

TENTATIVE RULINGS: CIVIL LAW & MOTION

Wednesday, September 30, 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

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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. SCV-273623, Alexander Valley Gourmet, LLC v. Industry West Commerce Center, LLC

Plaintiff’s motion for leave to file an amended complaint is **GRANTED**. Plaintiff shall file the proposed Third Amended Complaint within 10 days of this order.

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

Analysis:

This action was filed on July 10, 2023, by Plaintiff Alexander Valley Gourmet, LLC (“AVG”), against Defendant Industry West Commerce Center (“IWCC”). Plaintiff has amended the complaint twice and now seeks to amend a third time in order to add Vincent Rizzo as a defendant and allege that IWCC is his alter ego. In the Second Amended Complaint, filed September 29, 2025, Plaintiff

alleged that the alleged wrongful conduct was committed both by the defendant and the defendant's principal. After filing the Second Amended Complaint, Plaintiff conducted discovery that Plaintiff submits confirmed Vincent Rizzo was the defendant's sole principal and personally directed each of the acts alleged in the complaint. Plaintiff submits that this was revealed in Mr. Rizzo's deposition (September 30th and November 5th) and the deposition of Bright Cellars' CEO, the defendant's verified discovery responses served in February 2026 and documents produced in March 2026. As presented by Plaintiff, the discovery also revealed that IWCC is formally managed by Mr. Rizzo's separate entity, "R&A," which owns 93.33% of IWCC's membership interests, that Mr. Rizzo has exclusive control over IWCC's affairs and that IWCC has failed to observe corporate formalities, as well as other factors that lead Plaintiff to believe IWCC is the alter ego of Vincent Rizzo.

Plaintiff submits that this motion was not brought earlier because the information confirming the extent of Mr. Rizzo's role was only revealed through discovery that occurred after the last amendment to the complaint. Moreover, Plaintiff argues that any delay in filing this motion was due to IWCC's own conduct in evading its discovery obligations.

IWCC opposes the motion on the grounds that (1) the motion is procedurally defective because the supporting declaration does not contain the precise language required by the Rules of Court, (2) AVG unreasonably delayed in bringing this motion, (3) IWCC and Mr. Rizzo would be prejudiced if it is allowed this near to trial, and (4) the proposed amendments are legally deficient. Trial is currently scheduled for December 4, 2026.

Judicial policy favors resolution of all disputed matters between the parties in the same lawsuit, and courts are bound to apply a policy of great liberality in permitting amendments to the complaint "at any stage of the proceedings, up to and including trial," absent prejudice to the adverse party. (*Atkinson v. Elk Corp.* (2003) 109 Cal.App.4th 739, 761.) "Generally, leave to amend must be liberally granted...provided there is no statute of limitations concern, nor any prejudice to the opposing party, such as delay in trial, loss of critical evidence, or added costs of preparation." (*Solit v. Tokai Bank, Ltd. New York Branch* (1999) 68 Cal.App.4th 1435, 1448.) As long as the motion is timely and will not prejudice a party, it is normally an abuse of discretion to refuse to allow amendment if the denial will deprive a party of a meritorious claim or defense. (*Morgan v. Sup.Ct.* (1959) 172 Cal.App.2d 527, 530.)

The Court does not find any procedural deficiencies in AVG's motion that would warrant outright denial. It is clear from the record that the information supporting AVG's new allegations was discovered during discovery that occurred after the last amended complaint was filed. The Court is satisfied with that information.

The Court is aware of the discovery difficulties in this case. The Court does not find that AVG unreasonably delayed in bringing this motion. The motion was filed over 4 months before trial and is only being heard in late September because of the Court's impacted calendar. It was reasonable for AVG to bring this motion after it had conducted sufficient discovery to support the allegations.

The Court finds minimal prejudice to IWCC and Mr. Rizzo in allowing the amendment. It is not entirely apparent at this time that a trial continuance will ultimately be necessary. The discovery cut off is November 4, 2026. There may still be sufficient time between the filing of the amendment and the discovery cut off to complete what is necessary. However, even if a trial continuance becomes necessary, considering there may be additional pleading and/or discovery practice in light

of the new allegations, the Court does not find that the potential continuance would significantly prejudice either IWCC or Mr. Rizzo. Though this matter has been pending since 2023, it is not uncommon for a trial continuance to be necessary when new evidence regarding alter ego liability comes to light before trial. Any potential prejudice to IWCC and Mr. Rizzo is small and does not outweigh the policy of great liberality and the interests of resolving all disputes between these parties in one single matter.

Finally, IWCC challenges the sufficiency of the new allegations. However,

“Ordinarily, the judge will not consider the validity of the proposed amended pleading in deciding whether to grant leave to amend. Grounds for demurrer or motion to strike are premature. After leave to amend is granted, the opposing party will have the opportunity to attack the validity of the amended pleading...”

(Weil & Brown, *Civil Procedure Before Trial* (The Rutter Group 2026) § 6:644, citing *Kittredge Sports Co. v. Sup.Ct. (Marker, U.S.A.)* (1989) 213 Cal.App.3d 1045, 1048.) Accordingly, these arguments are premature and do not persuade the Court against granting leave to amend.

2. 25CV03415, King v. Burdick

Defendant Brandon Burdick’s motion for summary adjudication is **DENIED without prejudice**.

The Court’s minute order shall constitute the order of the Court.

Analysis:

Plaintiffs are Steven King, James King and Haven Fehl, the surviving children of the decedent. They bring this suit against Defendant Brandon J. Burdick following an incident wherein Defendant is alleged to have struck the decedent with his vehicle while the decedent was riding a bicycle. They raise causes of action for wrongful death and negligence per se against Defendant.

Defendant herein seeks summary adjudication “of Ms. Fehl’s claim” based on Defendant’s assertion that Ms. Fehl was adopted by parents other than the decedent. As such, Defendant contends that Ms. Fehl does not have standing to bring a wrongful death claim against Defendant. The motion is unopposed. However, it contains several deficiencies, as outlined below. Therefore, the Court cannot grant it.

I. Defendant’s Motion is Procedurally Defective

Defendant does not move for summary judgment. Defendant moves for “summary adjudication Ms. Fehl’s claim.” Cal. Rules of Court, Rule 3.1350(b) provides, “If summary adjudication is sought, whether separately or as an alternative to the motion for summary judgment, the specific cause of action, affirmative defense, claims for damages, or issues of duty must be stated specifically in the notice of motion and be repeated, verbatim, in the separate statement of undisputed material facts.” Defendant has neither stated the specific causes of action for which he seeks summary adjudication in the notice of motion nor stated them in the separate statement supporting the motion.

II. Defendant Has Failed to Authenticate the Evidence Supporting the Motion

The evidence Defendant relies upon to support his motion is portions of the transcript from the deposition of Haven Fehl, which Defendant has attached to the motion. However, Defendant has not submitted any declaration or affidavit that would provide the necessary authentication for this documentary evidence. “A motion for summary judgment, or for summary adjudication, must be supported by evidence establishing the moving party's right to the relief sought.” (*Weil & Brown*, Cal. Prac. Guide Civ. Pro. Before Trial, § 10:106 (2026).) Documentary evidence, or “writings,” must be authenticated before they are received in evidence. (Evid. Code, § 1401.) “Authentication of a writing means (a) the introduction of evidence sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is or (b) the establishment of such facts by any other means provided by law.” (Evid. Code, § 1400.) “Unless genuineness is admitted by the opposing party, the moving party must present declarations or other evidence showing that the document is what it purports to be.” (*Weil & Brown*, Cal. Prac. Guide Civ. Pro. Before Trial, § 10:170 (2026).)

The only evidence submitted in support of this motion has not been authenticated. Therefore, it cannot be considered by the Court. Defendant has failed to support this motion with the necessary evidentiary foundation.

3-4. 25CV02410, Beltran v. Ferrari, Jr., D.O.

This is a joint ruling on the demurrers by Defendant Omar Ferrari, Jr., D.O. (“Defendant Ferrari”) and Defendant Providence Santa Rosa Memorial Hospital (“Defendant Providence”) to the Third Amended Complaint.

Defendant Ferrari’s demurrer is **SUSTAINED** in part and **OVERRULED** in part. It is **SUSTAINED** only as to the Second and Fifth Causes of Action. His demurrer is **OVERRULED** as to the First Cause of Action.

Defendant Providence’s demurrer is **SUSTAINED** in part and **OVERRULED** in part. It is **SUSTAINED** only as to the Second and Fifth Causes of Action. It is **OVERRULED** as to all other causes of action asserted against it.

All requests for judicial notice are **GRANTED**.

Leave to amend is **DENIED**.

Counsel for Defendants shall submit written orders for their respective motions that are consistent with this tentative ruling and in compliance with Rule 3.1312.

Background and Allegations:

Plaintiffs Tonantzyn and Tonatiuh Beltran are the surviving children of Decedent, Olivia Beltran. On January 7, 2024, Tonantzyn was arrested by the Santa Rosa Police Department following a high-speed chase, placed on a psychiatric hold, and brought to Defendant Providence Santa Rosa Memorial Hospital for evaluation and treatment following expressed homicidal ideations. At Providence she is alleged to have been attended to by Defendant Dr. Omar Ferrari and former

defendant Lee Zeledon, LMFT.

Plaintiffs allege that when Tonantzyn was brought to Providence she told the receiving nurse that she remembered the identity of the person she wanted to kill: “Benny Ramirez.” Tonantzyn stated she planned to murder a man and “will be charged with a federal crime for it.” She stated that she wanted to kill the person who hurt her and her sister when she was four years old. She stated that he was a janitor, but she did not know his whereabouts or how to contact him.

As alleged, Therapist Zeledon withdrew Tonantzyn’s Welfare and Institutions Code section 5150 hold “due to not enough evidence of potential victim” and because she “[did] not have a reason to hold [Tonantzyn] as she [did] not meet criteria.” She also noted that Dr. Ferrari medically cleared Tonantzyn. She alleges that she was discharged from the hospital within 3 hours without obtaining an evaluation by a psychiatrist, contacting her family therapist, attempting to stabilize her, or referring her for further treatment.

Tonantzyn was released from the jail the following day and later that day stabbed her mother approximately 100 times, killing her. On December 1, 2025, Tonantzyn was tried for the murder of her mother and found not guilty by reason of insanity.

This Court previously sustained the demurrer by Defendant Ferrari to the Second and Fifth causes of action alleged against him for Medical Negligence-Third Party Victim and for Wrongful Death, finding that the plaintiffs had not alleged facts establishing that Defendant Ferrari had a duty of care to Tonantzyn’s sister and mother. Though Defendant Providence also demurred to the Second Amended Complaint, that demurrer was ultimately dropped from calendar as moot once Plaintiffs filed their Third Amended Complaint.

Both Defendants now demurrer to all causes of action in the Third Amended Complaint. They both argue that they are statutorily immune from liability for any of the causes of action against them. Alternatively, they both argue that Plaintiffs have failed to state facts sufficient to support the causes of action against them. Both Defendants also demurrer to each cause of action on the basis of uncertainty, but the demurrers are overruled on that grounds since a demurrer for uncertainty pursuant to CCP § 430.10(f) will be sustained only where a defendant cannot reasonably respond, i.e. cannot reasonably determine what issues must be admitted or denied, or what counts or claims are directed against him or her. (*Khoury v. Maly’s of Calif., Inc.* (1993) 14 Cal.App.4th 612, 616; see also *A.J. Fistes Corp. v. GDL Best Contractors, Inc.* (2019) 38 Cal.App.5th 677, 695.)

Since the arguments made by the two defendants are substantially similar, the Court will address them all in this consolidated written ruling.

I. Defendants’ Immunity

A. *Providence*

i. EMTALA Preemption

Plaintiffs argue that each of the statutory immunities cited by Defendant Providence are preempted by the Emergency Medical Treatment and Labor Act (“EMTALA”). (42 USCA § 1395dd.) However, only the Third and Fourth Causes of Action of the Third Amended Complaint are brought

under the EMTALA for Negligent Stabilization and for Failure to Transfer. None of the remaining cause of action are brought under the EMTALA. Moreover, the Court does not find any of the statutes cited by Defendant Providence to provide any immunity for the Third and Fourth Causes of Action. Therefore, the Court need not engage in a discussion of whether they are preempted by the EMTALA.

ii. Welfare and Institutions Code (“WIC”) § 5113

Defendant Providence argues that WIC § 5113 grants its immunity from liability arising out of the release of a section 5150 detainee. This is an overgeneralization of the language of the statute. WIC § 5113 provides, in pertinent part,

Except as provided in Sections 5154, 5173, 5259.3, 5267, and 5306, the facility providing treatment...the superintendent of the facility, the professional person in charge of the facility and their designee, the professional person designated pursuant to Section 5121 and responsible for the detainment of the person, or the peace officer responsible for the detainment of the person shall not be civilly or criminally liable for any action *by a person released at or before the end of the period for which the person was admitted* pursuant to the provisions of the appropriate article.

(Emphasis added.) The Court agrees that WIC § 5113 immunizes Defendant Providence from liability for causes of action that are based upon the subsequent conduct of Tonantzyn after she was released, such as the Fifth Cause of Action for the wrongful death of the decedent. However, WIC § 5113 does not provide immunity for claims arising out of the defendant’s own conduct, such as medical negligence or violations of the EMTALA. Accordingly, the Court finds that WIC § 5113 provides immunity for Defendant Providence only for the Fifth Cause of Action.

iii. WIC § 5154

Defendant Providence argues that WIC § 5154 provides an independent immunity that applies to it. Section 5154 provides, in pertinent part,

(a) Notwithstanding Section 5113, if the provisions of Section 5152 have been met, the *professional person* in charge of the facility providing 72-hour treatment and evaluation, their designee, the medical director of the facility or their designee described in Section 5152, the psychiatrist directly responsible for the person's treatment, or the psychologist shall not be held civilly or criminally liable for any action by a person released before the end of 72 hours pursuant to this article.

(Emphasis added.) The use of the term “professional person” and the subsequent list of persons of specific positions makes clear that Section 5154 applies only to persons holding specific positions at a facility, not to the facility itself. This Code section does not apply to Defendant Providence. Notwithstanding, this section would only provide the same level of immunity as WIC § 5113 since it applies only to “any action by a person released before the end of 72 hours pursuant to this article.” Defendant Providence has already been found to be immune from liability for such conduct pursuant to WIC § 5113.

iv. WIC § 5278

WIC § 5278 provides, in pertinent part,

Individuals authorized under this part to detain a person for 72-hour treatment and evaluation...or to certify a person for intensive treatment...or to file a petition for post-certification treatment for a person...shall not be held either criminally or civilly liable for exercising this authority in accordance with the law.

(Emphasis added.) The Court in *Cruze v. National Psychiatric Services, Inc.* (2003) 105 Cal.App.4th 48, 56, provides, “we observe that nothing in the LPSA limits the word ‘Individuals’ in section 5278 to meaning ‘natural persons.’...we construe the statutory use of the word here as including within its plain meaning individual entities such as hospitals and clinics.”

Accordingly, while the statute applies to hospitals and clinics, it specifically provides an immunity only for exercising the authority to detain, certify for intensive treatment, or to file a petition for post-certification treatment. The conduct complained of in Plaintiffs’ TAC is not based on any of these actions. It is based on Defendants’ actions in treating and evaluating Tonantzyn while she was detained. WIC § 5278 does not provide immunity for that conduct.

Defendant’s citation to *Heater v. Southwood Psychiatric Center*, (1996) 42 Cal.App.4th 1068, 1083, is not compelling. Defendant argues that the *Heater* Court “expressly rejected attempts to limit section 5278 immunity to the initial detention decision, holding that immunity extends to conduct occurring during the detention itself, including treatment decisions that are inherent to the evaluation process.” The *Heater* Court did not make such a holding. Defendant’s argument mischaracterizes the language of the decision. The *Heater* Court stated, “section 5278’s immunity extends **to the detention of persons** for ‘*treatment* and evaluation.’” (*Id.* at 1083, emphasis added, italics in original.) This language still pertains to the decision to *detain*, not to the act of providing treatment and evaluation. Section 5278 does not provide an immunity for any actions not specifically listed in the statute and the *Heater* decision does not say otherwise.

v. Government Immunity

Defendant Providence cites to Government Code §§ 855.6, 855.8, and 856 to argue that they independently bar Plaintiffs’ claims against it. These Code sections each apply specifically to public entities and public employees. Defendant Providence is neither a public entity or a public employee. Defendant argues that the provisions should apply to it nonetheless because they “reflect a legislative determination that healthcare facilities and professionals performing these functions should not be subjected to civil liability based upon hindsight disagreement with their professional judgment.” This argument is not persuasive. If the Legislature intended for non-public healthcare facilities or their employees to be immune under the statutes, then the Legislature would have specifically included them. At the very least, there would be case law supporting this contention.

Moreover, Defendant has not cited any compelling case law supporting its position that the immunity embodied in Government Code section 856 parallels the immunity provided by the LPS Act itself. The LPS Act was enacted after the cited Government Code sections. Therefore, the Legislature would have made the connection Defendant is asserting if it intended to do so. Furthermore, the LPS Act contains several provisions containing very specific immunities. If the Legislature intended for the LPS Act immunities to be broader, then it would not have specifically made them so narrow. Governmental immunities do not apply to Defendant Providence.

vi. Civil Code § 43.92

Finally, Defendant Providence cites to Civil Code § 43.92 as providing an immunity for each of Plaintiffs' claims. Civil Code § 43.92 provides, in pertinent part,

(a) There shall be no monetary liability on the part of, and no cause of action shall arise against, *any person who is a psychotherapist* as defined in Section 1010 of the Evidence Code in failing to protect from a patient's threatened violent behavior or failing to predict and protect from a patient's violent behavior except if the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims.

Defendant Providence is not a “person who is a psychotherapist.” This section does not apply.

B. Dr. Ferrari

i. WIC § 5113

Defendant Ferrari argues that WIC § 5113 also shields him from liability for acts by Tonantzyn after her release. The immunities of the section apply to “the facility providing treatment...the superintendent of the facility, the professional person in charge of the facility and their designee, the professional person designated pursuant to Section 5121 and responsible for the detainment of the person, or the peace officer responsible for the detainment of the person...” (WIC § 5113.) As explained in *Sgaraglino v. County of Ventura* (2026) 121 Cal.App.5th 16, 23, “The immunity provided by section 5113...immunizes facilities and their operators.” The Court agrees that Defendant Ferrari is one of the intended individuals who are immune from liability for Tonantzyn’s conduct after her release as alleged in the Fifth Cause of Action.

ii. WIC § 5154

Defendant Ferrari argues that WIC § 5154 immunizes him from all liability. However, the Code section provides an immunity for “for any action by a person released before the end of 72 hours pursuant to this article.” It does not provide an immunity for Defendant Ferrari’s own conduct. While the Court agrees that WIC § 5154 immunizes Defendant Ferrari from the Fifth Cause of Action for wrongful death, it does not immunize him from liability for his own negligence.

iii. WIC § 5278

Defendant Ferrari also argues that WIC § 5278 immunizes him from all liability. As outlined above, WIC § 5278 provides that individuals shall not be held liable for “exercising [the] authority” to “detain a person for 72-hour treatment and evaluation...or to certify a person for intensive treatment...or to file a petition for post-certification treatment for a person.” As explained above in relation to Defendant Providence, Plaintiffs claims are not based on the decision to detain Tonantzyn or any of the other actions described in the section. As such, WIC § 5278 does not apply.

iv. Government Immunity

Defendant Ferrari raises the same arguments as Defendant Providence in regard to government immunity. For the same reasons outlined above, these arguments are not persuasive. Defendant

Ferrari also argues that he was certified by Sonoma County providing him with the authority to perform evaluations and make determinations under the LPS Act. Therefore, as argued, Defendant was performing a governmental function in performing such evaluations and making such determinations. This argument is also not persuasive and is unsupported by authority. Defendant Ferraro is neither a public entity nor a public employee and he is therefore not immune under the government immunity statutes.

v. Civil Code § 43.92

As discussed above, the immunity of Civil Code § 43.92 applies to “*any person who is a psychotherapist.*” Defendant Ferrari is not alleged to be a psychotherapist, nor does he claim to be one.

II. Sufficiency of the Allegations

A. *First Cause of Action – Medical Negligence*

This cause of action is raised by Plaintiff Tonantzyn against both defendants. Though both defendants demurred to this cause of action, neither has provided any argument in their memoranda to indicate which portions of the allegations supporting this cause of action they find to be lacking. They have only argued that they are immune from liability for this cause of action, which the Court disagrees with. The Court has reviewed the allegations and finds them to be sufficient to state a claim for medical negligence against both defendants.

B. *Second Cause of Action – Medical Negligence—Third Party Victim—(NIED)*

This cause of action is raised by Tonatiuh against both defendants alleging that they breached their duty to provide stabilizing care to Tonantzyn, proximately causing injury to Tonantzyn. Though Plaintiffs previously asserted this cause of action on the basis that Defendants owed a duty to the community at large, including Tonatiuh, they no longer allege it in such a manner. Now, they allege Tonantzyn as the third party victim, and Tonatiuh as being the bystander to the events causing Tonantzyn’s injury.

The amendment in the allegation changes the analysis completely from when the Court previously analyzed it on Defendant Ferrari’s demurrer to the Second Amended Complaint. Plaintiff no longer alleges that the duty owed by the defendants was to Tonatiuh (or the community at large). Therefore, the decisions of *Tarasoff v. Regents of University of California* (1976) 17 Cal.3d 425, and *Thompson v. County of Alameda* (1980) 27 Cal.3d 741, 756, no longer apply to the Court’s analysis.

The elements for this cause of action are set forth in CACI 1621,

1. That Defendant negligently caused injury to/the death of the victim;
2. That when the event that caused injury to/the death of the victim occurred, Plaintiff was present at the scene, personally or virtually through technological means;
3. That Plaintiff was then aware that the event was causing injury to/the death of the victim;
4. That Plaintiff suffered serious emotional distress; and
5. That Defendant’s conduct was a substantial factor in causing Plaintiff’s serious emotional

distress.

Plaintiff Tonatiuh alleges,

- 1) Defendants breached their duty to provide stabilizing care to Tonantzyn, proximately causing injury to Tonantzyn by allowing her injurious psychotic episode to persist.
- 2) During these events, Decedent and Tonatiuh were virtually present at the scene, conversing with Therapist Zeledon by phone from their vehicle on their way to the hospital.
- 3) Both Tonatiuh and Decedent were aware that Defendants' failure to render stabilizing psychiatric care to Tonantzyn was injurious to Tonantzyn.
- 4) Tonatiuh suffered serious emotional distress.
- 5) As a direct and proximate cause of Defendants' conduct, Tonatiuh incurred damages.

Defendants argue that Plaintiff should not be permitted to change the theory of liability because doing so exceeds the scope of the Court's leave to amend. The Court does not agree. Plaintiff is not asserting an entirely new cause of action nor adding in new defendants. The Court gave Plaintiff leave to amend this cause of action and that includes amending the theory supporting it.

Turning to the sufficiency of the allegations, the Court agrees with Defendants that Plaintiff has failed to allege that she was aware that the event was causing injury to Tonantzyn while she was virtually present on the phone with the therapist. She alleges "Tonatiuh and Decedent were aware that Defendants' failure to render stabilizing psychiatric care to Tonantzyn was injurious to Tonantzyn." This is insufficient. This cause of action provides relief for those that suffer emotional distress after actively witnessing an injury to another person. Being aware that an injury occurred does not give rise to this cause of action. Plaintiff does not allege that she was aware that Defendants' care was causing injury to Tonantzyn while she was on the phone with the therapist on the way to the hospital. Such an allegation is essential to stating this claim.

III. Third & Fourth Causes of Action—Negligent Stabilization and Failure to Transfer (EMTALA)

These causes of action are alleged against Defendant Providence by Plaintiff Tonantzyn. The only argument made in support of the demurrer to these causes of action is that Defendant is immune from liability. The Court has found that Defendant is not immune. Defendant has not explained how the facts supporting these causes of action are insufficient to state a claim. The Court has reviewed the allegations and finds them to be sufficient.

IV. Fifth Cause of Action—Wrongful Death

This cause of action is alleged by both plaintiffs against both defendants. They allege that Defendants' negligent treatment of Tonantzyn was the direct and proximately cause of Decedent's death. Notwithstanding the question of whether Defendants owed a duty to Decedent to control Tonantzyn, the Court has found both defendants to be immune from liability for the acts of Tonantzyn after being released from the WIC § 5150 hold. Accordingly, the Court need not engage in any further discussion regarding the sufficiency of the allegations supporting this cause of action.

V. Leave to Amend

The demurrers are sustained only as to the Second and Fifth Causes of Action against both defendants. This was Plaintiffs' fourth attempt at stating their claims, including an attempt at amending the theory on which the Second Cause of Action is based. The Court previously sustained a demurrer to these causes of action by Defendant Ferrari and allowed Plaintiffs to amend. It is Plaintiffs' burden to show how the allegations can be amended to state these causes of action. (*Goodman v. Kennedy* (1976) 18 Cal.3d 335, 349.) "Plaintiff must show in what manner he can amend his complaint and how that amendment will change the legal effect of his pleading." (*Ibid.*) Plaintiffs have not done so. Leave to amend is denied.

5. 25CV03293, Morosi v. Sonoma Valley Hospital

Plaintiff's motion to compel further discovery responses from Defendant is **GRANTED**. Plaintiff's request for sanctions is **GRANTED** in the amount of \$1,560.00.

Defendant shall provide code-compliant, objection-free supplemental responses to Plaintiff's discovery demands within 20 days of notice of entry of an order on this motion. Moreover, Defendant shall provide further substantive response to Form Interrogatories Nos. 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 13.1, 15.1, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6 and Requests for Production Nos. 1, 3, and 16. Defendant shall pay the sanctions within 20 days of 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:

Plaintiff propounded Form Interrogatories, Set One, and Requests for Production, Set One, on Defendant on August 20, 2025. Defendant served responses on September 15, 2025, that Plaintiff found to be insufficient. This motion followed.

Plaintiff's motion initially sought to compel further responses to Form Interrogatories Nos. 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 13.1, 13.2, 14.1, 14.2, 15.1, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.9, 16.10, and Requests for Production Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 16. Plaintiff argued that the objections raised by Defendant were meritless and that the substantive responses provided for Form Interrogatories 12.1-12.3, 15.1, 16.1-16.6 and Requests for Production of Documents 10 and 11 were incomplete and/or evasive.

After this motion was filed, on April 27, 2026, Defendant provided supplemental responses to Plaintiff's discovery requests. As such, Defendant opposes this motion on the grounds that it is moot. However, Defendant's supplemental responses do not moot this motion as they do not cure the many defects in Defendant's responses.

In reply, Plaintiff explains that Defendant's supplemental responses include the same improper "General Objections" as they did before. Defendant maintains the same objections to Form Interrogatories Nos. 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 13.1, 15.1, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, and Requests for Production Nos. 1, 3 and 16. Moreover, Defendant's substantive responses to Form Interrogatories Nos. 12.2, 12.3, 15.1, 16.1, 16.2, 16.3, 16.4, 16.5, and 16.6, are still

incomplete and evasive. Finally, Defendant now indicates in its supplemental responses to Requests for Production Nos. 1, 3, and 16 that it may be withholding from production documents on the basis of attorney client privilege and work product, without providing a privilege log.

I. All of Defendant's Objections are Overruled

It is the responding party's burden to justify any objections raised to discovery requests. (*Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220-21; *West Pico Furniture Co. of Los Angeles v. Superior Court In and For Los Angeles County* (1961) 56 Cal.2d 407, 422.) Defendant has not attempted in their opposition to justify any of the objections raised in their responses to Plaintiff's discovery requests. The Court finds them all to be without merit and they are all overruled.

II. Defendant Shall Provide Further Supplemental Responses

a. *Form Interrogatories 12.2, 12.3, 15.1, 16.1, 16.2, 16.3, 16.4, 16.5, and 16.6*

Defendant's supplemented responses to each of these interrogatories are still incomplete and evasive. They do not directly answer the questions posed, nor attempt to answer the several subparts of the questions.

b. *Request for Production 1, 3, and 16*

The language of Defendant's supplemented responses to Nos. 1, 3, and 16 suggests that Defendant has withheld responsive documents without providing a privilege log. The responding party has the burden of providing "sufficient factual information for other parties to evaluate the merits of that claim" when withholding documents claimed to be privileged or work product. Defendant shall produce a privilege log identifying all documents withheld as being privileged or work product and the factual basis for such assertions. (See C.C.P. § 2031.240(c)(1)).

III. Sanctions are Warranted

Defendant argues that sanctions are not warranted because it served supplemented responses. This argument is not persuasive. Defendant did not serve supplemented responses until 7 months after it served its initial responses and Plaintiff attempted to meet and confer about them. Defendant did not produce them until the very last day of Plaintiff's deadline for filing this motion. Moreover, the responses were still incomplete and evasive. The Court finds the imposition of monetary sanctions against Defendant to be warranted and finds the request for \$1,560 to be reasonable.

6-10. 26CV00955, Fahmie v. Zanolini

This is a joint ruling on Plaintiff's five discovery motions. Each of Plaintiff's motions are **GRANTED**. Plaintiff's request for monetary sanctions against Defendant Timothy Zanolini and his counsel of record, jointly and severally, is **GRANTED** in the amount of \$960.00. Plaintiff's request for monetary sanctions against Defendant Barbara Zanolini and her counsel or record, jointly and severally, is **GRANTED** in the total amount of \$3,840.00.

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

Analysis:

Plaintiff served his Requests for Admissions, Set One (“RFAs”) on Defendant Timothy Zanolini on April 23, 2026. Defendant never provided any response. Defendant’s counsel never responded to Plaintiff’s counsel’s attempts to meet and confer. Defendant failed to file an opposition to this motion.

Plaintiff also served his Form Interrogatories, Set One, Special Interrogatories, Set One, Request for Production of Documents, Set One, and Requests for Admissions, Set One on Defendant Barbara Zanolini on April 23, 2026. Defendant has never provided any responses to these discovery demands. Defendant’s counsel never responded to Plaintiff’s counsel’s meet and confer efforts. However, Defendant propounded her own discovery on April 14, 2026, to which Plaintiff has responded. Defendant failed to file an opposition to this motion.

By failing to respond to these discovery requests, Defendants have waived all objections to them. Regarding the requests for admissions, due to Defendants’ failure to respond to them and failure to oppose this motion, they shall be deemed admitted. (CCP § 2033.280.) Regarding the remaining discovery requests to Barbara Zanolini, she is ordered to provide code-compliant, objection-free responses within 20 days of notice of entry of an order on this motion.

Sanctions are warranted against both defendants and their counsel of record due to counsel’s failure to respond to Plaintiff’s counsel’s emails and failure to oppose these motions. The request for \$960 against Defendant Timonthy Zanolini and his counsel is reasonable and granted. Plaintiff requests \$1,560 for each of the motions filed against Barbara Zanolini. However, considering that the motions are substantially similar and contain many copy-and-pasted portions, the Court finds the request unreasonable. The Court finds a total amount of \$3,840 in monetary sanctions to be reasonable. This is comprised of 1.5 hours for each of the four motions against Defendant Barbara at Plaintiff’s counsel’s rate of \$600 per hour and a \$60 filing fee for each motion.

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