

TENTATIVE RULINGS

LAW & MOTION CALENDAR

Friday, October 2, 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) 521-6723**, 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. 24CV00653, Garcia v. Maxim Healthcare Staffing Services, Inc.

Plaintiff Claudia Garcia (“Plaintiff”) filed the presently operative first amended complaint (the “Complaint”) in Case Number 24CV00653 against defendants Rincon Valley Unified School District (the “Rincon”), Maxim Healthcare Staffing Services, Inc. (“Maxim”, with Rincon, “Defendants”) related to employment claims.

Also pending before this Department is *Doe 1 v. Rincon Valley Unified School District*, Case No. 24CV01036 (the “Consolidation Case”), wherein plaintiffs Doe 1, by and through his guardian ad litem Hilda Aguilar, Marisol Aguilar, and Doe 2 by and through his guardian at litem Gabriel Arevalo Angel (together, “Consolidation Plaintiffs”) have filed an action alleging negligence against Rincon (the “Consolidation Complaint”).

This matter is on calendar for Plaintiffs’ request consolidate 24CV00653 with 24CV01036, pursuant to Cal. Code Civ. Proc. (“CCP”) §1048, for all purposes. The motion is DENIED.

I. Procedural and Evidentiary Issues

Plaintiff requests that the Court take judicial notice of multiple pleadings in the two cases. The request is GRANTED.

Plaintiff's counsel filed a declaration with the motion which states that there are exhibits attached. However, on review, the Exhibits are not included with the copy on file with the Court.

II. The Motion

The basis for the Motion is Plaintiff's contention that this action and the Consolidation Action are sufficiently interrelated that it is both in the interests of judicial efficiency and consistency of judgments that the matters must be consolidated. Plaintiff alleges that she was retaliated against in her employment in part because she reported the abuse of Consolidation Plaintiffs, and that her subsequent adverse employment actions were therefore violations of the Fair Employment and Housing Act and whistleblower retaliation. The Consolidation Complaint alleges that Rincon's staff undertook abusive conduct against Consolidation Plaintiffs, and that Rincon's conduct was negligent. The complaints contain common factual allegations, but no overlapping causes of action.

III. Governing Law

An order of complete consolidation results in separate actions becoming a single action, the pleadings in the various actions being considered as an overall set of pleadings, and a single verdict and judgment issuing for all parties on all issues. *Kropp v. Sterling Sav. & Loan Ass'n* (1970) 9 Cal.App.3d 1033, 1046-47.

Consolidation for all purposes is proper where the parties are the same and the causes of action could have been joined. *See, e.g. Sanchez v. Sup. Ct.* (1988) 203 Cal.App.3d 1391, 1396 (distinguishing complete consolidation and partial consolidation); *Hamilton v. Asbestos Corp. Ltd.* (2000) 22 Cal.4th 1127, 1147-48. In contrast, matters may be ordered only consolidated for pre-trial matters or trial. Where consolidation only for trial, "the pleadings, verdicts, findings and judgments are kept separate; the actions are simply tried together for the sake of convenience and judicial economy." *Sanchez v. Superior Court* (1988) 203 Cal.App.3d 1391, 1396.

Factors ordinarily considered by the court in deciding whether to order consolidation are the timeliness of the motion (*i.e.* whether granting consolidation would delay trial or whether discovery in one or more cases has proceeded without all parties present), complexity (*i.e.* whether joining the actions involved would make trial too confusing or complex), and prejudice (*i.e.* whether consolidation would adversely affect the rights of any party). *See Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial* (Rutter Group 2020) ¶ 12:362. Decisions regarding consolidation sit within the court's sound discretion. *Fellner v. Steinbaum* (1955) 132 Cal.App.2d 509, 511.

Motions to consolidate have various procedural requirements, including being filed in each case sought to be consolidated. Rule of Court, Rule 3.350(a). The lead case in a consolidation is typically required to be the lower numbered case. Rule of Court, Rule 3.350(b).

IV. Analysis

Plaintiff seeks to consolidate the instant case with the Consolidation Case for all purposes. Plaintiff argues that the consolidation will avoid duplicative discovery, depositions, and trial testimony. She also argues that it will allow consistent adjudication of discovery disputes and factual determinations. Plaintiff predicates this

motion almost entirely on the theory that her theories rely on a mutual finding of fact with the Consolidation Case, and as a result the consolidation would promote judicial efficiency. The allegations of the two cases represent substantial factual overlap. Consolidation Plaintiffs allege mistreatment in the school setting. Plaintiff was allegedly an employee there at the time, and her action is reliant on allegations that she suffered retaliation for reporting the mistreatment of Consolidation Plaintiffs, as well as her own mistreatment by staff and students at the school.

Defendants object to consolidation on multiple bases. Maxim avers that consolidation is prejudicial because neither they nor Plaintiff are parties to the Consolidation Case. This would require their participation in discovery with Consolidation Plaintiffs, who are not a party to the instant case. Plaintiff, on Reply, argues that Rincon's participation in each case abrogates any prejudice, but this is neither supported by authority nor persuasive. That Rincon and Maxim are both defendants does not render their interests in sufficient alignment that Maxim should otherwise not require discovery related to the Consolidation Case.

Defendants also argue that the cases are at substantially different procedural points. Both cases were filed in 2024. Despite this, the Consolidation Case has been set for trial since March 28, 2025, and it has been continued three times since then. Trial is currently set for March 19, 2027, and given the number of prior continuances, another appears unlikely. This case has not yet been set for trial. Plaintiff appears to acknowledge this deficiency despite optimistic phrasing, noting that in the Consolidation Case, "much discovery has [] been completed," while in this case the parties are "still working to complete discovery." Plaintiff's Memorandum, pg:6:4-7. Introducing the issue of Maxim and Consolidation Plaintiffs having to mutually participate in discovery with each other casts significant doubt that the consolidated case would be ready for trial on the March 19, 2027 date, nor does Plaintiff represent that this would be the case. The effect of consolidation would be to significantly delay the Consolidation Case.

Plaintiff's argument regarding consistency is also unpersuasive. Defendants persuasively argue that the nature of the claims is disparate, and the result would be problematic. Consolidation Plaintiffs' claims are factually simple, relying on three different theories of negligence. Plaintiff's claims are significantly more complicated. Plaintiff contends that she needs to prove the same facts as Consolidation Plaintiffs, but Plaintiff's required showing is significantly greater. It is not sufficient that Plaintiff prove that she witnessed the alleged abuse, but that her resulting adverse employment actions were related to her reporting that abuse. Indeed, whether what Defendants were doing was illegal is irrelevant for whistleblower claims, Plaintiff need only prove that she *believed* the conduct was illegal. *Flait v. North American Watch Corp.* (1992) 3 Cal.App.4th 467, 477. Plaintiff's claims also rely on numerous facts irrelevant to the Consolidation Complaint, such as Plaintiff's own alleged discrimination by Defendants based on her disability. Furthermore, the employment claims are subject to a layered burden shifting analysis irrelevant to Consolidation Plaintiffs' claims. See *McDonnell Douglas Corp. v. Green* (1973) 411 U.S. 792. The claims appear distinct sufficient that consolidation would not create a significant gain in judicial efficiency, and would significantly complicate trial.

The overlapping defendant and factual claims are not sufficient to show that consolidation for all purposes would be either efficient or proper. No authority provided by Plaintiff consolidates claims related in such a limited, exclusively factual manner for all purposes. The common existence of a factual event in both complaints does not appear to be sufficient basis to consolidate such varied and legally distinct claims for all purposes. The existence of an overlapping incident does not sufficiently intertwine the instant matters where

they would be necessarily consolidated merely because the same occurrence is relevant. The cases turn on distinct legal issues which otherwise presented to the same jury would be significantly more prejudicial than probative.

Therefore, the motion to consolidate cases is **DENIED**.

Maxim shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

2. 25CV01985, Perdue Foods LLC. v. Direct Action Everywhere

In the instant action, case number 25CV01985, plaintiffs Perdue Foods, LLC (“Perdue”) and Jason Arnold (“Arnold”) filed the currently operative First Amended Complaint (the “Complaint”) in this action against defendants Direct Action Everywhere (“DxE”, or “Defendant”), Almira Tanner (now dismissed), and Does 1-100, for four causes of action: 1) Harassment under CCP § 527.6; Intentional Infliction of Emotional Distress; 3) Violations of the California Constitution Right to Privacy; and 4) Public nuisance.

In another action in this Department 17, case number 25CV04600, Perdue and Scott Fitzpatrick (“Fitzpatrick”, together with Perdue and Arnold, “Plaintiffs”) filed the currently operative First Amended Complaint (the “Complaint”) in this action against defendants Direct Action Everywhere (“DxE”, or “Defendant”) and Does 1-100, for four causes of action: 1) Harassment under CCP § 527.6; Intentional Infliction of Emotional Distress; 3) Violations of the California Constitution Right to Privacy; and 4) Public nuisance.

Both actions had Anti-SLAPP Motions filed and ruled upon by the trial court. Appeals in both matters followed. The matters have been stayed pending the result of those appeals. The parties have subsequently filed conditional notices of settlement in both cases in the trial court and in the Court of Appeal. 25CV01985 has a filed abandonment of appeal, and the case registers as completed at the First District. 25CV04600 was dismissed by the First District on August 25, 2026. This matter is on calendar for the stipulated motion by the parties to consolidate the actions for purposes of settlement, and enter the stipulated injunction with retained jurisdiction to enforce under CCP § 664.6.

Both matters involve allegations of DxE’s conduct targeted to employees of Perdue. The matters have proceeded based on the same legal theories and substantially similar facts. Both matters were subject to preliminary injunctions and Anti-SLAPP motions which relied on overlapping legal issues. Both matters were up on appeal on the Anti-SLAPP motions. Each of the Appeals has been dismissed predicated on the joint settlement.

First, the parties move the Court for consolidation of the two cases for the purposes of settlement. The cases have a homogeneity of entities on either side of the case, with the only distinction in party

composition being the individual Perdue employee allegedly affected. They turn around substantially similar legal issues. They rely on a singular settlement agreement. Consolidation of the two appears facially appropriate. Given that the parties are in agreement on the issue, consolidation for the purposes of settlement appears proper.

The second part of the motion asks that the Court enter the Stipulated Injunction and Order Retaining Jurisdiction, and file it in both Case No. 25CV01985 and Case No. 25CV04600. Third, the parties ask that the Court allow Plaintiffs to dismiss the action without prejudice, expressly subject to the Court's retained jurisdiction under CCP, § 664.6. In order to effectively read the Stipulation as not containing contrary terms, the Court interprets the stipulated injunction as an order, and not a judgment. The terms otherwise appear adequately clear to be enforceable, and the stipulated judgment contains language regarding retention of jurisdiction under CCP § 664.6.

Therefore, the motion to consolidate cases is **GRANTED. The matters are consolidated for the purposes of settlement.**

Plaintiffs shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b). Plaintiffs will file the order in both cases. **The Court will thereafter sign the Stipulated Injunction, and file it into both cases.**

Plaintiffs are ordered to file a dismissal without prejudice within three days of notice of entry of the Stipulated Injunction.

3. 25CV02415, Gillies v. Ford Motor Company

Plaintiff George Allen Gillies and Michele Ann Gilles (together "Plaintiffs") filed the complaint ("Complaint") in this action against defendants Ford Motor Company ("Manufacturer"), defendant Hansel Ford Lincoln ("Dealer", together "Defendants") for alleged violations of the Song-Beverly Consumer Warranty Act, Civ. Code § 1790 et seq. (the "Act"). This matter is on calendar for the motions by the Defendants to strike or tax Plaintiffs' costs. The Motion to Strike or Tax Costs is GRANTED in part.

I. Strike or Tax Costs

The prevailing party is generally entitled to recover costs in any action or proceeding. See CCP § 1032 (b). A "prevailing party" is defined as "the party with a net monetary recovery, a defendant in whose favor a dismissal is entered, a defendant where neither plaintiff nor defendant obtains any relief, and a defendant as against those plaintiffs who do not recover any relief against that defendant." CCP § 1032(a)(4). Allowable costs are defined by CCP § 1033.5, and include "[f]iling

motion, and jury fees”, “[t]aking, video recording, and transcribing necessary depositions,” and “Service of process by a public officer, registered process server, or other means...” CCP, § 1033.5

“In ruling upon a motion to tax costs, the trial court's first determination is whether the statute expressly allows the particular item and whether it appears proper on its face.” *Foothill-De Anza Community College Dist. v. Emerich* (2007) 158 Cal.App.4th 11, 29. “If so, the burden is on the objecting party to show them to be unnecessary or unreasonable.” *Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 131. “Prior experience with cost awards is part of the information used by courts in forming an initial impression of whether the amount requested is in the ballpark of what is reasonable.” *Wagner Farms, Inc. v. Modesto Irrigation Dist.* (2006) 145 Cal.App.4th 765, 775.

II. Analysis

The parties have settled the case, and have designated Plaintiff as the prevailing party for the purposes of recovery of costs. Defendants do not challenge Plaintiffs’ right to recover costs generally, but instead argues that four categories of costs are either unreasonable or not appropriately recoverable. Defendants challenges Filing and Motion Fees of \$23.80, Deposition Costs of \$2,426.05, Service of Process of \$120.50, and Mediation Services of \$142.86.

Defendant’s challenge of e-filing costs fails to be persuasive. The relatively modest cost of \$5.95 per filing is well within industry norms. Defendants’ objection in this regard fails to display that the filing costs are not reasonable.

To the deposition costs, Plaintiff establishes that the deposition costs were necessary, and Defendants’ contention that they are unnecessary entirely because lower costs were incurred in a different case is not persuasive. The Court may rely on its experience in determining reasonable costs, and \$1,546.85 in court reporting fees for a deposition does not indicate that the amount is unreasonable without something more. While Defendants argue that Plaintiff fails to show those costs are reasonable, this misallocates the burden of the costs expressly covered by CCP § 1033.5(a). Defendants’ objection fails to show that the costs are so far outside the expected costs that they are unreasonable.

Defendants’ objection to Plaintiff’s second service attempt on Dealer is unpersuasive. Plaintiff points out that service of process reflected on the Proof of Service shows the second of the two dates for service attempts. Defendants make no showing that an unsuccessful service attempt is not recoverable under CCP § 1033.5(a)(4). Defendants fail to show this cost is unreasonable as a result.

As to mediation costs, Plaintiff points out that “costs may be recoverable by the plaintiff as part of a settlement or judgment.” CCP, § 871.26(d)(1). However, the Court notes that the language here is both permissive, and not predicated on Plaintiff being a “prevailing party” as required under the statute. This is not to say that a non-prevailing plaintiff may otherwise be able to recover these

costs, but that recovery of such costs “may” be recovered, in much the same way that the Court may grant discretionary other costs under CCP § 1033.5(c)(4). Here, Plaintiff provides the bill for \$1,000, but attributes on \$142.86 to the instant action, with no accounting for how that amount is related to this case as opposed to any other cases which might have shared that mediation session. The invoice provided contains no indication that the session included the instant case. Given that Plaintiff fails to show any support for the figure, it appears unreasonable. Defendants’ motion to strike \$142.86 is GRANTED.

III. Conclusion

Defendant’s motion to strike or tax costs is **GRANTED in part**.

Plaintiff’s counsel shall submit a written order to the court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).