

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, October 23, 2026 3:00 pm
Courtroom 19 –Hon. Oscar A. Pardo
3055 Cleveland Avenue, Santa Rosa**

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 19 Hearings

MeetingID: 160-421-7577

Password: 410765

<https://sonomacourt-org.zoomgov.com/j/1604217577>

TO JOIN ZOOM BY PHONE:

By Phone (same meeting ID and password as listed for each calendar):

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PLEASE NOTE: The Court’s Official Court Reporters are “not available” within the meaning of California Rules of Court, Rule 2.956, for court reporting of civil cases.

1. 25CV04778, Katzman v. Gerrans

Christopher Gerrans (“Respondent”) filed a wage claim with the Department of Industrial Relations (“DIR”) against his employer Retinalgenix (“Retinal”) and two other defendants: Retinal’s CEO Jerry Katzman and Sanovas, Inc. DIR issued a decision in Respondent’s favor. All three defendants appealed the decision in this Court. Respondent moved to dismiss the appeal on the basis that none of the appellants had posted an undertaking as required by Lab. Code § 92(b). On April 20, 2026, the Court dismissed the appeal as to Retinal only.

The instant motion seeks fees and costs pursuant to Lab. Code § 98.2(c), which provides that “[i]f the party seeking review by filing an appeal to the superior court is unsuccessful in the appeal, the court shall determine the costs and reasonable attorney’s fees incurred by the other parties to the appeal, and assess that amount as a cost upon the party filing the appeal.” Since the appeal has been dismissed only as to Retinal, it remains active as to Katzman and Sanovas. Therefore, the only currently unsuccessful party is Retinal. The April 20, 2026 order explicitly gave Respondent “leave to file the request for attorneys’ fees and costs *against Retinal* any time . . .” (Emphasis supplied.)

Respondent's counsel declares that she spent 20.7 hours working on this case, and documents this figure with a list of individual time entries. (Ryan Dec ¶ 9 and Exh. 7.) Counsel does not break down the time by which particular appellant the time entries apply to, but two of them clearly apply to the Katzman and Sanovas appeals and not to the Retinal one: the one dated July 13, 2026 for 2.4 hours to "begin drafting Mtn to Dismiss Katzman appeals and disburse undertaking," and the one dated August 3, 2026 for 2.9 hours for "continued drafting of motion; draft Decl Ryan and RJN plus exhibits." (Ryan Dec Exh. 7.)

Those entries presumably refer to the *Motion to Dismiss Defendants Katzman and Sanovas' Appeals as Moot* that Respondent filed on August 14, 2026 ("8/14 Motion"). In the MPA filed with that motion, Respondent notes that Katzman and Sanovas's liabilities are "joint and several to [Retinal]'s liability," and adds in a footnote that "[Respondent]'s entitlement to attorney's fees and costs pursuant to Labor Code § 98.2(c) shall be decided in an amount specific to be determined by separate motion per the Court's Order dated April 20, 2026." The Court interprets this to mean that the instant motion seeks all the fees and costs Respondent intends to seek, and that he will not be seeking further fees and costs in the event that the 8/14 Motion is granted.

However, the 8/14 Motion will not be heard until November 6, 2026. As of the hearing date on the instant motion, October 23, 2026, it is not yet known whether the 8/14 Motion will be granted. If it is not, the Katzman and Sanovas appeals will remain active, so Katzman and Sanovas will not be "unsuccessful in the appeal" as contemplated by Lab. Code § 98.2(c), and therefore none of the appellants will be entitled to attorney's fees for work performed on those appeals.

Hearing on the instant motion is **CONTINUED** to November 20, 2026, at 3:00pm in Dept. 19. If the 8/14 Motion is denied, the Court will exclude the time claimed for preparation of that motion from Respondent's fee claim.

2. 25CV04809, Synchrony Bank v. Roberts

On June 9, 2026, Synchrony Bank ("Plaintiff") obtained a default judgment against Jerry Roberts ("Defendant") in the amount of \$3,967.52. That amount, according to the judgment form, is the sum of \$4,241.35 in damages and \$326.17 in costs. That is clearly incorrect.

Plaintiff explains that the \$4,241.35 figure erroneously failed to account for \$600 that he had paid on the judgment. (Penuela Dec ¶ 5.) The total judgment amount is correct, but it should have been calculated as the sum of \$3,641.35 – that is, \$4,241.35 minus the \$600 payment – and \$326.71 in costs. (MPA at pp. 1-2.) By the instant motion, Plaintiff seeks to amend the judgment nunc pro tunc to reflect the proper calculation of the total amount.

The Court agrees with Plaintiff that the requested amendment does not burden Defendant, since the amount of the judgment remains unchanged. The motion is **GRANTED**. Plaintiff's counsel is directed to submit a written order consistent with this ruling and compliant with Cal. Rules of Court, rule 3.1312.

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