

TENTATIVE RULINGS

LAW & MOTION CALENDAR

Friday, October 9, 2026, 3:00 p.m.

Courtroom 16 – Hon. Oscar A. Pardo 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. 24CV01395, Crestbrook Insurance Company v. Chezkian

This matter comes on calendar for Crestbrook’s motion for judgment on the pleadings with regard to defendant Sara Chezkian’s cross-complaint. On October 6, 2026, Ms. Chezkian filed a Request for Dismissal, dismissing Crestbrook as a party to the cross-complaint. The dismissal was executed by the Court’s clerk on the same day.

Since Crestbrook is no longer a party to the cross-complaint, its motion for judgment on that pleading is moot, and is therefore **DROPPED** from the Court’s calendar.

2. 25CV00233, Miller v. Pullins

The motion is **DENIED without prejudice** because the moving papers are procedurally defective. Counsel for the County of Sonoma is directed to submit a written order to the Court consistent with this ruling and in compliance with Rule of Court 3.1312(a) and (b).

I. Summary of litigation

The instant case is one of four personal injury actions arising from an automobile accident on U.S. 101 on October 12, 2024. Defendant Jace Pullins lost control of his car in wet weather, and it crossed the median and struck an oncoming car. Pullins’s passenger Taylor Kesler was killed, and there were multiple injuries. The matter comes on calendar for Defendants’ motion to consolidate all four cases.

The following lawsuits have been filed in connection with the accident:

Miller v. Pullins (25CV00233) (the instant case) was filed on January 9, 2025. Plaintiffs' counsel is Robert Arns; Thomas Brandi was associated as counsel on September 24, 2025. Plaintiffs are Melissa, Ty, and Aiden Miller. Defendants are Jace and Deborah Pullins (collectively "Pullinses"). The complaint alleges that Melissa and Ty Miller were both injured in the accident, and that Aiden is their minor son. On July 17, 2025, the Millers amended the complaint to add the California Department of Transportation as a defendant.

Holbrook v. State of California (25CV04317) was filed on June 23, 2025. Plaintiff's counsel is Brian Flahavan. Plaintiff is Ethan Holbrook. The initial complaint named only the State of California as a defendant and alleged only one cause of action for premises liability. However, the Pullinses were added as defendants by Doe amendment on September 4, 2025.

Kessler v. Pullins (25CV07144) was filed on October 9, 2025. Plaintiff's counsel is Kevin McDonough. Plaintiffs are David and Kim Kessler, the successors to Taylor Kesler, who died in the accident. Defendants are the Pullinses, the State of California, the California Department of Transportation, and several different entities of the County of Sonoma (collectively "County"). The State and County defendants' demurrers to the complaint were both overruled. Counsel Joshua Myers filed an answer on behalf of County.

Johnson v. State of California (25CV07251) was initially filed on October 10, 2025. Plaintiff's counsel is Charles Lucero. Plaintiff is Carson Johnson. As with the *Holbrook* case, the initial complaint named only the State of California as defendant and alleged only one cause of action for premises liability. However, Johnson filed a First Amended Complaint on April 1, 2026 naming the Pullinses as defendants.

In all four cases, the Pullinses cross-complained against the State of California for indemnity. Counsel Erin Holbrook and Ian Madrosen filed answers to each such cross-complaint, and to each complaint that named a state agency as a defendant.

II. The instant motion is procedurally defective.

The instant motion is procedurally defective in three independent ways.

A. Proof of service

First, no proof of service has been filed. (Cal. Rules of Court, rule 3.1300(c).) Defendants' counsel attempted to file one on July 31, 2026, the same day he filed the moving papers in the instant motion. However, the document was rejected by the Court's clerks on August 21, 2026 on the grounds that it "does not comply with California Rules of Court, rules 2.101 through 2.117." The clerks were presumably reacting to the document's lack of a caption, which is required by rule 2.111. The document appears to have been intended to be appended to Defendants' notice of motion or memorandum of points and authorities.

If that were the only procedural problem, the Court would be inclined to regard it as an excusable clerical error, since the unfiled POS does indicate proper service on all parties. However, it is not the only problem.

B. The motion was not filed in the other cases.

The second problem is that the instant motion was filed only in the instant case, *Miller v. Pullins* (25CV00233). It was not filed in the other three cases the Pullinses want to consolidate. "A notice of motion to consolidate must . . . [b]e filed in each case sought to be consolidated." (Cal. Rules of Court, rule 3.350(a)(1)(C).)

C. Notice of the hearing date was served late.

The third is that, according the declaration of counsel for County, the Pullinses did not provide timely notice of the date of the hearing on the instant motion. County's counsel provides exhibits demonstrating that County was informally apprised of the hearing date on September 21, and received service of a notice of motion containing a hearing date on September 25. (King Dec

Exhs. 2 and 3.) Both dates are too late. Moving papers must be served no later than 16 court days prior to the hearing date, and that period is extended by two days when service is by email. (CCP §§ 1005(b), 1010.6(a)(3)(B).) The hearing date for the instant motion is Oct. 9. Sixteen court days plus two calendar days before that is September 14. (September 25 was a court holiday.) County's first inkling of the hearing date was a week later, and it was not formally notified for another four days. The Court has no reason to suspect that the other parties received more timely notice.

The Court notes that Defendants' counsel circulated a proposed stipulation to consolidation to counsel for all other parties, and only one of them, counsel for Ethan Holbrook in case no. 25CV04317, signed it. (Tyler Dec ¶¶ 9-10 and Exh. E.) Six parties did not sign it: the plaintiffs in the three cases other than *Holbrook*, the California Department of Transportation, the State of California, and County. Only one of those six parties, County, has opposed the instant motion. That is somewhat surprising since the other five were apparently not in favor of consolidation. The Court cannot say whether their failure to oppose was related to either untimely notice or the motion not being filed in their cases, but the point of the notice and filing rules is to make sure that all parties receive notice of the motion in time to facilitate opposition.

III. Conclusion

The motion is **DENIED without prejudice**.

3. 25CV07262, Bailey v. Ford Motor Company

This is a Song-Beverly Act action involving a Ford F-150 truck purchased in 2020. The complaint was filed on October 16, 2025. Plaintiff was represented by Strategic Legal Practices ("SLP"), a Los Angeles firm. Mani Arabi of SLP filed the instant motion to be relieved as counsel on July 30, 2026. The matter comes on calendar for hearing on that motion.

CCP § 284(2) provides that an attorney may be changed without the client's consent "upon the application of either client or attorney, after notice from one to the other." Notice that is served on the client by mail must be accompanied by the attorney's declaration either that the service address is the client's current address, or that it is the last known address and the attorney has made reasonable efforts to locate a more current one. (Cal. Rules of Court, rule 3.1362(d)(1).)

Counsel has accompanied the instant motion with a declaration demonstrating compliance with the service requirements described above and stating that, "a complete breakdown of the attorney-client relationship has occurred because Mr. Bailey failed to communicate with SLP." The Court finds that there is good cause to grant the motion.

The **unopposed** motion is **GRANTED**. The Court will sign the proposed order lodged with the moving papers.