Interrogatories

Defendant Pedroncelli Mobile Bottling, Inc. (“Defendant”) moves to compel Plaintiffs Mario Moreno Manzo (“Moreno”) and Mario Andres Moreno (“Andres”)(together “Plaintiffs”) to provide further responses to Defendant’s special interrogatories, numbers 3, 4, 10, 11, 17, and 18. Defendant requests sanctions in the amount of \$1,700.

I. Unaddressed Arguments

Arguments made in the motion papers that are not addressed in this ruling were determined to be irrelevant to its outcome.

II. Special Interrogatories

On November 7, 2025, Defendant served Plaintiffs with its first set of Special Interrogatories (“SIs”). (Fritz decl., ¶2, Exhibits A, B.) The SIs were largely identical. (*Ibid.*) On December 10, 2025, Plaintiffs provided unverified responses. (*Id.*, Exhibits C, D.) The verification was provided on December 13, 2025. (*Id.*, ¶3.)

On January 9, 2026, Defendant’s counsel emailed Plaintiffs’ counsel requesting supplemental responses by January 15, 2026. (*Id.*, ¶4.)

On January 12, 2026, Plaintiffs’ counsel responded, stating she anticipated Plaintiffs would be able to respond within ten days. (*Id.*, ¶5.) She stipulated to extend the deadline to bring a motion to compel by the number of days it would take to respond to the issues presented. (*Ibid.*) When Plaintiffs’ counsel failed to respond by January 22, 2025, Defendant filed this motion. (*Id.*, ¶6.)

Plaintiffs' counsel states she did not receive a response to her January 12, 2026, email. (Goldstein decl., ¶9.) Thus, she was not clear that the terms of the agreement had been accepted.

This motion was filed on January 23, 2026. That same day, Plaintiffs provided substantive responses to the disputed items raised in Defendant's counsel's January 9 meet-and-confer email. (*Id.*, ¶10.) Plaintiffs stated they would provide supplemental responses. (*Ibid.*)

On January 30, 2026, Plaintiffs served supplemental responses with verifications following on February 2, 2026. (*Id.*, ¶12.) Substantive responses were provided to five of the six interrogatories at issue. (*Ibid.*, Exhibit E.)

On August 18, 2026, Defendant filed a "Superseding Notice of Defendants' Motion to Compel Further Responses to First Sets of Special Interrogatories and For Sanctions." Plaintiffs' counsel states she did not receive any correspondence after serving the supplemental responses and prior to Defendant's filing this motion. (Goldstein decl., ¶13.)

III. Timeliness of Motion

It is Plaintiffs' position that Defendant's motion only pertains to Special Interrogatory, Number 3, since that was the only interrogatory for which Plaintiffs did not provide a supplementary response.

With respect to the supplemental responses to the other five interrogatories, Defendant's "superseding" motion was filed on August 18, 2026. Defendant's counsel acknowledges that he received supplemental responses to Defendant's SIs, numbers 4, 10, 11, 17, and 18, on January 30, 2026, with the verification following on February 2, 2026. (August 18 Fritz decl., ¶2, Exhibit E.) The superseding motion does not address the issue of the timeliness of the motion.

Notice of motion to compel must be served within 45 days after verified responses, "or any verified supplemental responses," were served, unless the parties agree in writing to extend the time. (CCP § 2030.300(c).) Thus, when verifications are provided electronically, the deadline for filing the motion is 45 calendar days plus 2 court days after service of verifications. (CCP § 1010.6(a)(3); *Golf & Tennis Pro Shop, Inc. v. Sup.Ct. (Frye)* (2022) 84 Cal. App. 5th 127, 136-137.) Delaying the motion beyond the 45-day time limit waives the right to compel a further response to the interrogatories. (CCP § 2030.300(c).) The court *lacks jurisdiction* to order further answers after 45 days. (*Vidal Sassoon, Inc. v. Sup.Ct. (Halpern)* (1983) 147 Cal. App. 3d 681, 685.)

The motion regarding Plaintiffs' original responses to all but SIs Number 3 is moot as Plaintiffs provided supplemental responses. Based upon service of substantive supplemental responses to Defendant's SIs, numbers 4, 10, 11, 17, and 18, Defendant had until Monday, March 23, 2026, to file a motion to compel further responses to Plaintiffs' supplemental responses. As the superseding motion was not filed until August 18, 2026, it is untimely.

In reply, Defendants cite at *Clement v. Alegre* (2009) 177 Cal.App.4th 1277 and *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390 arguing that they do not need to file a new motion to new responses to their discovery requests. *Clement* did not discuss the timeliness of a motion to subsequent discovery responses.

Sinaiko dealt with untimely responses. After the defendants failed to respond to the plaintiff's discovery requests, the plaintiff filed motions to compel responses. (*Id.*, at p. 398.) "Unlike a motion to compel *further* responses, a motion to compel responses is not subject to a 45-day time limit, and the propounding party does not have to demonstrate either good cause or that it satisfied a "meet and confer" requirement. (*Id.*, at p. 404-408.) Thus, the court did not lack jurisdiction to grant the plaintiff's motion to compel a response, without objections, despite defendant having served a response prior to the hearing on the motion. (*Ibid.*) In addition, the responses provided were legally invalid. (*Id.* at p. 406.)

Defendant also argues that the verification in this case is improper and thus amounts to Plaintiffs not filing any response at all. No authority is provided supporting Defendant's argument that the statements made in Plaintiffs' verification render it void.

IV. Timeliness of Plaintiffs' Responses

In reply, Defendants argue that Plaintiffs' responses were due on Tuesday, December 9, 2025—30 days from the November 7, 2025, service, plus two court days for electronic service—such that Plaintiffs' responses on December 10 were untimely. They argue that, as Plaintiffs' responses were untimely, all objections are waived and there was no time limit to file this motion as there was essentially no response at all.

Plaintiffs' counsel acknowledges that she inadvertently calendared the response deadline as December 10, 2025, rather than December 9, 2025. (Goldstein decl., ¶3.) However, Plaintiffs' counsel notes that when she requested an extension to respond by January 9, 2026, Defendant's counsel responded: "I will give you two choices:

"(1) Plaintiffs shall answer the set 26 special interrogatories to Plaintiff Manzo by the statutory December 10, 2025 deadline, and shall answer the single set of Form Employment Interrogatories a week later, by Wednesday, December 17, 2025, both in advance of the holidays; and shall answer the set of 24 special interrogatories to Plaintiff Moreno by Tuesday, December 30, 2025; with any and all such extensions of time entirely conditioned upon also agreeing that the Defendant Propounding Party shall have until Monday, February 16, 2025 to move to compel further responses as to any portion of all 3 sets of such discovery to Plaintiffs, should the need arise, which is only slightly more than 45 days after the extended December 30, 2025 deadline to answer Defendant's 24 special interrogatories to Plaintiff Moreno, all to allow conferring without conflicting with the holidays; OR

"(2) Plaintiffs shall answer all three sets of discovery by Friday, January 9, 2025 as requested, but if and only if Defendants are granted an extension of time until Monday, February 23, 2025 to answer all 9 sets of discovery previously served by Plaintiffs in this action, as originally requested." (Goldstein decl., Exhibit A [underline added].)

Thus, December 10, 2025, was the date the parties agreed was the date by which Plaintiffs needed to respond. Defendant cannot now argue Plaintiffs should have actually responded by December 9, 2025.

V. Interrogatory, Number 3

Defendant's SI number 3 provided: FULLY SPECIFY EACH TIME CARD INACCURACY as to each of the TIME CARDS. (Fritz decl., Exhibit A.)

"FULLY SPECIFY EACH TIME CARD INACCURACY" was defined as providing the page number of each time card that contains an inaccuracy and quoting the portion of contents of that time card that is inaccurate, and specifying, as fully as YOU are able, both what is instead accurate about said quoted portion and how such inaccuracy came to be made. (*Ibid.*)

The timecards were attached as Exhibits A and B to the SIs.

Plaintiffs responded: "Plaintiff objects that this interrogatory is vague, overbroad, unduly burdensome, oppressive, and improperly requires Plaintiff to audit employer documents, quote alleged inaccuracies, determine "accuracy" versus "inaccuracy," and explain the cause of each discrepancy. These tasks call for legal conclusions, expert analysis, and attorney work product, and seek information equally or more readily available to Defendant, who maintained the records and is legally required to ensure their accuracy. (Lab. Code §§ 226, 1174(d)).

"Without waiving objections: Plaintiff recalls that some timecards contained preset or inaccurate break entries, such as lunch entries pre-filled as "12:00–12:30," regardless of actual breaks." (Separate Statement in Opposition.)

Defendant argues that timecards are something each employee typically is directly involved in tabulating each day. Defendant argues that Plaintiffs should be able to recognize their own handwriting and signatures and recall whether the particular contents of each timecard is accurate. Alternatively, Defendant argues Plaintiffs should be able to specify whether they have any recollection either way.

Plaintiffs have begun to answer the question. They claim that some of their break times were not accurately reflected on their timecards. Plaintiffs argue that going through the 80 pages of timesheets is overly burdensome. However, they filed this action alleging timecard inaccuracies. Plaintiffs should be required to respond to each regarding whether they believe each is inaccurate or not, or whether they cannot say either way.

The motion to compel further responses to this Interrogatory, Number 3 is GRANTED.

VI. Conclusion

The motion as to Special Interrogatory, Number 3 is GRANTED. The motion is otherwise DENIED. As both parties' counsel contributed to the breakdown of what should be self-executing discovery, sanctions are DENIED.

B. Motion for Protective Order

Defendant Pedroncelli Mobile Bottling, Inc. ("Defendant") moves for a protective order with respect to each of the nine sets of written discovery served by Plaintiffs on October 22, 2025, and for an award of sanctions in the amount of \$2,900.

I. Discovery

The following chart lists the number of discovery requests served upon Defendant. Discovery is compounded in this case because each of the two Plaintiffs served their own discovery on the Defendant. In addition, Moreno served discovery on defendant Paul. J. Pedroncelli.

Plaintiff Mario Moreno Manzo	Discovery	Date	Number	Directed To
	Special Interrogatories	October 22, 2025	80	Pedroncelli Mobile Bottling, Inc.
	Request for Production of Documents	October 22, 2025	68	Pedroncelli Mobile Bottling, Inc.
	Request for Admissions	October 22, 2025	53	Pedroncelli Mobile Bottling, Inc.
	Request for Admissions	February 2, 2026	32	Mr. Pedroncelli
	Special Interrogatories	February 2, 2026	35	Mr. Pedroncelli
	Request for Production of Documents	February 2, 2026	52	Mr. Pedroncelli
Plaintiff Mario Andres Moreno				

	Special Interrogatories	October 22, 2025	33	Pedroncelli Mobile Bottling, Inc.
	Request for Production of Documents	October 22, 2025	27	Pedroncelli Mobile Bottling, Inc.
	Request for Admissions	October 22, 2025	24	Pedroncelli Mobile Bottling, Inc.

The document requests were served after Defendant had already produced 236 pages of documents in response to Plaintiffs' August 3, 2023, demand for production of documents as part of the parties' proceedings before the Labor & Workforce Development Agency. (T. Fritz decl., ¶2; W. Fritz decl., ¶2, Exhibit B.)

The volume of discovery requests appears excessive in what is a relatively straightforward case. In addition, Plaintiffs' definitions of "YOU" and "YOUR" in their discovery requests exacerbates the problem by expanding the otherwise general understanding of the meaning of those words.

In opposition, Plaintiffs argue Defendant did not specify in its 236 production which documents were responsive to which requests. Plaintiffs argue Mr. Pedroncelli also produced 241 documents without indicating which requests they were responsive to, and that he asserted boilerplate privilege objections without ever providing the mandatory privilege log. Plaintiffs also note that they agreed to revise the definitions of "YOU" and "YOUR." Plaintiffs disagree with Defendant's characterization that their discovery is needlessly duplicative. They argue that discovery statutes are liberally applied to allow for discovery that may assist the party in evaluating the case. They also argue that Defendant's discovery responses remain deficient and that Defendant has not established good cause for a protective order.

II. Discovery Referee

This court does not have the time and resources to sit down and work through the hundreds of pages submitted by the parties to resolve their discovery disputes. This is particularly the case when the target continues to shift as Defendant's counsel has filed a supplemental motion based upon Plaintiffs' additional responses. Discovery is meant to be self-executing, which happens when the parties' counsel act reasonably and considerately. As it appears the parties' counsel are unable to work together on discovery and Plaintiffs' counsel has served excessive discovery, this court finds a discovery referee is needed to assist counsel.

III. Conclusion

The parties' requests for sanctions on this motion are denied.

By October 2, 2026, the parties are ordered to either submit the name of an agreed upon Discovery Referee, or if there is no agreement, each party shall submit three nominees to the Court. The Court will then appoint a Discovery Referee nominee against whom there is no legal objection. (Code of Civil Procedure section 640(a) and (b).) The names of proposed Discovery Referees shall be submitted in writing in the form of a pleading and electronically filed with the Clerk's Office, with a courtesy copy delivered to chambers.

The Court will issue an Order Appointing Referee after receiving an agreed upon selection or each party's nominees. Fees of the Discovery Referee will be shared equally by Plaintiffs and Defendants unless the Discovery Referee has good cause to recommend that the fees are paid on a different basis.

Any objection to this Notice of Intent to Appoint a Discovery Referee shall be filed with the Court within 5 days of the service of this Notice and Order.

This court's minute order shall constitute the order of the court.

2. 25CV05008, Wise v. Briggs

A. Demurrer

Defendants Estate of Parker Briggs ("Briggs Estate"), August J. Briggs, Sally Briggs, Tanner Briggs, and Healdsburg Distillers, Inc. ("Defendants") demur to the First Amended Complaint ("FAC") filed by Plaintiffs Estate of Jessica Sandoval, by and through her successors in interest, Deborah Wise and Stephanie Sandoval; Deborah Wise, individually; and Stephanie Sandoval, individually ("Plaintiffs"). Defendants demur to each cause of action for failure to state facts sufficient to constitute a cause of action (except as to Count III) and for uncertainty.

I. FAC

This complaint arises out of the fatal shooting of Jessica Sandoval ("Jessica") by her former romantic partner, Parker Briggs ("Parker"), before he died by suicide. Plaintiffs allege that defendants August Briggs, Sally Briggs, and Tanner Briggs ("Briggs Defendants") were aware of Parker's instability, substance abuse, and volatile behavior in the months leading up to the April 2025 murder/suicide, including his inflicting upon Jessica a serious jaw injury.

Parker owned Healdsburg Distillers, Inc. ("Distillers"). Plaintiffs allege that following Parker's death, the Briggs Defendants modified or transferred Parker's ownership interest under circumstances that hindered transparency and creditor review.

Plaintiffs also allege that in the days and weeks following Jessica's death, the Briggs Defendants entered the Cloverdale residence where Jessica and Parker lived and removed personal property belonging to Jessica, including cash, precious metals, and other items, without providing Plaintiffs with a complete inventory.

Plaintiffs allege that the Briggs Defendants had communications with them about Jessica's belongings and, while doing this, made statements that caused Plaintiffs emotional distress. This included defendant Sally Briggs mailing a package to plaintiff Deborah Wise which contained a painted image of Jessica's cat. The reverse side of the painting included handwritten messages that Plaintiffs perceived as cryptic and emotionally distressing.

As against the Estate, Plaintiffs allege a cause of action for wrongful death and a survival action pursuant to CCP sections 377.30 and 377.34. As against the Estate and the Briggs Defendants, Plaintiffs allege causes of action for conversion; negligent failure to warn; and restitution/unjust enrichment. As against the Briggs Defendants, Plaintiffs allege causes of action for conspiracy (theory of joint liability) and intentional infliction of emotional distress. As against all Defendants, Plaintiffs allege a cause of action for Violation of the Uniform Voidable Transactions Act.

II. Survival Action

This court will address the causes of action in the order they are addressed in Defendants' memorandum.

Defendants first argue that there is no cause of action for "survival."

Plaintiffs' survival action is alleged pursuant to CCP sections 377.30 and 377.32. CCP section 377.30 provides that a cause of action that survives the death of a person passes to the decedent's successor in interest. CCP section 377.32 pertains to the required affidavit that must be filed by the decedent's successor in interest when seeking to commence or continue an action or proceeding.

A survivor cause of action is not a new cause of action that vests in the heirs on the death of the decedent. (*Quiroz v. Seventh Ave. Center* (2006) 140 Cal.App.4th 1256, 1264.) It is instead a separate and distinct cause of action which belonged to the decedent before death but, by statute, survives that event. (*Ibid.*) The survival statutes prevent the abatement of the cause of action of the injured person and provide for its enforcement by or against the personal representative of the deceased. (*Ibid.*)

Any valid cause of action overcomes a general demurrer. (*Venice Town Council, Inc. v. City of Los Angeles* (1996) 47 Cal. App. 4th 1547, 1561-1562.) In opposition, Plaintiffs argue that despite the title of the cause of action, it contains sufficient allegations to allege a cause of action for battery. As part of this cause of action, the FAC alleges that Parker intentionally inflicted severe physical injury upon Jessica. This is sufficient to allege a cause of action for battery.

III. Conspiracy

Defendants argue that conspiracy is not a valid cause of action.

Under the conspiracy (theory of joint liability) heading, Plaintiffs allege “conspiracy as a theory of joint and several liability and not as an independent cause of action.” They allege that each of the Briggs Defendants acted in concert to conceal, transfer, or retain assets belonging to Parker’s or Jessica’s estates such that each are liable for the acts of the others committed in furtherance of that agreement.

Conspiracy is not a cause of action but a legal doctrine that imposes liability on persons who, although not actually committing a tort themselves, share with the immediate tortfeasors a common plan or design in its perpetration. (*Applied Equipment Corp. v. Litton Saudi Arabia Ltd.* (1994) 7 Cal.4th 503, 510-511.) Standing alone, a conspiracy does no harm and engenders no tort liability. It must be activated by the commission of an actual tort. “ ‘A civil conspiracy, however atrocious, does not per se give rise to a cause of action unless a civil wrong has been committed resulting in damage.’ ” (*Id.* at p. 511.)

“ ‘The elements of an action for civil conspiracy are the formation and operation of the conspiracy and damage resulting to plaintiff from an act or acts done in furtherance of the common design.... In such an action the major significance of the conspiracy lies in the fact that it renders each participant in the wrongful act responsible as a joint tortfeasor for all damages ensuing from the wrong, irrespective of whether or not he was a direct actor and regardless of the degree of his activity.’ ” (*Ibid.*)

The FAC alleges underlying torts supporting the cause of action for conspiracy as well as acts in furtherance of a common design, including: removing or retaining personal property from Jessica’s residence; transferring or modifying business interests formerly held by Parker; failing to disclose material information regarding asset transfers; and coordinating actions regarding estate assets following Parker’s death. (FAC, ¶84.)

IV. Restitution / Unjust Enrichment

Defendants argue that this cause of action should be dismissed as it is not actually a separate cause of action distinct from the others listed in the complaint.

Even if unjust enrichment does not describe an actual cause of action, the term is “synonymous with restitution,” which *can* be a theory of recovery. (*O’Grady v. Merchant Exchange Productions, Inc.* (2019) 41 Cal.App.5th 771, 791.) Courts are more concerned with the substance of the underlying allegations than how the plaintiff labels the cause of action. (*Id.*, at p. 792.) Courts ignore erroneous or confusing labels if the complaint pleads facts which would entitle the plaintiff to relief. (*Ibid.*)

The allegations pled in Count VI are that Defendants have received and retained money, property, and business interests belonging to Jessica, including specific amounts of money, precious

metals, and business or ownership interests in Distillers. (FAC, ¶77.) These allegations are sufficient to allege a right to restitution.

V. Wrongful Death

Defendants allege that Plaintiffs' cause of action for wrongful death fails to include sufficient allegations that, if true, would entitle Plaintiffs to any relief.

A cause of action for the death of a person caused by the wrongful act of another may be asserted by the decedent's heirs. (CCP section 377.60; *Quiroz v. Seventh Ave. Center* (2006) 140 Cal.App.4th 1256, 1263.) It is a statutory claim meant to compensate heirs for the loss of companionship and for other losses suffered as a result of a decedent's death. (*Id.*, at p. 1263.) A plaintiff in a wrongful death action is entitled to recover damages for his or her own pecuniary loss, which may include (1) the loss of the decedent's financial support, services, training and advice, and (2) the pecuniary value of the decedent's society and companionship. (*Id.*, at p. 1264.)

The FAC alleges the intentional shooting and death of Jessica, Plaintiffs' close relationship with her, expected future companionship and assistance, and funeral and burial expenses. (FAC, paras. 1, 20-26, 39-43A.) Whether the funeral expenses sought are reasonable is not determined at the pleading stage. The FAC sufficiently alleges a cause of action for wrongful death.

VI. Uniform Voidable Transactions Act

Defendants allege Plaintiffs' cause of action for Uniform Voidable Transactions Act is inadequately pled because, as a statutory and a fraud cause of action, it must be pled with particularity. Defendants also argue that the FAC makes several allegations on information and belief without stating the facts upon which the beliefs are founded.

Plaintiffs' Count IV alleges violation of Civil Code section 3439 et seq. against all Defendants except Sally Briggs. Plaintiffs allege that the Estate of Jessica Sandoval ("Sandoval Estate") is a creditor because it holds claims for wrongful death, survival damages, conversion, and related money relief arising from Parker's conduct. (FAC, ¶59.) Plaintiffs allege that, following Parker's death, ownership interests in certain business entities and other assets formerly held in his name were transferred, modified, reassigned, or otherwise altered. (FAC, ¶60.) Plaintiffs state specifically that on April 29, 2025, Parker's ownership interest in Distillers was transferred, modified, reassigned, or otherwise changed following his death, as well as other business or personal assets. (FAC, ¶¶61, 62.) Plaintiffs allege these matters on information and belief because the precise nature, scope, and documentation of the transfers remain within the exclusive possession and control of Defendants. (FAC, ¶62A.) Plaintiffs allege the Briggs' Estate became insolvent as a result of the transfers and that no reasonably equivalent value was provided to the Briggs' Estate. (FAC, ¶¶65, 65A.)

While the cause of action contains some vague details about "other business or personal assets," it specifically refers to the alleged transfer by Defendants of Parker's ownership in Distillers. Defendants have not cited authority that Plaintiffs must allege more. An exception to the strict pleading standard is recognized when it appears that the facts lie more within defendant's knowledge than plaintiff's: i.e., less specificity is required where "defendant must necessarily possess full information concerning the facts of the controversy." (*Committee on Children's Television, Inc. v. General Foods Corp.* (1983) 35 Cal. 3d 197, 216 [superseded by statute on other grounds].)

While Plaintiffs have requested judicial notice of a Statement of Information, judicial notice is unnecessary to address the allegations in this cause of action.

VII. Negligent Failure to Warn

Defendants argue that the Briggs Defendants had no duty to warn Jessica.

It is a fundamental principle of tort law that defendants are liable for injuries caused by their failure to exercise reasonable care. (*Russell v. Department of Corrections and Rehabilitation* (2021)

72 Cal.App.5th 916, 930.) However, “ ‘[t]here must be a legal duty to exercise care under the circumstances, owed to the person injured, and a breach of that duty must be the proximate cause of the resulting injury. [Citations.] Thus, the determination that a duty of care exists is an essential precondition to liability founded on negligence.’ [Citation.]” (*Ibid.*)

Whether to recognize a duty to warn is governed by a two-step inquiry. (*Ibid.*) “First, the court must determine whether there exists a special relationship between the parties or some other set of circumstances giving rise to an affirmative duty to [warn]. Second, if so, the court must consult the factors described in [*Rowland v. Christian* (1968) 69 Cal.2d 108, 70 Cal.Rptr. 97, 443 P.2d 561] to determine whether relevant policy considerations counsel limiting that duty. [Citation.]” (*Id.* at p. 930-931.)

“As a general rule, one owes no duty to control the conduct of another, nor to warn those endangered by such conduct. Such a duty may arise, however, if ‘(a) a special relation exists between the actor and the third person which imposes a duty upon the actor to control the third person's conduct, or (b) a special relation exists between the actor and the other which gives the other a right to protection.’ [Citation.]” (*Id.*, at p. 931.)

“Relationships that have been recognized as ‘special’ share a few common features. Generally, the relationship has an aspect of dependency in which one party relies to some degree on the other for protection. [Citation.]” (*Ibid.*)

Plaintiffs allege Defendants discussed Parker’s condition while failing to disclose the full extent of known risks to Jessica, thereby creating a duty not to withhold material information necessary to prevent foreseeable harm. (FAC, ¶71.) Plaintiffs allege: “Having undertaken to discuss Parker’s condition and express concerns regarding his behavior, Defendants thereby created a duty not to withhold material information necessary to prevent foreseeable harm.” (FAC, ¶71A.)

The FAC does not allege the existence of a special relationship between Defendants and Jessica or Parker. It only alleges that Defendants were aware of Parker’s escalating instability, substance abuse, prior acts of violence, and deteriorating mental condition, and their ongoing communications concerning those risks. (FAC, ¶71.)

In opposition, Plaintiffs allege their allegations should be considered under the law governing affirmative misinformation and undertakings. Plaintiffs cite *Garcia v. Superior Court* (1990) 50 Cal.3d 728, *Paz v. State of California* (2000) 22 Cal.4th 550, and *Sproul v. Vallee* (2025) 116 Cal.App.5th 285.

Garcia involved a parole officer who gave false information to the decedent thereby acting with a degree of culpability at least equal to negligence. The parole officer knew that a convicted murderer had threatened to kill the decedent. (*Garcia, supra*, at p. 731.) Nevertheless, he told the decedent that the parolee would not come looking for her. (*Id.*) The Supreme Court of California determined that plaintiffs should have been given leave to amend to allege a cause of action for negligent misrepresentation involving a risk of physical harm. (*Id.*, at p. 732.) Notably, the allegations therein were insufficient to allege a special relationship between the parole and the decedent. (*Id.*, at p. 734.)

Here, there are no allegations in the FAC that Defendants negligently gave false information to Jessica upon which she could have reasonably relied.

Paz v. State of California (2000) 22 Cal.4th 550 involved the theory of a negligent undertaking in which a person who undertakes to render services for another may be liable to third persons for physical harm resulting from a failure to act with reasonable care. (*Id.*, at p. 553.) Liability may exist *if* (a) the failure to exercise reasonable care increased the risk of harm, (b) the undertaking was to perform a duty the other person owed to third persons, or (c) the harm was suffered because the other person or the third persons relied on the undertaking. (*Ibid.*)

The FAC does not allege any facts that Defendants' actions increased the risk of harm to Jessica, that they owed a duty to Jessica, or that Jessica relied upon Defendants' undertaking.

Sproul v. Vallee (2025) 116 Cal.App.5th 285 dealt with a potential cause of action for negligent misrepresentation. In that case, plaintiffs and their two minor children sued their neighbor whose husband had physically assaulted one of the adult plaintiffs and then took his own life. The court of appeal agreed that the neighbor did not owe a duty to plaintiffs to control her husband's behavior as she did not have a special relationship with her husband or the plaintiffs. (*Id.* at p. 289-290, 293-295.) However, the court stated plaintiffs should have been given leave to amend to state a cause of action for negligent misrepresentation. (*Id.*, at p. 290.) The absence of an ability to control is fatal to a claim of legal responsibility. (*Ibid.*) The potential basis for liability based upon negligent misrepresentations was the neighbor's misrepresentations when she diminished her husband's conduct, including false statements that he did not have violent propensities and that there were no firearms in her home. (*Id.*, at p. 298.)

Here, the FAC does not contain any allegations of misrepresentations by Defendants upon which Jessica could have relied. The demurrer is sustained. However, this court will grant leave to amend to allow Plaintiffs to allege such allegations, if possible.

VIII. IIED

Defendants argue that the allegations in the FAC are insufficient to rise to the level of extreme and outrageous conduct.

Plaintiffs' cause of action for IIED is alleged against the Briggs Defendants. Plaintiffs allege that the Briggs Defendants characterized Jessica's death as mutual or that they implied that Jessica shared responsibility for the fatal events; that the Briggs Defendants entered the residence and removed or controlled Jessica's property; that they minimized the severity of the events, treating the matter as inconvenient; and that they sent unsolicited communications and materials, including items bearing cryptic or disturbing messages during a period of acute grief.

A defendant's conduct is 'outrageous' when it is so " ' 'extreme as to exceed all bounds of that usually tolerated in a civilized community.' " [Citation.] " (*The Kind & Compassionate v. City of Long Beach* (2016) 2 Cal.App.5th 116, 130.) Liability " " "does not extend to mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities." [Citation.] " (*Ibid.*) In *The Kind & Compassionate v. City of Long Beach*, the plaintiffs alleged "warrantless police raids of patient collectives" and seized property pursuant to "invalid [provisions of chapter 5.87]" to the detriment of patients and caregivers in the city." (*Id.*, at p.735.) The appellate court agreed with the trial court that the bare allegations of "police raids" were entirely conclusory, with no facts to show who did what to whom and when: that is, no facts showing conduct exceeding the bounds tolerated in a civilized community. (*Ibid.*)

The FAC contains insufficient allegations showing that Defendants' conduct exceeded the bounds tolerated in a civilized community. Accordingly, the demurrer is sustained with leave to amend.

IX. Uncertainty

Defendants argue the "chain-letter" or "cumulative" pleading causes the FAC to be uncertain. It appears Defendants are referring to the first paragraph under each count which incorporates prior allegations into each cause of action. The incorporation of other paragraphs within Plaintiffs' complaint does not render the complaint so bad that Defendants cannot reasonably respond. (See *Khoury v. Maly's of Calif., Inc.* (1993) 14 Cal. App. 4th 612, 616.)

X. Argument in Reply

In reply, Defendants argue that Plaintiffs concede punitive damages are not warranted. This issue was improperly raised for the first time in reply. In addition, if the demurrer does not result in

sustaining all causes of action supporting a claim for punitive damages, then the issue must be raised by motion to strike.

XI. Conclusion

Defendants' general demurrer to Plaintiffs' Count V - Negligent Failure to Warn, and Count VIII – Intentional Infliction of Emotional Distress, is SUSTAINED with leave to amend. Defendants' general and special demurrers are otherwise OVERRULED. Plaintiffs may file an amended complaint within 20 days of this court's order.

Defendants are directed to submit a written order to the court consistent with this ruling and in compliance with Cal. Rules of Court, Rule 3.1312.

B. Motion to Strike

Defendants Estate of Parker Briggs ("Briggs Estate"), August J. Briggs, Sally Briggs, Tanner Briggs, and Healdsburg Distillers, Inc. ("Defendants") move to strike portions of the First Amended Complaint ("FAC") filed by Plaintiff Estate of Jessica Sandoval, by and through her successors in interest, Deborah Wise and Stephanie Sandoval; Deborah Wise, individually; and Stephanie Sandoval, individually ("Plaintiffs").

Specifically, Defendants move to strike:

1. the entirety of paragraph 28 of the FAC, on the grounds that the matter is irrelevant, false, or improper.
2. the entirety of paragraph 29 of the FAC, on the grounds that the matter is irrelevant, false, or improper.
3. in paragraph 30 of the FAC, on the first and second lines of that paragraph, the text "despite knowledge of Parker's deteriorating mental state and escalating instability," on the grounds that the matter is irrelevant, false, or improper.
4. the entirety of paragraph 69 of the FAC, on the grounds that the matter is irrelevant, false, or improper.
5. in paragraph 71 of the FAC, in the first through third lines of that paragraph, the text "By virtue of their actual knowledge of Parker's escalating instability, substance abuse, prior acts of violence, and deteriorating mental condition, and their ongoing communications concerning those risks," on the grounds that the matter is irrelevant, false, or improper.
6. in paragraph 72 of the FAC, in the first line of that paragraph, the text "of the severity of Parker's condition or," on the grounds that the matter is irrelevant, false, or improper.
7. in paragraph 73 of the FAC, on the grounds that the matter is irrelevant, false, or improper.
8. in paragraph 73A of the FAC, in the first line of the paragraph, the text "Parker's instability," so that the first clause of the paragraph will read "Defendants knew or reasonably should have known that Parker created a foreseeable risk of violent harm toward Jessica," on the ground that the matter is irrelevant, false, or improper.

I. Past Actions and/or Character Allegations

Defendants first argue that the allegations of Parker's wrongful actions are irrelevant to Plaintiffs' wrongful death and IIED causes of action. As the demurrer to Plaintiffs' IIED cause of action was sustained, Defendant's motion to strike any allegations with respect to this cause of action is moot.

Plaintiffs' wrongful death cause of action consists of paragraphs 39-43A. Defendant has not moved to strike any of these allegations. It appears Defendant seeks to strike paragraphs 28-30, which are incorporated into the wrongful death cause of action. Paragraphs 28 through 30 are part of Plaintiffs' statement of facts. Paragraph 29 pertains to Parker's past actions. It provides: "In or about the period prior to her death, Jessica sustained a serious jaw injury under circumstances that

raised concern among family members. Plaintiffs are informed and believe that Parker was responsible for that injury, either by striking Jessica or causing her to fall during a domestic altercation. The incident was not reported to authorities. Plaintiffs allege that this incident reflected escalating volatility in the relationship.”

The allegations in this paragraph have identifiable non-propensity purposes and are relevant to Plaintiffs other causes of action, including battery.

Defendants also argue that character evidence cannot be used to prove Parker’s conduct on a given occasion. Defendants do not specify which paragraphs this argument supports striking. They reference paragraphs 41, 42, and 90. Defendants did not move to strike these paragraphs. Regardless, the allegations that Parker shot Jessica are clearly relevant to Plaintiffs’ claims.

II. Paragraphs 69 through 73A

Paragraphs 69 through 73A pertain to Plaintiffs’ cause of action for failure to warn. As this court sustained the demurrer to this cause of action, Defendants’ motion to strike these paragraphs is moot.

III. Conclusion

The motion to strike is DENIED.

Plaintiffs’ counsel is directed to submit a written order to the court consistent with this ruling and in compliance with Cal. Rules of Court, Rule 3.1312.

3. 25CV06228, Cupp v. Preciado

I. Motion to Compel Further Responses - Defendants Jaime Preciado and Peter Churchill

Defendants Jaime Preciado and Peter Churchill (“Defendants”) move for an order compelling Plaintiff and Cross-Defendant Ronald Vernon Cupp (“Cupp”) to serve verified, code-compliant further responses, without objections, to Defendants’: (1) Form Interrogatories, Set One; (2) Special Interrogatories, Set One; (3) Requests for Admission, Set One; and (4) Demands for Production of Documents, Set One. Defendants seek sanctions in the amount of \$10,200.

II. Motion to Compel Further Responses – Defendant Melissa Michelle Preciado

Defendant and Cross-Complainant Melissa Michelle Preciado (“Preciado”) moves for an order compelling Plaintiff and Cross-Defendant Cupp to serve full and verified answers to Preciado’s : (1) Form Interrogatories, Set One; (2) Special Interrogatories, Set One; (3) Requests for Admission, Set One; and (4) Demands for Production of Documents, Set One. Defendants seek sanctions in the amount of \$12,537.50.

III. Omnibus Motions

Defendants’ motions combine four motions into one, moving under multiple statutes requesting relief as to multiple propounded discovery modalities. Filing such omnibus motions does not allow this court to manage its workload, nor have Defendants paid the proper amount of filing fees. In the future, Defendants’ counsel is directed to file separate motions for each type of discovery request (e.g., interrogatories, requests for admission, request for production of documents).

IV. Moot

In opposition, plaintiff Cupp states he has served verified responses to all discovery propounded by Defendants and Preciado’s discovery requests. Accordingly, Defendants’ and Preciado’s motions are MOOT.

V. Discovery Referee

There are currently four discovery motions set to be heard in this case. The “two” filed and set on this calendar, which are actually eight motions in total; “one” motion to compel further

responses set for November 18, 2026, which is also actually four motions; and “one” motion to compel further responses set for January 15, 2027, which is actually three motions. *Discovery is meant to be self-executing*. This court does not have the time and resources to address the substantial number of discovery issues that need addressing between the parties in this case. Therefore, pursuant to CCP section 639, this court will appoint a discovery referee for Preciado’s November 18, 2026, and January 15, 2027, motions. In addition, any future discovery disputes shall be directed to the discovery referee.

VI. Conclusion

The motions are DENIED as MOOT. The court’s minute order shall constitute the order of the court.

By October 2, 2026, the parties are ordered to either submit the name of an agreed upon Discovery Referee, or if there is no agreement, each party shall submit three nominees to the Court. The Court will then appoint a Discovery Referee nominee against whom there is no legal objection. (Code of Civil Procedure section 640(a) and (b).) The names of proposed Discovery Referees shall be submitted in writing in the form of a pleading and electronically filed with the Clerk’s Office, with a courtesy copy delivered to chambers.

The Court will issue an Order Appointing Referee after receiving an agreed upon selection or each party’s nominees. Fees of the Discovery Referee will be shared equally by Plaintiffs and Defendants unless the Discovery Referee has good cause to recommend that the fees are paid on a different basis.

Any objection to this Notice of Intent to Appoint a Discovery Referee shall be filed with the Court within 5 days of the service of this Notice and Order.

Preciado’s November 18, 2026, and January 15, 2027, motions are hereby dropped from this court’s calendar.

4. **25CV06712, Spielman v. City of Rohnert Park**

Pursuant to CCP section 2031.310, Plaintiff Sarah Spielman (“Plaintiff”) moves for an order compelling Defendant City of Rohnert Park (“City”) to produce further, verified responses, without objections, and to produce requested documents.

I. Complaint

On September 24, 2025, Plaintiff filed this action against the City and Does 1-100. The complaint alleges that on June 22, 2025, Plaintiff was sitting in the HoneyBee pool when a lifeguard and employee of the City (Doe 1) was looking at her phone and not paying attention. As a result, Doe 1 stumbled and fell into the pool directly onto Plaintiff’s head. Plaintiff alleges she sustained physical injuries, a concussion, and has incurred medical expenses. Plaintiff alleges causes of action against the City for general negligence and premises liability.

According to the parties, Doe 1 was a 16-year-old lifeguard at the time of the incident. She has not been added as a party to this action.

II. Request for Production of Documents

The motion for order compelling further responses “shall set forth specific facts showing good cause justifying the discovery sought by the demand.” (CCP § 2031.310(b)(1).)

On January 21, 2026, Plaintiff served the City with her Request for Production of Documents, Set One. (Henderson decl., ¶2.)

a. Request Numbers 8 and 11

Request Number 8 sought: “The complete, unreacted personnel file of Doe 1.”

Request Number 11 sought: “All documents which comprise, evidence, relate or refer to the hiring of Doe 1 by City of Rohnert Park, including, but not limited to, any interviews, evaluations, investigations, background checks, and any notes, memos, emails, texts or other communications documenting the consideration of Doe 1 as a candidate for hire.”

The City objected on several grounds including third party privacy rights. The City stated: “This request seeks the personnel file of an individual who is not a named defendant in this action and whose employment records are protected by privacy rights. No personnel file will be produced.”

Plaintiff cites general authority regarding privacy rights and how this court must balance the litigation rights with privacy rights. She has not shown good cause to obtain Doe 1’s entire unredacted personnel file or extensive documentation within it, which likely contains irrelevant private information.

b. Request Number 15

This request sought: “Any and all documents identifying who was working at the Honeybee Pool on June 22, 2025.”

The City objected, in part, on the grounds that the request was overbroad. It also stated it was complying with the request by producing the June 22, 2025, schedule. The employee names on the schedule were redacted.

In opposition, the City argues that it remains willing to enter into an appropriate stipulated protective order and to produce the unredacted schedule subject to restrictions governing the use and disclosure of the employee’s identifying information.

Plaintiff’s reason for requesting the names of employees is to identify potential witnesses or individuals who supervised Doe 1. However, the request as written necessarily encompasses all individuals who were “working” at the pool that day regardless of whether if they were there at the time of the incident or had any supervisory role. Plaintiff has not shown good cause to produce the name of every employee working at the Honeybee pool on the day of the subject incident.

c. Protective Order

The City indicates it is willing to provide some information with the appropriate protective order in place. The parties are directed to meet and confer regarding the scope of a potential protective order to allow Plaintiff to obtain the names of potential witnesses and Doe 1’s supervisor(s).

III. Conclusion

This motion requires the moving party show good cause why the requested discovery should be provided. Plaintiff has not made that showing. Accordingly, **the motion is DENIED**. However, the parties are directed to meet and confer to allow Plaintiff to obtain appropriate discovery in this matter.

The City is directed to submit a written order to the court consistent with this ruling and in compliance with Cal. Rules of Court, Rule 3.1312.

5. **25CV08885, Vargas Flaherty v. Kerston**

Plaintiffs Casilda Vargas Flaherty and Christopher Flaherty (“Plaintiffs”) move to strike the answer filed by Defendant Peter Guy Kertson (“Defendant”)

I. Verification

Plaintiffs complain that their complaint is verified but Defendant’s answer is not.

“When the complaint is verified, the answer shall be verified.” (Code Civ. Proc., § 446.)

Both Plaintiffs' verifications are attached to their First Amended Complaint. Defendant's general denial is not verified. As such, it is an improper answer and may be stricken under Code of Civil Procedure section 436.

II. Incorrect Form

Plaintiffs complain that Defendant filed his answer on PLD-050, which must be used for complaints that involve a disputed amount of less than \$1,000; and may be used if the complaint is not verified, or if the complaint is verified and the case is a limited case.

This case alleges various code violations and torts. There is no standard judicial counsel form for use in response to these allegations. PLD-050 is the incorrect form.

III. General Denial versus Specific Denials

A general denial is not sufficient to controvert a verified complaint, even if the answer containing such denial is verified. (CCP § 431.30(d).) Anything less than a general denial of the whole complaint is a "qualified" or "specific" denial. The allegations of a verified complaint must be denied specifically. (See CCP section 341.30; *Paul Blanco's Good Car Co. Auto Group v. Sup.Ct. (People)* (2020) 56 Cal. App. 5th 86, 111.)

IV. False Characterization of the Complaint

Defendant's answer falsely states that Plaintiffs' complaint is unverified.

V. Leave to Amend

Plaintiffs argue that leave to amend is not warranted.

This court routinely grants leave to amend to allow a party an additional chance to amend a pleading unless it is clear that leave to amend is futile. Here, it is likely that Defendant can properly file an amended answer.

VI. Conclusion

Plaintiffs' arguments addressed above support striking Defendant's answer pursuant to CCP section 436. Accordingly, **the motion is GRANTED with leave to amend.** Defendant may file an amended answer within 20 days of the service of this order.

Plaintiffs are directed to submit a written order to the court consistent with this ruling.