

**TENTATIVE RULINGS  
LAW & MOTION CALENDAR  
Wednesday, October 7, 2026 3:00 p.m.  
Courtroom 17 – Hon. Jane Gaskell  
3035 Cleveland Avenue, Santa Rosa**

**PLEASE NOTE:** In accordance with the Order of the Presiding Judge, a party or representative of a party may appear in Department 17 in person or remotely by Zoom, a web conferencing platform.

**CourtCall is not permitted for this calendar.**

**If the tentative ruling is accepted, no appearance is necessary via Zoom unless otherwise indicated.**

**TO JOIN D17 ZOOM ONLINE:**

Meeting ID: 161 126 4123

Passcode: 062178

<https://sonomacourt-org.zoomgov.com/j/1611264123>

**TO JOIN ZOOM BY PHONE:**

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

+1 669 254 5252

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** Judge Gaskell’s Judicial Assistant by telephone at **(707) 521-6723**, and all other opposing parties of your intent to appear, and **whether that appearance is in person or via Zoom**, by **4:00 p.m. the court day immediately preceding the day of the hearing**.

**1. 24CV01623, Diazbarriga v. Novavine, a California corporation**

The Court **GRANTS** Plaintiff Gildardo Diazbarriga (“Plaintiff”) unopposed motion for final approval of class and representative PAGA action settlement.

**I. PROCEDURAL HISTORY**

Plaintiff brought this class action alleging labor code violations against Defendant Novavine, Inc. (“Defendant”) by way of their employment practices and policies. (Motion, 2:9-16.) After Plaintiff filed the Complaint, the parties conducted formal and informal discovery, including telephonic conferences with Plaintiff, review of written discovery responses, inspection and analysis of documents exchanged, analysis of the parties legal positions, investigation into the viability of class treatment of the Plaintiff’s claims, analysis of potential class-wide damages, research of applicable law, assembly and analysis of data for calculating damages, examining Defendant’s financial documents and the feasibility of collection, and analyzing payroll and other data relevant to Plaintiff,

the Class, and the Class Period. (*Id.* at 2:17-28, 3:1-10.) The parties then participated in an all-day, arms-length mediation with Michael Leb, Esq., ultimately leading to the parties' agreement to settle their claims. (Motion, 3:12-27.) The Court granted Plaintiff's unopposed motion for preliminary approval of the class and representative PAGA action settlement and set a Final Fairness Hearing. (*Id.* at 4:1-11.) Plaintiff now moves for final approval of the parties' Settlement. (*Id.* at 1:3-27, 2:1-6.)

## II. ANALYSIS

### Legal Standard for Final Fairness and Approval

After preliminary approval of a settlement, the court must determine the settlement is fair, adequate, and reasonable. (C.R.C., Rule 3.769(g); *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) A presumption of fairness exists where: 1) the settlement is reached through arm's length bargaining; 2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; 3) counsel is experienced in similar litigation; and 4) the percentage of objectors is small. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1802.) The test is not for the maximum amount plaintiff might have obtained at trial on the complaint but, rather, whether the settlement is reasonable under all of the circumstances. (*Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 250, disapproved of by *Hernandez v. Restoration Hardware, Inc.* (2018) 4 Cal.5th 260.) In making this determination, the court considers all relevant factors including "the strength of [the] plaintiffs' case, the risk, expense, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and the stage of the proceedings, the experience and views of counsel, the presence of a governmental participant, and the reaction of the class members to the proposed settlement." (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128.)

### Plaintiff's Motion for Final Approval

The Court considers the following for final approval of Plaintiff's motion regarding settlement:

#### *a. Class Members*

A Class Member means all persons employed by Defendant as non-exempt employees in the State of California during the Class Period (March 6, 2020, to May 6, 2025), as either a Participating Class Member or Non-Participating Class Member. (Haulk Decl., Ex. 1, Settlement Agreement, §§ 1.4, 1.8, 1.11.)

#### *b. Settlement*

The Settlement means the disposition of this action effected by the parties' agreement and the Judgment entered by the Court after final approval, for the gross settlement amount of \$200,000.00 to be paid by Defendant. (Haulk Decl., Ex. 1, Settlement Agreement, §§ 1.1, 1.14, 1.18-1.21, 1.43.)

*c. Administrator*

The Settlement Administrator was ILYM Group and seeks approval of administrator expenses of \$9,550.00. (Castro Decl., ¶ 17; Motion, 13:8-18.)

*d. Attorney Fees and Costs*

Matthew A. Haulk and Jose M. Herrera of Haulk & Herrera LLP served as Class Counsel and seek an approval of attorney fees of \$70,000.00 and costs of \$13,825.53. (Motion, pp. 2, 9-13.)

*e. PAGA/LWDA Allocation*

Pursuant to amendment to C.C.P. section 2699(m), civil penalties recovered by aggrieved employees shall be distributed as follows: 65 percent to the LWDA for enforcement of labor laws, including the administration of this part, and for education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes; and 35 percent to the aggrieved employees. The amendments made to section 2699 apply to a civil action brought on or after June 19, 2024; for the PAGA actions brought before that date, the distribution is that 75% of the recovered penalties go to LWDA and 25% go to the aggrieved employees.

This action was filed March 6, 2024, so the amendment does not apply. The PAGA Payment shall be \$10,000.00 with 75% for the LWDA award (\$7,500.00) and 25% for the Individual PAGA Aggrieved Employee award (\$2,500.00). (Castro Decl., ¶ 15.)

*f. Class Representative Service Payment*

Plaintiff as Class Representative will receive \$7,500.00 for Plaintiff's Class Representative Enhancement. (Castro Decl., ¶ 15.)

*g. Fair, Adequate, and Reasonable*

A presumption of fairness exists where: 1) the settlement is reached through arm's length bargaining; 2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; 3) counsel is experienced in similar litigation; and 4) the percentage of objectors is small. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1802.)

In making this determination, the court considers all relevant factors including "the strength of [the] plaintiffs' case, the risk, expense, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and the stage of the proceedings, the experience and views of counsel, the presence of a governmental participant, and the reaction of the class members to the proposed settlement." (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 128.)

Prior to settlement, the parties engaged in informal discovery and participated in private, arms-length mediation, and determined that the proposed settlement was fair and reasonable. (Haulk Decl., ¶¶ 13-17.) Plaintiff argues that the settlement amount and the payment and expenses requested are presumptively fair and reasonable under all relevant circumstances considering Plaintiff's claims. (*Id.* at ¶¶ 18-20.) No party has filed any objection to the settlement or opposition to the final approval motion. (Castro Decl., ¶¶ 11-14.)

### Application

The Court finds that the Motion supports a presumption of fairness in the parties' settlement, which was reached after the parties participated in arm's length mediation and extensive formal and informal discovery. The Settlement amount is substantial in total and both sides faced uncertainty and risks absent settlement. Class Counsel also has extensive experience in Class Action litigation. Overall, the Court finds that the settlement, payment of fees and costs, and distribution of funds is fair, reasonable, and adequate, and is in the best interests of the Class Members.

## **III. CONCLUSION**

Final approval of Plaintiff's class action settlement is **GRANTED**. Unless oral argument is requested, the Court will sign the proposed order and judgment lodged with the motion.

## **2-4. 25CV04376, 5095 Knollwood, LLC v. Hollaway-Vinson**

The Court rules as follows to Plaintiff 5095 Knollwood, LLC's ("Plaintiff") three discovery motions against Defendant Kim Hollaway-Vinson ("Defendant"):

1. The Motion to Compel Further Responses to Request for Production of Documents, Set One, ("MTC RFPDs") is **GRANTED**.
2. The Motion to Compel Further Responses to Requests for Admissions, Set One, ("MTC RFAs") is **GRANTED**.
3. The Motion to Compel Further Responses to Form Interrogatories, Set One, and Special Interrogatories, Set One, ("MTC ROGs") is **GRANTED**.

Defendant shall serve verified further responses to each of the discovery requests described in the motions, produce any responsive documents, and provide a privilege log for any document withheld on the basis of confidentiality or privilege. In the Court's discretion, sanctions are awarded for the reduced amount of \$9,544.73 for all three motions, the total for fees and costs.

## **I. PROCEDURAL HISTORY**

Plaintiff alleges that Plaintiff entered a written agreement with Defendant Vinson Engineering, Inc. and David Vinson, now deceased, for professional structural engineering services related to the development of the real property and asserts causes of action against named defendants for (1)

Professional Negligence; (2) Breach of Contract; (3) Declaratory Relief – Alter Ego; and (4) Fraudulent Conveyance. (MTC RFPDs Memorandum of Points and Authorities [“MTC RFPDs MPA”], 2:11-20; MTC RFAs Memorandum of Points and Authorities [“MTC RFAs MPA”], 2:13-16; MTC ROGs Memorandum of Points and Authorities [“MTC ROGs MPA”], 2:11-20.)

Plaintiff served the first set of Requests for Production of Documents, Interrogatories, and Requests for Admissions to Defendant Kim Hollaway-Vinson on May 22, 2026, and received boilerplate objection-only responses on June 23, 2026. (MTC RFPDs MPA, 3:3-10; MTC RFAs MPA, 3:4-12; MTC ROGs MPA, 3:4-15.) Plaintiff’s counsel met and conferred via correspondence multiple times, but ultimately Defendant did not provide supplemental or amended responses, did not produce documents, and did not serve any privilege log. (MTC RFPDs, 3:11-26, 4:1-5; MTC RFAs, 3:13-28, 4:1-16.)

As a result, Plaintiff brought these three discovery motions against Defendant to compel further responses. Defendant filed an Opposition, to which Plaintiff replied.

## **II. PLAINTIFF’S DISCOVERY MOTIONS**

### **Legal Standard**

#### *Further Responses to Interrogatories*

A propounding party may move to compel a further response to an interrogatory if: “(1) An answer to a particular interrogatory is evasive or incomplete. (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate. (3) An objection to an interrogatory is without merit or too general.” (C.C.P. § 2030.300(a).) The motion to compel must be accompanied by a meet and confer declaration showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (C.C.P. §§ 2016.040, 2030.300(b)(1).)

The court shall impose a monetary sanction against any party who unsuccessfully makes or opposes a motion to compel a further response to interrogatories, unless the court finds that the sanctionable party acted with substantial justification or that other circumstances make it unjust to impose sanctions. (C.C.P. § 2030.300(d).)

#### *Further Responses to Demand for Production of Documents*

A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. (C.C.P. §2031.210(a).) If a responding party is not able to comply with a particular request, or part thereof, that party “shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand.” (C.C.P. § 2031.230.) If a responding party is objecting to a demand only, then the responding party must identify the demanded document, tangible thing, land, or electronically stored

information to which an objection is being made, set forth the grounds for objection, and if privileged, provide a privilege log for the demanded items that are privileged. (C.C.P. § 2031.240.)

A propounding party may move for an order compelling further response to a demand for production if that party deems that: (1) a statement of compliance with the demand is incomplete; (2) a representation of inability to comply is inadequate, incomplete, or evasive; or (3) an objection in the response is without merit or too general. (C.C.P. § 2031.310(a).) The court shall impose a monetary sanction against a party who unsuccessfully makes or opposes a motion to compel further responses to a demand for production, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. (C.C.P. § 2031.310(h).)

#### *Further Responses to Requests for Admissions*

A party requesting admissions may move for an order compelling a further response if that party deems that either or both of the following apply: (1) an answer is evasive or incomplete; or (2) an objection is without merit or too general. (C.C.P. § 2033.290(a).) Parties must submit a meet and confer declaration under C.C.P. section 2016.040 when bringing a motion to compel further responses to a request for admissions. (C.C.P. § 2033.290(b)(1).) Monetary sanctions shall be imposed against a party who unsuccessfully makes or opposes a motion to compel further responses, unless the court finds that the party acted with substantial justification or that other circumstances would make the imposition of the sanction unjust. (C.C.P. § 2033.290(d).)

Pursuant to C.C.P. section 2033.290, the party requesting admissions may move for an order compelling a further response if that party deems that an objection to a particular request is without merit or is too general. Only if a party then fails to obey an order compelling further response to RFAs may the Court order that the matters involved in the requests be deemed admitted. (C.C.P. § 2033.290(e); *St. Mary v. Superior Ct.* (2014) 223 Cal.App.4th 762, 783 [“the court, at real parties in interest’s urging, bypassed four steps of the statutorily required process by deeming admitted the responses to 41 RFAs in St. Mary’s proposed response”].)

#### *Sanctions on Motion to Compel Further Responses*

The Court shall impose monetary sanctions on a party that unsuccessfully makes or opposes a motion to compel further responses, unless that party acted with substantial justification, or other circumstances make sanctions unjust. (C.C.P. §§ 2030.300(d), 2031.310(h), 2033.290(d).) Courts may otherwise impose monetary sanctions for fees and costs upon a party engaging in the misuse of the discovery process (C.C.P. § 2023.030.) Misuses include, but are not limited to, failing to respond or to submit to an authorized method of discovery and making an evasive response to discovery. (C.C.P. § 2023.010.) Per section 2023.030(a), the Court may order the attorney, the party, or both to pay reasonable expenses including attorney’s fees that were incurred as a result of conduct misusing the discovery process.

The court may award sanctions in favor of a party who files a motion to compel discovery, even though no opposition to the motion was filed, or opposition to the motion was withdrawn, or the requested discovery was provided to the moving party after the motion was filed. (California Rules of Court, Rule 3.1348(a).) At the same time, “the failure to file a written opposition or to appear at a hearing or the voluntary provision of discovery shall not be deemed an admission that the motion was proper or that sanctions should be awarded.” (C.R.C., Rule 3.1348(b).)

### Motion to Compels Further Responses

Plaintiff argues that all of Defendant’s responses to each and every one of the requests for production and requests for admissions were not code-compliant because they were objection-only responses with no merit and no document or privilege log were produced. (MTC RFPDs, pp. 4-9; MTC RFAs, pp. 5-9.) As for the interrogatories, Plaintiff argues that Defendant’s objections to Form Interrogatories Nos. 1.1, 2.1 through 2.13, 4.1 4.2, 12.1 through 12.7, 13.1, 13.2, 16.1, 17.1, and 50.1, and to Special Interrogatories Nos. 1 through 35 are meritless. (MTC ROGs, pp. 5-7.)

Plaintiff also requests the following sanctions against Defendant:

1. \$11,220.00 in fees incurred at a rate of \$550.00 per hour for 20.4 hours of work on the meet and confer letters, the motion and supporting documents, and time anticipated to review any opposition, prepare a reply, and attend the hearing on the Motion to Compel Further Responses to the RFPDs.
2. \$8,910.00 in fees incurred at a rate of \$550.00 per hour for 16.2 hours of work on the meet and confer letters, the motion and supporting documents, and time anticipated to review any opposition, prepare a reply, and attend the hearing on the Motion to Compel Further Responses to the RFAs.
3. \$8,250.00 in fees incurred at a rate of \$550.00 per hour for 15 hours of work on the meet and confer letters, the motion and supporting documents, and time anticipated to review any opposition, prepare a reply, and attend the hearing on the Motion to Compel Further Responses to the interrogatories.
4. \$254.19 total in costs for filing fees of \$60.00 and for electronic filing fee of \$24.73 for each motion.

In total, Plaintiff seeks \$28,634.19 for all three motions.

### Opposition

Defendant opposes all three motions on the basis that Plaintiff waived the right to move to compel because the motion is untimely under the plain language of the discovery act, which requires notice of a motion to compel further responses to be served within 45 days of the service of the verified response, or any supplemental verified response, unless the parties agree in writing that the motion can be brought on a different day. (Opposition to MTC RFPDs, pp. 5-8; Opposition to MTC

RFAs, pp. 5-8; Opposition to MTC ROGs, pp. 5-8.) Defendant argues that sanctions should instead be awarded against Plaintiff for untimely bringing all three motions.

### Reply

Plaintiff argues that, because verifications were never served with the responses to the interrogatories and to the requests for admissions, the 45-day period never started because the statute specifically states that it only starts after the service of a “verified” response or supplemental response. (Reply re MTC RFAs, pp. 2-3; Reply re MTC ROGs, pp. 2-3.)

However, as to the RFPDs, Plaintiff argues that the Clerk’s Office did not process the motion until later and as soon as Plaintiff received the October 7 hearing information, Plaintiff promptly served notice of it to Defendant, who had approximately seven weeks before the hearing to file an opposition.

### Application

As to the 45-day period, the Discovery Act is clear that the period starts from the day verified responses or supplemental responses are served. Defendant’s Oppositions did not indicate that any of the responses were verified and the Reply confirmed that verifications were not served. The Court agrees that as no verified responses were served, the 45-day deadline was not set by the service of unverified responses preventing Plaintiff from filing these motions to compel.

Otherwise, the Oppositions did not offer any substantial justification for the lack of response to the discovery requests, the failure to produce any responsive documents, or the failure to provide any privilege log for the items withheld.

The Court finds the objection-only responses to be evasive and not code-complaint. While the Court will grant Plaintiff’s motions, the Court finds that the \$28,634.19 requested in monetary sanctions is excessive, especially where there was overlap for fees incurred in completing the meet-and-confer correspondences. The Court will, in its discretion, award a third of the fees requested to Plaintiff for the reduced amount of \$9,544.73.

## **III. CONCLUSION**

Based on the foregoing, all three motions are granted. Verified further responses shall be served within 20 days of this Court’s order, as well as any documents responsive to the requests and any relevant privilege log regarding documents withheld. In the Court’s discretion, sanctions are awarded for the reduced amount of \$9,544.73 for fees and costs.

Plaintiff shall submit a written order on its discovery motions to the Court consistent with this tentative ruling and in compliance with California Rules of Court, Rules 3.1312(a) and (b).

## **5. 26CV01186, Lester v. Illia**

Defendant/Cross-Complainant Steven J. Illia moves unopposed for an order joining Breize as a necessary party to this action under Code of Civil Procedure section 389. The motion is **GRANTED**.

Section 389 allows joinder where: (1) in the absence of that proposed party complete relief cannot be accorded to those who are already parties; (2) the proposed party claims an interest relating to the subject of the action.

Here, the Amended Cross-Complaint filed by Illia identifies Breize as a party “not named as a cross-defendant and no relief is sought against her” but “identified in this pleading because she is a contracting party to the oral agreement described below and a percipient witness to the facts alleged.” (Amended Cross-Complaint, ¶ 6.) The Motion argues that Breize is a party to the oral labor-exchange agreement upon which Plaintiff’s Complaint is founded and Breize negotiated that agreement directly with Plaintiff and has attested under oath and under penalty of perjury that the agreement was with Plaintiff not with Illia. (Motion, 2:16-21.) Furthermore, Illia argues that Breize claims an interest relating to the subject of the action. (*Id.* at 2:24-27.) Lester submitted a Notice of Non-Opposition indicating that the Motion is a nullity as Illia has a right to cross-complain against Breize pursuant to C.C.P. section 428.10 without leave of Court.

However, Illia does not request relief or assert a claim directly against Breize, so Breize has not been joined in this action via the Cross-Complaint. Regardless, the Court has determined that complete relief cannot be accorded between Illia and Lester without Breize joined as a party as Breize may have an interest in the subject of this action and also played an important role in negotiating the underlying agreement that gives rise to the parties’ claims. As a result, the Court will grant the unopposed motion.

Unless oral argument is requested, the Court will sign the proposed order lodged with the motion.

## **6. 26CV02801, Reimann v. Bartlett**

Plaintiff Erik Reimann (“Plaintiff”) moves to consolidate this matter with *Bartlett v. Reimann*, Case No. 26CV02221 (“*Bartlett*”), which is pending before Commissioner Chester in Department 11. The motion is **GRANTED**, with this action being noted as the lead case. The Court on its own motion takes judicial notice of the pleadings on record in the *Bartlett* matter per Evidence Code section 452(d).

### **I. PROCEDURAL HISTORY**

Plaintiff filed this action on April 22, 2026, asserting causes of action for breach of contract, specific performance, and breach of implied covenant of good faith and fair dealing. (Complaint, ¶¶ 24-60.) Plaintiff alleges that Plaintiff and Defendant Dylan Bartlett (“Defendant”) entered into a

written lease agreement for property located at 477 Raspberry Lane, Sebastopol, California, according to which there was an option to purchase the property and Plaintiff attempted to do so. (*Id.* at ¶¶ 5-18.) Even though Plaintiff complied with the terms of the option agreement, Defendant failed and refused to perform Defendant's obligations and refused to execute the necessary documents to convey title to Plaintiff. (*Id.* at ¶¶ 19-23.)

On April 2, 2026, Defendant had filed the *Bartlett* unlawful detainer action regarding the same property. Plaintiff (who is the Defendant in the *Bartlett* action) filed a motion to consolidate in the *Bartlett* action. Commissioner Chester dropped the hearing on that motion stating that he lacked the requisite authority to hear the matter and instead ordered that the motion to consolidate be filed in this matter and heard by the Honorable Jane Gaskell.

As a result, Plaintiff filed a motion to consolidate in this matter. On August 20, 2026, the Court Trial for the unlawful detainer was set to occur, but Commissioner Chester stayed the matter until the motion to consolidate in this matter was heard and ruled upon. Defendant opposes the motion to consolidate. Plaintiff submitted a Reply.

## II. ANALYSIS

### Legal Standard

Code of Civil Procedure section 1048(a) provides that “when actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.” 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.) The Court ordinarily considers the following factors in deciding whether to order consolidation: 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.)

### Motion to Consolidate

Plaintiff moves to consolidate the two matters arguing that the *Bartlett* unlawful detainer action is an attempt to sidestep the ownership issues that are raised in this action and for Defendant to try and obtain summary adjudication in his favor to possess the property. (Motion, pp. 3-6.) Plaintiff argues that allowing the unlawful detainer to proceed would improperly defeat his own right to a full trial of his claims regarding ownership of the property. (*Ibid.*)

### Opposition

The Opposition argues that the hearing on this motion should be continued to after the Demurrer is heard on October 28, 2026, because consolidation is premature before determining the legal sufficiency of Plaintiff's Complaint. (Opposition, pp. 3-4.) Furthermore, Defendant argues that the unlawful detainer's summary proceeding is incompatible with consolidation as it is designed for the quick resolution of the narrow question of the right to possession. (Opposition, pp. 4-6.)

### Reply

The Reply argues that the contract dispute is not independent of the issue of right of possession that is being determined in the unlawful detainer action, so whatever is decided in the unlawful detainer action has a direct impact on whether Plaintiff has enforceable rights as a purchaser, which are at issue in this action. (Reply, pp. 1-2.) Plaintiff argues that there is a risk of inconsistent rulings if the matters are not consolidated but offers that the Court may grant tailored relief to preserve the priority of the unlawful detainer claim, limit initial discovery, and separately adjudicate any remaining damages or equitable issues after the possession-related questions are resolved. (*Id.* at pp. 4-5.)

### Application

The Court does not find that there are issues as to notice because Commissioner Chester specifically ordered Plaintiff to re-file the motion to consolidate in this action. Thus, the Court and all parties in the *Bartlett* matter had proper notice of this motion. The Court finds that there is sufficient basis outlined in the moving papers to consolidate the two matters. A decision on the issue of possession in the unlawful detainer matter will have a direct impact on Plaintiff's purchase and ownership rights at issue in this matter. The Court will consolidate the two actions, while giving priority to the unlawful detainer Court Trial as that action was filed first.

## **III. CONCLUSION**

Plaintiff's motion is **GRANTED**. The actions are consolidated under this action as the lead case. Unless oral argument is requested, the Court will sign the proposed order lodged with the motion.

### **7-8. SCV-271693, Benedetti v. Benedetti**

The hearings on the two motions filed by Referee/Receiver Michael S. Pecherer are **CONTINUED** to October 14, 2026, at 3:00 P.M. in Department 17. All briefing deadlines remain unchanged based on the original hearing date of October 7, 2026. All briefing is accordingly considered complete, and no further briefing will be allowed prior to the new hearing date.