TENTATIVE RULINGS
LAW & MOTION CALENDAR
Wednesday, November 4, 2026, 3:00 p.m.
Courtroom 16 – Hon. Bradford DeMeo 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. 24CV00531, Knoop v. Knoop

Defendants and Cross-Complainants Taylor Knoop and Carmen Knoop ("Defendants") move for an order compelling Plaintiff Heidi Knoop ("Plaintiff" or "Heidi") to serve verified, code-compliant responses to Defendants' Requests for Production of Documents ("RPD") served upon her on April 7, 2026, and to comply with her statement that responsive documents would be produced.

Plaintiff served responses to Defendants' RPD on September 22, 2026. (Glaubiger decl., ¶4.) Plaintiff's counsel states that he informed Defendants that he started a long cause trial on September 9, 2026, which went through October 2, 2026, and that he would prepare and serve the requested documents as time allowed. (*Id.,* ¶¶5, 6.) After the trial concluded, Plaintiff's counsel served Defendants with a Bates-numbered document production consisting of H.KNOOP 000001 through H.KNOOP 000061. (*Id.* ¶6.) After receiving and reviewing additional documents from his clients, on October 15, 2026, Plaintiff's counsel served Defendants with Bates-numbered AKNOOP 000062 through AKNOOP 000104. (*Id.,* ¶7.) After Defendants requested identification regarding which produced documents were responsive to which requests, on October 22, 2026, Plaintiff's counsel sent Defendants a request-by-request identification of the production by Bates number. (*Id.,* ¶8, Exhibit B.) Plaintiff's counsel states, to the best of his knowledge, the responsive, nonprivileged documents located by Plaintiff following her search and inquiry have been produced to Defendants.

(*Id.,* ¶9.) He states that if additional responsive, nonprivileged documents are located, Plaintiff will supplement as appropriate. (*Ibid*.)

In reply, Defendants acknowledge that they received documents after the motion was filed and that Plaintiff's counsel subsequently identified many produced documents by request number. Defendants argue that some of their requests were not made moot by Plaintiff's subsequent production.

a. Verification

Defendants argue that the verification supplied with Heidi Knoop's production of documents does not identify the September 22 supplemental responses. Defendants state that because different discovery packets use overlapping set numbers, they request clarification regarding which responses the verification covers. They seek to have Heidi supply a verification clearly applicable to the September 22 supplemental response.

b. Requests 4 and 5

Defendants state that Heidi provided documents but that they were subject to privilege, work-product, and other objections. Defendants are not clear whether responsive materials remain withheld due to these objections.

c. Request 6

Defendants acknowledge documents were produced but state remain unsure which document produced is the plan that was submitted to Sonoma County.

d. Requests 7 and 8

Defendants acknowledge that the October 22 statement indicates that no responsive nonprivileged Phelps communications were located. Defendants state the September 22 responses contained only objections. Therefore, for Request number 7, they request a further response accurately stating the result of Heidi's search and inquiry and identifying any responsive communications actually withheld under the asserted protection.

For Request number 8, Defendants seek the nonprivileged well-location communications within the previously narrowed period beginning January 1, 2017. They request a further response stating whether compliance is complete or partial and identifying the scope of any withholding.

e. Request 9

Defendants state that the September 22, response indicates that Heidi does not have any responsive documents "at this time," but the October 22 index identified responsive documents. Defendants seek a further response reflecting the current production.

f. Request 10

Defendants state that Heidi's response does not identify responsive documents. They seek a complete compliance statement.

g. Request 11

Defendants appear to argue that Plaintiff's response to this request should not prevent relief on other requests.

h. Court's Order

Defendants' reply is difficult to follow such that this court cannot make an informed decision regarding whether the Plaintiff's supplemental responses were code compliant. Therefore, this court will order the parties to meet and confer to resolve any remaining discovery issues. If meet and confer efforts are unsuccessful, Defendants are directed to file a separate statement specifically addressing the outstanding issues and Plaintiff is directed to provide a separate statement in opposition. **The court will CONTINUE the hearing on this matter to January 6, 2027, at 3:00 p.m., in Department 16**. If the parties resolve all discovery disputes prior to the hearing, the parties are directed to inform this court at least 16 court days prior to the hearing so this court can take the matter off calendar. Defendants are directed to file and serve their supplemental separate statement 16 court days prior to the next hearing. Plaintiff may file her supplemental separate statement in opposition 9 court days prior to the next hearing.

2. <u>25CV04827, Bonomo v. Whitesgate Apartments, L.P.</u>

Defendant Whitesgate Apartment, LP, ("Defendant" or "Whitesgate") moves for summary judgment as to the single cause of action alleged against it in the complaint filed by Plaintiff Derek Bonomo ("Plaintiff").

I. Complaint

On July 9, 2025, Plaintiff filed his complaint against Defendant and Does 1-20 alleging a single cause of action for negligence. Plaintiff alleges that at all relevant times in the complaint, he was a visitor at Whitesgate Apartments located at 777 Aston Avenue in Santa Rosa ("the Apartments" or the "Senior Apartments"). Plaintiff alleges that on August 13, 2023, he returned to the Apartments after visiting a local convenience store. While waiting for the security gate to open, he alleges an unknown suspect approached him and shot him on the left side of his torso. He alleges he was taken to Santa Rosa Memorial Hospital and treated for a grade 4 renal injury, grade 4 splenic injury, L 1 vertebral injury, hemorrhagic shock, traumatic respiratory failure, acute kidney injury, urinary retention, adjustment disorder with anxiety, and thrombocytosis. Plaintiff alleges these treatments included the complete removal of Plaintiff's spleen and partial removal of his colon and left kidney. He alleges the bullet remains lodged in his body.

Plaintiff alleges Defendant had an "elevated duty" to protect visitors because it was on notice of frequent crime at the Apartments. Plaintiff alleges that between 2020 and the incident that

is the subject of this action, there were at least 392 unique records of crime reported at the Apartments, including 38 “promiscuous shootings.”

II. Objections to Evidence

Defendant’s objections, numbers 1, 2, 11, 23, 25-27, 29 and 30 are overruled. Objection numbers 3-10, 12-22, 24, and 28 are sustained.

III. Disputed and Undisputed Material Facts

The following consist of the undisputed facts in support of Defendant’s motion. Whitesgate owned and managed the Apartments, a senior community. (Defendant’s Undisputed Material Facts [“UMF”] Number 1.) Plaintiff's mother and grandfather were residents at the Senior Apartments. (UMF No. 2.) Plaintiff was not, and had never been, a resident at the Senior Apartments. (UMF No. 3.) The gate at the entrance to the Senior Apartments was scheduled to automatically open and close each day. (UMF No. 4.) When the gate at the entrance to the Senior Apartments was closed, it could only be opened with remote entry devices which were issued by Whitesgate to the residents at the Senior Apartments. (UMF No. 5) Whitesgate never issued a remote entry device for the gate at the Senior Apartments to Plaintiff. (UMF No. 6.) Plaintiff stayed overnight in his grandfather's apartment at the Senior Apartments on August 12, 2023. (UMF No. 7.) Plaintiff departed from his grandfather's apartment shortly after 5:00 a.m. on August 13, 2023, and drove to a convenience store to purchase cigarettes and an energy drink. (UMF No. 8.) After his visit to the convenience store, Plaintiff was driving back to his grandfather's apartment at the Senior Apartments when he noticed that another car was following closely behind him. (UMF No. 9.) Plaintiff raised his middle finger at the other car ("flipped him off") before the assailant shot him. (UMF No. 10.) Someone in the other car shot Plaintiff. (UMF No. 11.) Shortly after the shooting occurred, officers from the Santa Rosa Police Department arrived at the Senior Apartments to respond to a call for service regarding shots fired. (UMF No. 12.) Officers from the Santa Rosa Police Department found Plaintiff seated in the driver's seat of his car, which was stopped in front of the security gate at the entrance to the Senior Apartments. (UMF No. 13.) Plaintiff's car was running and in gear, and his foot was on the brake. (UMF No. 14.) Plaintiff was unable to identify his assailant. (UMF No. 15.) Officers from the Santa Rosa Police Department conducted a thorough search in and around the Senior Apartments and Plaintiffs car for casings and other evidence related to the shooting. (UMF No. 16.) There were no casings found on or in the vicinity of the Apartments. (UMF No. 17.) The identity of Plaintiff's assailant remains unknown. (UMF No. 18.) The gate at the entrance to the Senior Apartments was open when police arrived there shortly after the shooting on August 13, 2023. (UMF No. 19.) The gate was regularly maintained, and there were no outstanding complaints or requests for service or maintenance on the gate at the time of the shooting. (UMF No. 20.)

The only disputed fact is Plaintiff’s number 21, which states: “Prior to the subject shooting, Whitesgate had no notice that any shooting or other such violent crime had occurred at the Senior Apartments.”

In opposition to this fact, Plaintiff provides a Call Disposition list for service at the Apartments dated December 9, 2024, for the Santa Rosa Police Department; testimony from former assistant manager, Renee Marteo; officer Anthony Scalercio; a neighbor, David Doke; and Sergeant Matt White.

Renee Marteo testified that he frequently heard gunshots somewhere from between every weekend to several times during the weekend. (Hipschman decl., Exhibit B, p. 107.) He testified it was "just the neighborhood," that there was shady stuff going on such as "drug deals, homeless people jumping over the fence at Whitesgate, helicopters flying around, gun shots going off, fireworks going off." (*Ibid*.)

David Doke testified that he has seen or heard shootings on Aston Avenue in the past and that he hears a couple of gunshots a year. (*Id.,* Exhibit E.)

Officer Scalercio testified it was a high crime area. (*Id.,* Exhibit D.) He testified that he investigated numerous shootings, stabbings, and gang-related crimes in that neighborhood. (*Ibid*.)

Sergeant White testified that the neighborhood is dominated by three rival gangs. (*Id.,* Exhibit G.) He guessed his office got reports of shots fired approximately six to eight times a month, and that it was busier in the summer. (*Ibid*.) He testified that shootings with victims are a lot less than they used to be. (*Ibid*.) He stated that his office gets lots of reports of shots fired where they do not locate a victim or shell casings.

The evidence presented in opposition does not establish that Whitesgate had notice of any shooting or other such violent crime had occurred *at* the Apartments. There is no evidence supporting that Defendant was aware of any of the violent crimes that occurred at Whitesgate. The other evidence only supports that the neighborhood was a high crime neighborhood due to the local gang rivalries.

IV. Negligence / Premises Liability

To prevail on a negligence cause of action, a plaintiff must prove each of the following elements of negligence: duty, breach, proximate cause, and damages. (*Ladd v. County of San Mateo* (1996) 12 Cal.4th 913, 917.) Premises liability is comprised of the same elements as negligence. (*Kesner v. Superior Court* (2016) 1 Cal. 5th 1132, 1158.)

V. Duty

In its motion, Defendant argues that it had no affirmative duty to Plaintiff to protect him from the shooting.

As a general matter, there is no duty to act to protect others from the conduct of third parties. (*Brown v. USA Taekwondo* (2021) 11 Cal.5th 204, 214.) And one generally owes no duty to control the conduct of another, nor to warn those endangered by such conduct. (*Ibid*.) The general rule derives from the common law's distinction between misfeasance and nonfeasance, and its reluctance to impose liability for the latter. (*Ibid*.) Nonfeasance is a failure to take positive steps to benefit others, or to protect them from harm not created by any wrongful act of the defendant. (*Id.* at p. 215.)

The no-duty-to-protect rule has exceptions. (*Ibid*.) Under some circumstances, a defendant may have an affirmative duty to protect the plaintiff from harm at the hands of a third party, even though the risk of harm is not of the defendant's own making. (*Ibid*.)

The existence and scope of a property owner's duty to protect against third party crime is a question of law for the court to resolve. (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1213.) In determining a duty's existence and scope, our precedents call for consideration of several factors: " '[T]he foreseeability of harm to the plaintiff, the degree of certainty that the plaintiff suffered injury, the closeness of the connection between the defendant's conduct and the injury suffered, the moral blame attached to the defendant's conduct, the policy of preventing future harm, the extent of the burden to the defendant and consequences to the community of imposing a duty to exercise care with resulting liability for breach, and the availability, cost, and prevalence of insurance for the risk involved.' (*Ibid*.)

Foreseeability and the extent of the burden to the defendant are ordinarily the crucial considerations, but in a given case one or more of the other *Rowland* factors may be determinative of the duty analysis. (*Ibid*.)

Turning to the question of the scope of a landlord's duty to provide protection from foreseeable third party crime, ... we have recognized that the scope of the duty is determined in part by balancing the foreseeability of the harm against the burden of the duty to be imposed. [Citation.] ' "[I]n cases where the burden of preventing future harm is great, a high degree of foreseeability may be required. [Citation.] On the other hand, in cases where there are strong policy reasons for preventing the harm, or the harm can be prevented by simple means, a lesser degree of foreseeability may be required.

The duty analysis we have developed requires the court in each case (whether trial or appellate) to identify the specific action or actions the plaintiff claims the defendant had a duty to undertake.

The full analytical process is: "'First, the court must determine the specific measures the plaintiff asserts the defendant should have taken to prevent the harm. This frames the issue for the court's determination by defining the scope of the duty under consideration. Second, the court must analyze how financially and socially burdensome these proposed measures would be to a landlord, which measures could range from minimally burdensome to significantly burdensome under the facts of the case. Third, the court must identify the nature of the third party conduct that the plaintiff claims could have been prevented had the landlord taken the proposed measures, and assess how foreseeable (on a continuum from a mere possibility to a reasonable probability) it was that this conduct would occur. Once the burden and foreseeability have been independently assessed, they can be compared in determining the scope of the duty the court imposes on a given defendant. The more certain the likelihood of harm, the higher the burden a court will impose on a landlord to prevent it; the less foreseeable the harm, the lower the burden a court will place on a landlord.' [Citation.] Again, other *Rowland* factors may come into play in a given case, but the balance of burdens and foreseeability is generally primary to the analysis." (*Id.,* at p. 1214.)

Generally, a landowner has a duty to act reasonably in the management of property "in view of the probability of injury to others." (*Garcia v. Paramount Citrus Assn., Inc.* (2008) 164 Cal.App.4th 1448, 1453.) "A landowner's duty of care to avoid exposing others to a risk of injury is not limited to injuries that occur on premises owned or controlled by the landowner. Rather, the duty of care encompasses a duty to avoid exposing persons to risks of injury that occur off site if the landowner's property is maintained in such a manner as to expose persons to an unreasonable risk of injury offsite." (*Ibid*.)

Here, in considering the *Rowland* factors, it is not foreseeable that a visitor to the Plaintiff would be followed by another person back to the Apartments and be shot while waiting for the security gate to open. There is no connection to the Apartments itself; there was nothing about the Apartments that caused the injury except to the extent that it did not occur further onto the Apartments possibly because the security gate kept the parties involved outside of the Apartments. There is nothing the Defendant could have done to prevent this type of harm except the very burdensome requirement to have armed security guards posted at the gate. This burdensome measure is not required for a mere possibility that a visitor may be shot at the Apartments.

The Apartments had security measures such as the security gate and security cameras, the latter just happened to have been unplugged because of floor maintenance. (Plaintiff's Additional Material Fact ["PAMF"] Number 9.)

Plaintiff argues that the Apartments are situated in well-known gang territory with elevated crime. Plaintiff argues Defendant's mother, who resides at the Apartments, and a person living next to the Apartments were accustomed to hearing gunshots in the area; a robbery occurred at the Apartments in August 2018; a threat of death or great bodily injury in October 2018; a battery was reported in July 2019; two calls regarding the display of a weapon in December 2020; a fight in April 2021; a battery in August 2022; and numerous domestic disturbance calls, as well as burglary, grand theft, vandalism, and narcotics activity calls.

Plaintiff has not established that the calls were confirmed calls; meaning that the event reported occurred at the Apartments. In addition, Plaintiff makes unsupported arguments in its opposition such as that "security professionals routinely rely on calls for service data rather than only on crimes that result in a report or an arrest, because calls reflect what residents and neighbors are actually experiencing and reporting." (Oppo. 8:5-6.) The owners of the Apartments are not security professionals. This court has sustained Defendant's objections to some of the testimony of Plaintiff's security professional.

Plaintiff also argues that gunfire directed at or near a property's entrance is a threat to the people entering and leaving that property, regardless of which side of the property line the shooter is standing on.

Plaintiff provided no evidence or authority that Defendants' removal of an assistant manager had any impact on the subject incident.

Plaintiff also argues, without supporting authority, that Defendant breached its duty of care by failing to perform a Risk and Vulnerability Assessment ("RVA").

To establish the heightened foreseeability necessary to impose a very burdensome measure such as hiring security guards, the plaintiff must show the existence of prior similar incidents on the premises or other sufficiently serious "indications of a reasonably foreseeable risk of violent criminal assaults." (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1222.) Criminal incidents at an "immediate[ly] proximat[e] ... substantially similar business establishment" can help to show the requisite foreseeability. (*Ibid*.)

Plaintiff focuses on frequent gunfire in the neighborhood arguing that makes it foreseeable that someone might get shot nearby. This is not the standard. In addition, Plaintiff presents no

evidence that having security guards at the Apartments would have protected him from being shot by a third-party at the Apartments' gate. Plaintiff's position is based upon speculation.

While Plaintiff has established that the neighborhood in which the Apartments is located is a high crime neighborhood, he has not rebutted Defendant's evidence that it did not have notice of any violent shooting at the Apartments itself. Thus, without evidence of prior notice of violent crime at the Apartments, it is not reasonable to require Defendant to implement the highly burdensome measure of hiring a sufficient showing of security guards to deter criminal and gang activity on the property.

While there may be circumstances where the hiring of security guards will be required to satisfy a landowner's duty of care, such action will rarely, if ever, be found to be a "minimal burden." (*Ann M. v. Pacific Plaza Shopping Center* (1993) 6 Cal.4th 666, 679.) The monetary costs of security guards is not insignificant. (*Ibid*.) Moreover, the obligation to provide patrols adequate to deter criminal conduct is not well defined. (*Ibid*.) "No one really knows why people commit crime, hence no one really knows what is 'adequate' deterrence in any given situation." (*Ibid*.) Finally, the social costs of imposing a duty on landowners to hire private police forces are also not insignificant. (*Ibid*.) For these reasons, a high degree of foreseeability is required in order to find that the scope of a landlord's duty of care includes the hiring of security guards. (*Ibid*.) The requisite degree of foreseeability rarely, if ever, can be proven in the absence of prior similar incidents of violent crime on the landowner's premises. (*Ibid*.) To hold otherwise would be to impose an unfair burden upon landlords and, in effect, would force landlords to become the insurers of public safety, contrary to well-established policy in this state. (*Ibid*.)

In *Ann M. supra,* the court concluded that violent criminal assaults were not sufficiently foreseeable to impose a duty upon the defendant Pacific Plaza to provide security guards in the common areas. (*Ibid*.) Pacific Plaza did not have notice of prior similar incidents on the property, thus it did not have a duty to hire security guards.

Similarly here, Defendant has established it did not have a legal duty to do more than it was already doing for the safety of its residents and tenants. Plaintiff has failed to rebut that evidence by showing that Defendant was aware of similar violent incidents at the Apartments.

VI. Proximate Cause

Defendant argues that Plaintiff cannot establish that it was the proximate cause of the shooting.

Where the facts are such that the only reasonable conclusion is an absence of causation, the question is one of law, not fact. (*State Dept. of State Hospitals y. Superior Court* (2015) 61 Cal. 4th 339, 353.)

Plaintiff also appears to argue that if the gate had been open at the time he arrived as he stated he suspected it would be, he would not have been shot. But the gate was regularly maintained, and there were no outstanding complaints or requests for service or maintenance on the gate at the time of the shooting. (UMF No. 20.) The only evidence provided establishes that the gate was working as intended.

The evidence establishes that it was the road rage incident that caused the shooter to follow Plaintiff. Plaintiff does not dispute that he flipped off the shooter before he was shot. In addition, Sergeant White surmised that Plaintiff's wearing the traditional colors of a Norteño criminal street gang while driving down Aston Avenue could have made it a gang-motivated shooting, even if Plaintiff is not a criminal street gang participant. (Hipschman decl., Exhibit E, p. 20.) Sergent White also testified that casings are removed from gang-related shootings. (*Id.,* at p. 45.) This supports Sergeant White's theory that the subject shooting was gang related as there were no casings found on site. (UMF Nos. 16-17.)

Plaintiff's provocative action enraging the shooter has no bearing on security at the Apartments. That the gate was closed and that the clicker to open the gate malfunctioned, which Plaintiff was not supposed to have in his possession, was not the cause of Plaintiff getting shot. It only may have contributed to the shooting location.

VII. Conclusion

Based upon the foregoing, **Defendant's motion for summary judgment is GRANTED.**

Defendant's counsel is directed to submit a written order to the court consistent with this ruling and in compliance with Cal. Rules of Court, Rule 3.1312.

3. <u>25CV05625, Capital One, N.A. v. Salerno, SR.</u>

Plaintiff Capital One, N.A. ("Plaintiff"), successor by merger to Discover Bank, moves for an order entering judgment on the pleadings in its favor against Defendant Jack L. Salerno, Sr. ("Defendant"). The motion is be made on the grounds that the complaint states facts sufficient to constitute a cause of action against the Defendant and the answer on file in this action does not state facts sufficient to constitute a defense to this complaint.

As of the time the court reviewed this matter, proof of service of the motion and supporting documents had not been filed showing service on Defendant. Accordingly, the motion **is CONTINUED to the next available hearing date of February 10, 2027, at 3:00 p.m., in Department 16**, to allow Plaintiff to file the necessary proof of service.

4. <u>25CV06712, Spielman v. City of Rohnert Park</u>

Plaintiff Sarah Spielman ("Plaintiff") moves for an order compelling defendant City of Rohnert Park ("City") to provide further, verified responses, without objections, and to produce the documents requested in Plaintiff's Request for Production, Set Three, propounded upon Defendant on April 26, 2026.

I. Complaint

On September 24, 2025, Plaintiff filed this action against the City and Does 1-100. The complaint alleges that on June 22, 2025, Plaintiff was sitting in the HoneyBee pool when a lifeguard and employee of the City (Doe 1) was looking at her phone and not paying attention. As a result,

Doe 1 stumbled and fell into the pool directly onto Plaintiff's head. Plaintiff alleges she sustained physical injuries, a concussion, and has incurred medical expenses. Plaintiff alleges causes of action against the City for general negligence and premises liability.

According to the parties, Doe 1 was a 16-year-old lifeguard at the time of the incident. She has not been added as a party to this action.

II. Request for Production of Documents

The motion for an order compelling further responses "shall set forth specific facts showing good cause justifying the discovery sought by the demand." (CCP § 2031.310(b)(1).)

a. Request for Production of Documents, Set Three, Number 16

Plaintiff's Request Number 16 seeks: "All documents related to the employment of Angelena Davis as a lifeguard by the City of Rohnert Park, including, but not limited to, all applications for employment, medical disclosures, health screenings, fitness for duty evaluations, lifeguard trainings and certifications, disciplinary records, and incidents of dizziness and/or illness. You may exclude [] financial information."

The City objected on several grounds including that the request is overbroad and unduly burdensome, that it violates privacy rights, and that certain terms are vague and ambiguous.

In opposition, the City argues this request seeks the same documents as Plaintiff's Request for Production of Documents, Set One, Number 8, which was part of Plaintiff's prior motion to compel further responses heard on September 23, 2026. The City also argues that because the motion was filed three days after the City provided its responses, and while the identical dispute was already pending before this court, Plaintiff has failed to show a reasonable and good-faith attempt at an informal resolution as required under the Discovery Act. The City notes that the instant motion also contains essentially the same arguments as were contained in that prior motion. Plaintiff cites general authority regarding privacy rights and how this court must balance the litigation rights with privacy rights.

In reply, Plaintiff argues that she had to file this motion within 45 days of the City's response or that the City would argue that the motion is untimely. This does not address the issue that Plaintiff's request is duplicative of her prior discovery request.

Plaintiff also argues that this request is narrower because it does not ask for Ms. Davis's entire personnel file. Plaintiff argues it only asks for "seven enumerated categories tied to the issues in this case." (Reply., 3:9-12.) Plaintiff appears to ignore the language in the discovery request, which states: "including, but not limited to" the enumerated categories. A party may not obtain through a third set of requests what this court declined to compel on the first, and the Discovery Act directs the court to restrict discovery that is unreasonably cumulative or duplicative. (Code Civ. Proc., § 2019.030, subd. (a)(1).)

In reply, Plaintiff addresses the enumerated items in relation to the City's pending motion for summary judgment. She argues that the City's alleged undisputed material fact ("UMF") number 13 in its motion for summary judication asserts that Ms. Davis never informed the City she was at risk for fainting. Plaintiff argues that any medical disclosures, health screenings, and fitness

for duty evaluations would indicate whether Plaintiff ever informed the City that Ms. Davis was at risk for fainting.

Plaintiff argues that the City's UMF number 12 asserts that Ms. Davis had never previously fainted. As such, any records of an earlier episode of dizziness, illness, or heat or hydration-related symptoms — or the absence of any — are the only institutional evidence on that point.

Plaintiff argues that Ms. Davis's doctors attributed her fainting in part to dehydration. Plaintiff argues that whether Ms. Davis was trained in hydration, heat illness, self-assessment, and leaving the stand when impaired goes to foreseeability and to the negligent training theory the complaint pleads.

Plaintiff argues that applications and disciplinary records bear on her negligent hiring and supervision theories.

Plaintiff has not shown good cause to obtain Doe 1's entire unredacted personnel file or extensive documentation within it. However, with respect to the limited categories discussed in Plaintiff's reply, these appear narrowly tailored to Plaintiff's legitimate discovery needs to oppose the City's pending motion for summary judgment.

III. Conclusion

The motion is GRANTED, in part. The City is directed to provide further responses, within 15 days of this order, to the following categories of documents which may be contained in Ms. Davis's personnel record: 1) medical disclosures, health screenings, and fitness for duty evaluations; 2) records of an earlier episode of dizziness, illness, or heat or hydration-related symptoms; 3) training documentation; and, 4) Ms. Davis's application(s) and disciplinary records. The motion is otherwise DENIED.

Plaintiff's counsel is directed to submit a written order to the court consistent with this ruling and in compliance with Cal. Rules of Court, Rule 3.1312.

5-6. 25CV08455, Commercial Collection Service, Inc. v. Dooley

I. Request to Deem Admissions Admitted as against Defendant Dooley's Heating & Air

Pursuant to Code of Civil Procedure section 2033.010, et seq., Plaintiff Commercial Collection Service, Inc. ("Plaintiff") moves to deem admissions served on defendant Dooley's Heating & Air ("Dooley's") admitted. Plaintiff requests sanctions in the amount of $660.

a. Statutory Authority

CCP section 2033.280 requires this court to deem admissions served upon a party admitted unless it finds the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. (CCP section 2033.280(c).) Sanctions are mandatory. (*Ibid*.)

b. Service of Requests for Admissions

On March 5, 2026, Plaintiff served Requests for Admissions, Set One, on defendant Dooley's. (Jeffrey decl., ¶3.) On April 24, 2026, Plaintiff's counsel sent Dooley's a letter informing it that no response was received and responses were overdue. (*Id.,* ¶4, Exhibit B.) The letter informed Dooley's that that unless it provided Plaintiff will full and complete responses with verifications by May 10, 2026, Plaintiff would file this motion and request sanctions. (*Id.,* ¶4, Exhibit B.) Plaintiff has not received a response or a request for an extension to respond. (*Id.,* ¶4.)

c. Sanctions

Plaintiff's counsel estimates that he spent one hour preparing this motion. (*Id.,* ¶5.) His hourly rate is $400. (*Ibid*.)

Plaintiff's motions are basically identical except for the name of the defendant. Therefore, this court will award one hour of time for both motions; i.e., $200 each, plus the filing fee.

d. Conclusion

The motion is GRANTED. Unless defendant Dooley's Heating & Air serves responses to Plaintiff's Requests for Admissions, Set One, served on Dooley's on March 5, 2026, prior to the hearing on this motion in substantial compliance with Code of Civil Procedure section 2033.220, the Requests for Admissions *will be deemed admitted*.

Sanctions are granted in the amount of $260.

Plaintiff's counsel is directed to submit a written order to the court consistent with this ruling.

II. Request to Deem Admissions Admitted as against Defendant Anthony Michael Dooley

Pursuant to Code of Civil Procedure section 2033.010, et seq., Plaintiff Commercial Collection Service, Inc. ("Plaintiff") moves to deem admissions served on defendant Anthony Michael Dooley ("Dooley") admitted. Plaintiff requests sanctions in the amount of $660.

a. Statutory Authority

CCP section 2033.280 requires this court to deem admissions served upon a party admitted unless it finds the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. (CCP section 2033.280(c).) Sanctions are mandatory. (*Ibid*.)

b. Service of Requests for Admissions

On March 5, 2026, Plaintiff served Requests for Admissions, Set One, on defendant Dooley. (Jeffrey decl., ¶3.) On April 24, 2026, Plaintiff's counsel sent Dooley a letter informing him that no response was received and responses were overdue. (*Id.,* ¶4, Exhibit B.) The letter informed Dooley

that that unless he provided Plaintiff will full and complete responses with verifications by May 10, 2026, Plaintiff would file this motion and request sanctions. (*Id.,* ¶4, Exhibit B.) Plaintiff has not received a response or a request for an extension to respond. (*Id.,* ¶4.)

c. Sanctions

Plaintiff's counsel estimates that he spent one hour preparing this motion. (*Id.,* ¶5.) His hourly rate is $400. (*Ibid*.)

Plaintiff's motions are basically identical except for the name of the defendant. Therefore, this court will award one hour of time for both motions; i.e., $200 each, plus the filing fee.

d. Conclusion

The motion is GRANTED. Unless defendant Anthony Michael Dooley serves responses to Plaintiff's Requests for Admissions, Set One, served on Dooley on March 5, 2026, prior to the hearing on this motion in substantial compliance with Code of Civil Procedure section 2033.220, the Requests for Admissions *will be deemed admitted*.

Sanctions are granted in the amount of $260.

Plaintiff's counsel is directed to submit a written order to the court consistent with this ruling.

7. 26CV01784, Dakin v. Proto

Defendants Deva Marie Proto, in her capacity as Sonoma County Clerk Recorder-Assessor ("Clerk Recorder") and Erick Roester, in his capacity as Sonoma County Tax Collector ("Tax Collector") (together "Defendants") demur to the First Amended Complaint ("FAC") filed by Plaintiffs Matthew William Dakin and Ashley Marie Ryles ("Plaintiffs") on the grounds that the FAC is barred based upon: (1) Res Judicata and Collateral Estoppel (Claims and Issue Preclusion) - Plaintiffs presented the same claims against Deva Marie Proto in Case No. SCV-273446; (2) Plaintiffs Cannot Challenge Property Taxes Through a Declaratory Relief Action; (3) Plaintiffs Failed to Exhaust Administrative Remedies; (4) Defendants are Entitled to Immunity; (5) Plaintiffs fail to state a cause of action against either Defendant Deva Marie Proto or Defendant Erick Roeser; Code of Civil Procedure §430.10(e).

I. Action

On May 28, 2026, Plaintiffs filed their FAC alleging a cause of action for Declaratory Relief. The FAC states that it is meant to determine whether the Defendants have jurisdiction over Plaintiffs' Land (the "Land"). Plaintiffs allege that the Land was "forever transferred from the UNITED STATES Public Domain to the private sector when it was granted to Joe Harry Smith and his heirs and assigns forever through Land Patent #463770 on March 19, 1915." ("Land Patent")(FAC, 1:33-37.) Plaintiffs allege that they currently own the Land and that defendant Tax Collector has refused to acknowledge the Plaintiffs' right not to pay property taxes and their request to be removed from the tax rolls.

II. Declaratory Relief

To allege facts sufficient to state a cause of action for declaratory relief, the plaintiff must allege "two essential elements: '(1) a proper subject of declaratory relief, and (2) an actual controversy involving justiciable questions relating to the rights or obligations of a party.'" (*Lee v. Silveira* (2016) 6 Cal.App.5th 527, 546.)

III. Collateral Estoppel / Res Judicata

Defendants argue that this action is the same as the one previously brought against the Clerk-Recorder in SCV-273446. In that case, the Plaintiffs filed a Petition for Writ of Mandate alleging that the Clerk Recorder had unlawfully refused to record Plaintiffs' certified copy of the Land Patent. (Petition in SCV-273446, Exhibit A.) The Clerk Recorder gave Plaintiffs a form titled Notice of Unrecordable Document. (Petition in SCV-273446, Exhibit C.) The Notice informed Plaintiffs that the Clerk Recorder was not aware of any legal provision for recording such a document. (*Ibid*.)

The only allegations in the SAC against the Clerk Recorder are that Plaintiffs provided the Land Patent to the Clerk Recorder, that the Land Patent was recorded in the Sonoma County Land Records on May 17, 1919; and that the Clerk Recorder has refused to recognize Plaintiffs' rights in the Land Patent immunizing Plaintiffs from property taxes. (SAC, pp. 103-110, 150-152.) Plaintiffs' petition in SCV-273446 containing these same allegations was denied by order dated March 12, 2024. As such, litigation of the same issue against the Clerk Recorder in this action is barred by the doctrine of collateral estoppel. (See *Boeken v. Philip Morris USA, Inc.* (2010) 48 Cal.4th 788, 797.)

The demurrer as against Deva Marie Proto, in her capacity as Sonoma County Clerk Recorder-Assessor is SUSTAINED WITHOUT LEAVE TO AMEND.

IV. Payment of Property Taxes

This action is based upon Plaintiffs' assertion that they are outside of the Tax Collector's jurisdiction; that their Land is not subject to payment of local property taxes. These allegations are based upon the Land Patent. Plaintiffs allege they are the current assignees of the Land Patent, which immunizes them from property taxes. Plaintiffs request an order directing the Tax Collector to remove the Land from tax rolls, cease collection activities, and repay any prior taxes paid.

Plaintiffs have not alleged that they have paid an illegal tax.

California Constitution Article XIII, Section 32 provides: "No legal or equitable process shall issue in any proceeding in any court against this State or any officer thereof to prevent or enjoin the collection of any tax. After payment of a tax claimed to be illegal, an action may be maintained to recover the tax paid, with interest, in such manner as may be provided by the Legislature."

California Revenue and Taxation Code section 4807 provides, in part: "No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against any county, municipality, or district, or any officer thereof, to prevent or enjoin the collection of property taxes sought to be collected."

The sole legal avenue for resolving property tax disputes is a post-payment tax refund action utilizing the statutory process set forth in Revenue and Taxation Code Sections 5096 through 5180. This is the exclusive process for challenging property taxes. (*Morgan v. Ygrene Energy Fund, Inc.* (2025) 18 Cal.5th 1061, 1080.)

As Plaintiffs have failed to allege payment of property taxes, the FAC fails to allege a proper subject for declaratory relief and an actual controversy involving justiciable questions relating to the rights or obligations of a party.

In opposition, Plaintiffs argue that the issue is not the payment of property taxes, but the Tax Collector's refusal to "have a discussion" about the Land Patent such that Plaintiffs' rights are being ignored and violated. No authority is cited that the Tax Collector must have a discussion about a Land Patent. The outcome Plaintiffs seek as the result of the discussion is to have the Tax Collector remove the Land from tax rolls, cease collection efforts, and repay any paid taxes—as specifically requested in the prayer on the face of the FAC.

V. Land Patents

Plaintiffs' allegation that the 1915 Land Patent immunizes them from the payment of property taxes is frivolous. Property received through federal land patents is subject to state and local regulations. (*Virgin v. County of San Luis Obispo* (9th Cir. 2000) 201 F.3d 1141, 1144.)

VI. Other Arguments

This court need not address the parties' other arguments as they are unnecessary to the outcome of the demurrer.

VII. Conclusion

The demurrer is SUSTAINED without leave to amend.

Defendants' counsel is directed to submit a written order to the court consistent with this ruling and in compliance with Cal. Rules of Court, Rule 3.1312.

8. 26CV03663, Moore v. Laval

The application of Maureen R. Knight, Esq. to appear *pro hac vice* as counsel for Defendant Amentum Services, Inc. is **GRANTED**. The court will sign the proposed order.

9. SCV-268610, Chettero v. Aurora Behavioral HealthCare-Santa Rosa, LLC

This matter is on calendar for a final compliance hearing. On October 24, 2025, this court entered an Order and Judgment Granting Plaintiff's Motion for Final Approval of Settlement and Motion for Attorney's Fees and Costs (the "Order"). The Order directed Class Counsel to file a declaration from Settlement Administrator Simpluris at least fifteen days prior to the compliance hearing regarding the final disbursement of the Settlement. As of the date the court reviewed this

matter, no declaration had been filed. Accordingly, **this court will issue an Order to Show Cause directing counsel for Plaintiff Nicole Chettero, individually and on behalf of all others similarly situated, to appear on December 15, 2026, at 3:30 p.m., in Department 16, to show cause why they should not be held in contempt for failing to comply with this court's October 24, 2025, Order.**