

TENTATIVE RULINGS: CIVIL LAW & MOTION

Friday, November 14, 2025 at 8:30 a.m. ****PLEASE NOTE ARGUMENTS WILL BE HEARD AT 3:00 P.M. AND NOT 8:30 A.M. ON FRIDAY, NOVEMBER 14, 2025****

Courtroom 18 – Hon. Kenneth G. English
Civil and Family Law Courthouse
3055 Cleveland Avenue
Santa Rosa, California 95403

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) 521-6604**, 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 18:

Meeting ID: 160—739—4368

Password: 000169

<https://sonomacourtorg.zoomgov.com/j/1607394368?pwd=aW1JTWIL3NBeE9LVHU2NVVpQlVRUT09>

TO JOIN ZOOM BY PHONE:

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

Call: +1 669 900 6833 US (San Jose)

Unless notification of an appearance has been given as provided above, the tentative ruling shall become the ruling of the Court the day of the hearing at the beginning of the calendar.

1. 24CV00099, Burns v. Kuok: Cross: Defendants' Motion for Summary Judgment or Summary Adjudication in the Alternative

Appearances required on Friday, November 14, 2025 at 3:00 p.m.

2. 25CV01059, Bertolini v. Reiner Communities II, LLC: Motion for Substitution of Party Plaintiff as Successor in Interest

Anne Marie Todt's motion for an order substituting Anne Marie Todt in place of Plaintiff/Decedent Linda Marie Bertolini as Decedent's Successor in Interest is **GRANTED** pursuant to C.C.P. section 377.20, et seq. Unless oral argument is requested, the Court will sign the proposed order lodged with the Court.

On February 11, 2025, Plaintiff Linda Marie Bertolini initiated this action alleging ten causes of action against Defendants Reiner Communities, LLC, The John Stewart Company, and Does 1–50 related to her tenancy at the senior housing facility Bethlehem Towers. After the Court granted Plaintiff’s *ex parte* application to amend her Complaint, on April 24, 2025, Plaintiff filed her First Amended Complaint substituting the true name of Defendant Bethlehem Tower Affordable, LP as Doe 1. Plaintiff passed away on May 17, 2025, and is survived by her daughter, Anne Marie Todt who is a beneficiary to Decedent’s estate and now moves the Court for an order substituting her as successor in interest.

Death does not terminate a pending cause of action and the decedent’s personal representative or, if none, decedent’s successor in interest may continue the action or proceeding. (C.C.P. §§ 377.21, 377.31.) Anne Marie Todt has submitted a declaration in conformity with the requirements listed in C.C.P. section 377.32, where she confirms that Decedent died intestate without a surviving spouse, there is no proceeding currently pending in California for the administration of Decedent’s estate, that she is the only surviving child of the Decedent, and that no other person has a superior right to be substituted for the Decedent in the pending action. Defendants Reiner Communities II, LLC and The John Stewart Company filed a notice of non-opposition to this motion on October 6, 2025. Accordingly, the motion is **GRANTED**.

3. SCV-273198, Rose v. Sonoma County Library: Petitioner’s Subsequent Motion to Compel Compliance with First Amended Writ of Mandate

Petitioner Mathew Rose’s Subsequent Motion to Compel Compliance with First Amended Writ of Mandate Ordering Compliance with the California Public Records Act is **DENIED**. The Court’s minute order shall constitute the order of the Court.

While Petitioner titles his motion “Subsequent Motion to Compel Compliance with First Amended Writ of Mandate Ordering Compliance with the California Public Records Act,” he is asking the Court to reconsider its September 19, 2025, Tentative Ruling that was adopted pursuant to C.C.P. section 1008. A motion for reconsideration requires the moving party to show the existence of new or different facts, circumstances, or law. (C.C.P. § 1008(a).) “[A] court acts in excess of jurisdiction when it grants a motion to reconsider that is not based upon ‘new or different facts, circumstances, or law.’” (*Gilberd v. AC Transit* (1995) 32 Cal.App.4th 1494, 1500.)

Petitioner argues that different facts exist as to the meet and confer efforts of the Parties but were not part of the Tentative Ruling. However, the facts cited by Plaintiff are not new or different than what was presented in his initial motion and therefore this Court lacks jurisdiction to reconsider its ruling. Petitioner fails to show how his challenges to Respondent’s redactions are timely pursuant to the Court’s June 10, 2024, Judgment and Order. Notably, Petitioner did not request oral argument or appear in Court to oppose the Court’s September 19, 2025, Tentative Ruling before it was adopted. Accordingly, the motion is **DENIED**.

4. MCV-253003, Unifund CCR, LLC v. Sussex: Defendant’s Claim of Exemption

Defendant Kimmie Sussex’s (“Defendant”) Claim of Exemption is **DENIED**. The Court’s minute order shall constitute the order of the Court.

On July 20, 2020, Plaintiff/Judgment Creditor Unifund CCR, LLC (“Unifund”) filed its Complaint against Defendant for the collection of money owed on a defaulted credit card. This Court entered default and a default judgment against Defendant in favor of Unifund on May 6, 2021, in the amount of \$3,941.88. On August 8, 2025, the Sheriff’s Office filed a Return Writ of Execution for the Writ issued on July 23, 2024, which the Sheriff’s Office noted that they received no monies on the \$3,941.88 judgment from the Garnishee (JPMorgan Chase), the Writ expired and returned it to the Court, and closed the levy.

Defendant claims that on or about July 17, 2025, Plaintiff instructed the Sheriff’s Office to levy her accounts at Community First Credit Union in Santa Rosa and that there is no financial means exemption to levy funds in a bank account, citing C.C.P. section 704.080. However, C.C.P. section 704.080 is inapplicable as this section applies to accounts where payments of public benefit or social security benefits are deposited, which Defendant has not claimed.

Petitioner has applied for a financial means exemption using form EJ-165 (for wage garnishment) which is inapplicable to the levy of a bank account. Nonetheless, pursuant to C.C.P. section 704.220, subsections (a) and (e), money in the judgment debtor’s deposit account(s) that is less than or equal to the minimum basic standard of adequate care (or \$2,244 as of July 1, 2025, pursuant to form EJ-156 relying on Welfare and Institutions Code sections 1142 and 1143) is exempt *without* making a claim. In her Claim of Exemption, Defendant states that the Community First Credit Union account has a balance of \$-119.81, which is well within the limits for an automatic exemption. Thus, Defendant’s motion for a claim of exemption based on financial need is **DENIED**.

5. 25CV-05055, Casadaban v. Velasquez: Petition to Release Mechanic’s Lien

The Petition for release of property from mechanic’s lien is **DENIED *without prejudice*** for failure to comply with Civil Code section 8486(b). The Court’s minute order shall constitute the order of the Court.

The Court previously continued the motion to allow Petitioners to file a proof of service as it was not filed with the Petition. Petitioners filed their proof of service on October 7, 2025, which stated that Defendant Jonathan Chavez Velasquez was served via First-Class mail on August 5, 2025. However, Civil Code section 8486(b) requires service to be made in the same manner of service of summons or by certified or registered mail. Petitioners have failed to comply with Civil Code section 8486(b).

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