TENTATIVE RULINGS
LAW & MOTION CALENDAR
Wednesday, November 18, 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) 521-6602**, 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

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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. 25CV02085, Crigler v. McCutchan

Plaintiff Henry Cringler ("Plaintiff") filed the currently operative first amended complaint (the "FAC") against defendants Edward B. McCutchan doing business as Sunderland McCutchan ("Defendant") and Does 1-50.

This matter is on calendar for Defendant's motion for additional discovery under CCP § 95. The motion is DENIED.

I. Procedural Issues

Plaintiff points out that Defendant signs his own proofs of service, which is not an allowable practice as a party to the case. Plaintiff has clearly been provided timely notice of this motion, and so the Court considers the motion on its merits, but Defendant is advised that further service as a party to the case will be treated with greater scrutiny going forward.

Defendant objects to Plaintiff's entire declaration in opposition, again raising that Plaintiff fails to note the limited case designation on his title page. This is again an issue where Plaintiff

deserves rebuke without consequence, as Defendant received above. Plaintiff is advised that his filings should contain all the requirements of the Rules of Court going forward.

Defendant also objects based on CCP § 2015.5, 437c(d), 446 and Evidence Code section 702. These scattershot objections are ill received as asserted without any consideration of the actual content of the cited statutes. CCP § 437c relates to summary judgment motions, and has no articulable application here. Similarly, CCP § 446 relates only to verified pleadings. While CCP § 2015.5 *does* apply to Plaintiff's declaration, a cursory review would have informed Defendant that Plaintiff has fully complied with its requirements. Evidence Code § 702 relates to the personal knowledge of the witness. The matters within the declaration are clearly within Plaintiff's personal knowledge just based on their subject matter, and Defendant makes no articulable contention to the contrary. Finally, Defendant claims that the declaration fails to state "if called as a witness, he is competent to testify to the following material facts". However, the only applicable statute Defendant cites, CCP § 2015.5, has no such requirement. Defendant raises no meritorious objection to the substance of Plaintiff's declaration. Defendants' objections are OVERRULED.

II. **Governing Law**

> A limited civil case is one in which the amount in controversy does not exceed $25,000, and the relief sought is of a kind deemed suitable for this type of proceeding. (§ 85.) Limited civil cases involve some of the same procedures that generally apply in other civil matters. (§ 90.) But the Legislature also has crafted procedures specific to limited civil cases, which are designed to simplify and thereby reduce the cost of pursuing and defending these actions. (See Stats. 1982, ch. 1581, § 5, p. 6230.) These distinctive procedures include the sworn statements authorized by section 98, restrictions on the types of pleadings that are permitted (§ 92), an optional case questionnaire through which a plaintiff may provide and elicit relevant case information (§ 93), and streamlined discovery procedures (§§ 94, 95).

Meza v. Portfolio Recovery Associates, LLC (2019) 6 Cal.5th 844, 854.

In limited civil cases, discovery is permitted only to the extent provided by CCP §§ 94 and 95. CCP, § 94. A party may only serve a combination of 35 interrogatories (with no subparts), demands to produce documents or things, and requests for admission (with no subparts). *Ibid.*

> "The court may, on noticed motion and subject to such terms and conditions as are just, authorize a party to conduct additional discovery, but only upon a showing that the moving party will be unable to prosecute or defend the action effectively without the additional discovery. In making a determination under this section, the court shall take into account whether the moving party has used all applicable discovery in good faith, and whether the party has attempted to secure the additional discovery by stipulation or by means other than formal discovery."

CCP, § 95(a).

III. Analysis

Defendant asks that the Court grant him an additional 20 items of discovery related to SAC ¶¶ 75-82. Defendant opines that he needs the additional discovery to adequately assess Plaintiff's claim and prepare for summary judgment.

Plaintiff argues that the motion fails to address the standard required under CCP § 95. Plaintiff argues that Defendant served 68 discovery requests without any request to stipulate to additional discovery.

The Court may grant the motion "only upon a showing that the moving party will be unable to prosecute or defend the action effectively without the additional discovery." CCP § 95(a). Defendant attempts to argue that because the Second Amended Complaint has been constrained to a single cause of action, that he needs additional discovery. He fails to explain how being constrained to a single cause of action would necessitate *more* discovery than that contemplated by statute. While Defendant takes umbrage with Plaintiff's counting of subparts in determining the 35 allowable discovery requests, this is *Defendant's* failure to account for CCP § 94(a).

Defendant argues that the caption of the First Amended Complaint (the operative pleading at the time the discovery was served) omits that this is a limited case. The FAC does omit any notice of either limited or unlimited designation. However, Defendant was served with the original complaint in this action which clearly designates the matter as a limited action. See Plaintiff's Proof of Service, filed 4/18/2025; Plaintiff's Complaint filed 4/11/2025. This arguably could form a basis for Defendant having committed some form of articulable error. However, Defendant does *not* provide anything to address the standard raised by the statute. Defendant elected to serve discovery before the pleadings were settled, and this is a tactical consideration for which he provides no explanation. Defendant had notice that the matter was a limited case, elected to serve discovery on causes of action he was actively challenging at the pleading stage, and provides no showing that he will be unable to prosecute or defend the action effectively without the additional discovery. Defendant fails to carry his burden on the motion.

Defendant's Motion is **DENIED**.

IV. Conclusion

Based on the foregoing, Defendant's motion is **DENIED**.

Plaintiff shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

2. 25CV03803, Molland v. Braswell

Plaintiff Barbara Molland ("Plaintiff"), both individually and as the personal representative of the estate of Michael Molland ("Decedent"), filed the currently operative first amended complaint (the "FAC") in this action against the County of Sonoma (sued both as the County of

Sonoma and the Sonoma County Sheriff's Department, hereinafter the "County"), Eddie Engram ("Engram"), Darin Braswell ("Braswell"), Miguel Garcia ("Garcia"), Micah Hope ("Hope" together with the County, Engram, Braswell, and Garcia, "Defendants"), and Does 1-50 with causes arising out of a criminal incident at Plaintiff and Decedent's home which resulted in Decedent's death.

This matter is on calendar for Plaintiff's motion to compel deposition of Braswell. The motion is **DENIED**.

I. Relevant Law

CCP § 2025.450(a), provides: "If, after service of a deposition notice, a party to the action or an officer, director, managing agent, or employee of a party, or a person designated by an organization that is a party under Section 2025.230, without having served a valid objection under Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document or tangible thing described in the deposition notice, the party giving the notice may move for an order compelling the deponent's attendance and testimony, and the production for inspection of any document or tangible thing described in the deposition notice." On non-appearance of a deponent, the moving party shall attempt to meet and confer in good faith regarding the non-appearance. *Leko v. Cornerstone Building Inspection Service* (2001) 86 Cal.App.4th 1109, 1124. Additionally, when documents are requested pursuant to CCP § 2025.220, the witness must "make in inquiry of everyone who might be holding responsive documents or everyone who knowns where such documents might be held." *Maldonado v. Sup. Ct.* (2002) 94 Cal.App.4th 1390, 1396. Notice of the deposition must be served at least 10 days prior to the deposition. CCP § 2025.270(a). After service of a deposition notice, a party may object to disclosure of privileged or protected information. CCP § 2025.460. Objections to the sufficiency of the deposition notice must be served three court days prior to the deposition. CCP § 2025.410.

The scope of discovery is one of reason, logic and common sense. *Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612. The right to discovery is generally liberally construed. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 540. "California law provides parties with expansive discovery rights." *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. Specifically, the Code provides that "any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." CCP § 2017.010; see also, *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712, fn. 8. ("For discovery purposes, information is relevant if it 'might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement…") See *Lopez, supra,* 246 Cal.App.4th at 590-591, citing *Garamendi, supra,* 116 Cal.App.4th at 712, fn. 8. "Admissibility is not the test and information[,] unless privileged, is discoverable if it might reasonably lead to admissible evidence." *Id*. "These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases." *Id.*

The court may not require disclosure of information claimed to be privileged in order to rule on the claim of privilege, unless there is no other feasible means to rule on the validity of the claim other than to require disclosure. Evid. Code, § 915 (a).

"If a motion under subdivision (a) is granted, the court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) in favor of the party who noticed the deposition and against the deponent or the party with whom the deponent is affiliated, 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." CCP § 2025.450(g)(1). The purpose of monetary sanctions is to mitigate the effects of the necessity of discovery motions and responses on the prevailing party. There is no requirement that the failure to comply with discovery be willful for the court to impose monetary sanctions. *Ellis v. Toshiba America Information Systems, Inc.* (2013) 218 Cal.App.4th 853, 878. Requests for costs must be both reasonable and actual. *See Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 74; *Argaman v. Ratan* (1999) 73 Cal.App.4th 1173, 1181.

For the court to order sanctions against an attorney, the Court must find that the attorney advised their client to engage in discovery misconduct. *Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 81. Additionally, the motion must advise the attorney that joint and several liability against the attorney is sought for the sanctions. *Blumenthal v. Superior Court* (1980) 103 Cal.App.3d 317, 319.

II. Analysis

On May 15, 2026, Plaintiff noticed Braswell for deposition to occur on June 18, 2026. Both before and after receipt of the notice, Defendants informed Plaintiff that Braswell was unavailable for deposition, and he was currently on leave. During multiple meet and confer efforts, Defendants continued to reiterate that Braswell would not appear, because he was unavailable for personal or medical reasons. This motion followed on June 1, 2026.

A. Braswell's Privilege

Braswell contends that he is not available for deposition due to being on leave for medical reasons, and has moved the Court ex parte to submit those medical documents for the Court's consideration without disclosing them to the other side. The Court denied the ex parte request, because the records were not provided to Plaintiff, and accordingly the Court would not consider them on a due process basis.

Braswell argues in his opposition that the Court cannot compel disclosure of privileged information, citing to Evid. Code § 915. That section provides that the "presiding officer may not require disclosure of information claimed to be privileged … in order to rule on the claim of privilege". Braswell's contention that he cannot be required to provide claim of the privilege struggles here because Braswell does not seek to protect a *particular* privileged matter from disclosure, but instead to obtain absolute protection from appearing for deposition predicated on an inability he will not support with disclosure. Braswell's own citation provides some guidance on this point.

> Although ordinarily a patient cannot bc [sic] required to disclose privileged information in order to claim the privilege (Evid. Code. § 915, subd. (a)), because the privileged status of psychotherapeutic communications under the patient-litigant exception depends upon the *content* of the communication, a patient may have to reveal some information about a communication to enable the trial judge to pass on his claim of irrelevancy. Upon such revelation, the trial judge should take necessary precautions to protect the confidentiality of these communications; for example, he might routinely permit such disclosure to be made ex parte in his chambers. (Compare the procedure suggested in Evid. Code, § 915, subd. (b).)

In re Lifschutz (1970) 2 Cal.3d 415, 437, fn. 23.

As *Lifschutz* addresses, mental health examinations fall within ambiguous ground, but Braswell's averment of nonavailability *isn't itself a privilege*. Instead, Braswell is "incapable" of appearing, but will not disclose to the party requesting discovery the substantive basis on which is objection is reliant. Braswell does not assert a privilege to avoid providing particular testimony, but rather to render his "unavailability" incapable of scrutiny. Braswell's mental health records appear clearly within the ambit of an articulable privilege, but here the requirement was not that Braswell produce these records, but just himself. That Braswell can protect the records from disclosure through privilege does not obviate his need to present evidence to support his basis for nonappearance. No authority supports the Court making a substantive finding (as opposed to evidentiary) based on evidence which was not disclosed to the other side. It certainly doesn't support any form of objection which would justify non-appearance. Objections to a deposition notice are statutory creatures, relying on deficiencies which go to the statutory requirements of the notice itself. CCP § 2025.410(a) (objections to a deposition are for depositions that "do not comply" with CCP § 2025.210, *et seq*.). There is nothing to indicate that the deposition notice did not comply with relevant statutes. Braswell concedes this in his opposition.

The Court notes that unavailability very well might be a basis for a motion for protective order under CCP § 2025.420, as that section allows the Court to "make any order that justice requires". CCP § 2025.420 (b). However, importantly, that section places the onus on **Braswell** as the deponent to take action and seek Court intervention, and requires meet and confer efforts by Braswell to resolve the issue beforehand. To obtain a protective order, the burden is on Braswell to do so, "promptly". CCP § 2025.420 (a). He undertook no action to address the issue before the motion to compel was filed. This misses the obligation on Braswell to move for relief where appropriate.[1] If Braswell sought to avoid deposition for meritorious reasons, the burden was on him to undertake the process for a protective order. *In re Lifschutz* (1970) 2 Cal.3d 415, 437 ("When inquiry into the confidential relationship takes place before trial during discovery, as in the instant case, the patient or psychotherapist may apply to the trial court for a protective order to limit the scope of the inquiry or to regulate the procedure of the inquiry so as to best preserve the rights of the patient."). Contrast this to CCP § 2025.450, which upon non-appearance only requires the deposing party to "contact() the deponent to inquire about the nonappearance".

[1] Below, the Court addresses a potentially innocent explanation not raised by Braswell. Whether Braswell failed to move due to error or lack of opportunity does not change the result.

The matter before the Court is not a protective order, and Braswell's assertions of "privilege" are misplaced in the context of a refusal to appear for deposition.

B. Procedural Infirmity

Braswell also raises that Plaintiff filed this motion before the date of the noticed deposition. Braswell's deposition was noticed on May 15, 2026, and was set to occur on June 18, 2026. Plaintiff filed the instant motion on June 1, 2026, seventeen days before the deposition was even noticed to occur. Plaintiff does not address this in their reply *at all*. Braswell is absolutely correct that CCP § 2025.450 requires that Braswell have "fail[ed] to appear for examination". CCP § 2025.450(a).

Above, the Court notes that the burden was on Braswell to move for protective order. Given that the noticed deposition had yet to occur, it may well have been that Braswell intended to move timely for a protective order. Plaintiff's premature filing removes that possibility from reality. The statute does not contemplate moving before the deponent fails to appear. "[W]hen the deponent fails to attend the deposition…", Plaintiff was required to contact Braswell to inquire about the nonappearance. CCP § 2025.450 (b)(1). Akin to moving to compel responses before they are due (see, e.g., CCP § 2030.290 and 2031.300), the motion is deficient on procedural grounds.

This is a purely procedural defect, without effect on the merits of Braswell's purported non-appearance. The Court's interest in addressing the merits is to prevent recurrence of the instant motion with the procedural grounds cured." *Dibona v. Matthews* (1990) 220 Cal.App.3d 1329, 1339 (matters are not moot where they are "capable of repetition, yet evading review").

Therefore, because it was premature, Plaintiff's motion is DENIED without prejudice.

III. Sanctions

Plaintiff's request for sanctions is patently deficient, failing to meet *any* of the requirements for sanctions under CCP 2023.040. Even had Plaintiff allowed the Court to reach the merits of the motion, their request for sanctions (reiterated on reply) is deficient to the point of triviality. The request is DENIED.

IV. Conclusion

For the reasons above, Plaintiff's motion is DENIED without prejudice.

Defendants' counsel shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

3-4. 25CV04882, Moreno v. Merino Mendez

Due to the filing of a substitution of attorney, the instant motion is **MOOT**.

5. 25CV05117, Belluomini v. A0690 Windsor LP

Plaintiff Brandon Belluomini ("Plaintiff") filed the presently operative complaint ("Complaint") against defendants A0690 Windsor LP ("Windsor"), Buckingham Property Management ("Buckingham"), Nations Finest ("Nations"), Urban Housing Communities ("Urban", together with all other defendants, "Defendants"), and Does 1-50. Default was entered against Windsor and Buckingham on December 1, 2025, and October 23, 2025, respectively. This matter is on calendar for the motion by Plaintiff to amend the Complaint.

There is no Proof of Service indicating that Defendants were served with the moving papers. Notice of the motion must be served at least 16 court days prior to the hearing. CCP § 1005. "Notices must be in writing, and the notice of a motion, other than for a new trial, must state when, and the grounds upon which it will be made, and the papers, if any, upon which it is to be based." CCP § 1010 (emphasis added). Proof of service must be filed no later than five court days before the hearing. Cal Rule of Court Rule 3.1300. There is no proof of service reflecting the service of the motion, nor the hearing date.

The motion is therefore DROPPED from calendar.

6-7. 25CV08606, Downie v. Fritsch

Defendants Jerry and Arlene Fritsch and Tammy Brogden's Demurrer to Plaintiff Carolyn Downie's First Amended Complaint ("FAC") is **SUSTAINED without leave to amend.** The concurrently filed Motion to Strike is **GRANTED**.

I. PROCEDURAL HISTORY

Plaintiff's FAC alleges 9 causes of action against Defendants stating that she, an individual with disability, was a tenant of on the Fritsch's rental property in Sonoma County and needed reasonable accommodations to have equal access and use of her rental property, but that Defendants failed to provide these reasonable accommodations or modifications. (FAC, ¶¶ 8-10.) Defendants initiated an unlawful detainer case against Plaintiff, which Plaintiff argues was a "fraudulent eviction scheme." (*Id*. at ¶¶ 18-21.)

Defendants filed the Demurrer and Motion to Strike on each cause of action stated in the Complaint on the basis that they arise out of the unlawful detainer trial, their participation in which Defendants argue is protected by the litigation privilege under Civil Code section 47(b). (Notice of Hearing of Demurrer and Motion to Strike, pp. 3-6.) Otherwise, Defendants argue that Plaintiff failed to state sufficient facts to support the claims stated in the Complaint.

II. ANALYSIS

A. Legal Standard

1. Demurrer

A demurrer can be used only to challenge defects that appear on the face of the pleading under attack or from matters outside the pleading that are judicially noticeable. (C.C.P. § 430.30(a).) At demurrer, all facts properly pleaded are treated as admitted, but contentions, deductions and conclusions of fact or law are disregarded. (*Serrano v. Priest* (1971) 5 Cal.3d 584, 591.) Similarly, opinions, speculation, or allegations contrary to law or judicially noticed facts are also disregarded. (*Coshow v. City of Escondido* (2005) 132 Cal.App.4th 687, 702.) Each evidentiary fact that might eventually form part of a party's proof does not need to be alleged. (*C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 872.) Conclusory pleadings are permissible and appropriate where supported by properly pleaded facts, but the distinction between conclusions of law and ultimate facts is not at all clear and involves at most a matter of degree. (*Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6.)

Leave to amend should generally be granted liberally where there is some reasonable possibility that a party may cure the defect through amendment. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) The burden of proving that there is a reasonable possibility to cure the defect is squarely on the party that filed the pleading, but if that burden is met and leave to amend is not granted, then that constitutes an abuse of discretion by the trial court. (*Ibid*.)

2. Motion to Strike

The Court may strike a pleading that contains "irrelevant, false, or improper matter[s]" or is "not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court." (C.C.P. §§ 435, 436(b).)

B. Defendants' Demurrer & Motion to Strike

Defendants argue that Plaintiff's entire Complaint is speculative, that the litigation privilege applies to every single claim as they arise from the unlawful detainer action, that each cause of action is deficient, that no conduct was alleged against Tammy Brogden or Arlene Fritsch, and that Plaintiff failed to allege any actual disability. (Demurrer to FAC, pp. 5-15; Motion to Strike, pp. 4-9.)

Plaintiff failed to oppose either the Demurrer or the Motion to Strike.

The Reply notes that no objection or contrary argument was made to any of the issues raised in either motion. Defendants' counsel notes in his declarations submitted in support of the motions that he attempted to meet and confer with Plaintiff regarding the FAC in July, but that Plaintiff did not follow up to have a meaningful discussion about the issues raised.

C. Application

The Court finds that Defendants have raised deficiencies that exist in the Complaint in their two motions and that Plaintiff has failed to oppose at all adequately defend against the Defendants' arguments. The Court has already allowed at least one opportunity to amend on the chance that there was a reasonable possibility that Plaintiff was able to cure the defects in the initial

Complaint, but Plaintiff has not been able to cure these defects through amendment. As such, the Court will sustain the demurrer in its entirety and grant the motion to strike.

III. CONCLUSION

Defendants' Demurrer is **SUSTAINED without leave to amend**. The concurrently filed Motion to Strike is **DENIED**. Defendants shall submit a written order on their motions to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

8. 26CV03495, Wells Fargo Bank, NA v. Cardon

Plaintiff Wells Fargo Bank, N.A. ("Plaintiff"), filed the complaint in this action against Timothy R. Cardon ("Defendant") with causes arising out of an alleged breach of contract (the "Complaint").

This matter is on calendar for the motion by Plaintiff to seeking to deem admissions admitted under CCP § 2033.280. The Motion is **GRANTED**.

I. Governing Law

A. Deem Admissions Admitted

Code of Civil Procedure section 2033.280(a) provides in relevant part that if a party to whom requests for admission are directed "fails to serve a timely response," the party to whom the requests are directed waives any objection. CCP § 2033.280(b) provides that "[t]he requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction." CCP § 2033.280(c) provides that the court "shall make this order" unless it finds that the party to whom the requests have been directed has served a proposed response in substantial compliance with section 2033.220 before the hearing on the motion.

II. Analysis

The Motion is accompanied by proofs of service showing that service of the moving papers was timely made on Defendant. The Motion is unopposed. Plaintiff served the request for admission on June 30, 2026, and Defendant served no response. This motion followed on September 4, 2026. The hearing date was served on September 15, 2026. No opposition was filed. The Motion is therefore **GRANTED**. The truth of the matters set forth in Plaintiff's First Set of Requests for Admission (Declaration of Edgar B. Lopez, Ex. 1) are deemed admitted. CCP § 2033.280(b).

III. Conclusion

Plaintiff's motion to deem admissions is **GRANTED**. The truth of the matters set forth in Plaintiff's First Set of Requests for Admission (Declaration of Edgar B. Lopez, Ex. 1) are deemed admitted. Plaintiff will attach the admissions as an exhibit to the proposed order submitted.

Plaintiff's counsel shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

9. 26CV04757, Lagerwey v. Schwan

Plaintiff's motion for order allowing service of summons on Defendant Danica Schwan by publication is **GRANTED** pursuant to CCP § 415.50. Plaintiff's motion as to Jonathan D. Schwan and Catherine M. Schwan is **DENIED** without prejudice. Plaintiff has not presented evidence as to those defendants which would reasonably establish either or both of them reside at the address where service was attempted.

10. 26SC00245, Hansel Ford of Petaluma v. Herrera

This case is a small claims lawsuit filed by plaintiff Hansel Ford of Petaluma ("Plaintiff") against defendant Misael Magana Herrera ("Defendant"). The matter is on calendar for Plaintiff's motion to vacate the small claims judgment pursuant to CCP § 116.720.

CCP § 116.720 allows the Court to vacate a dismissal of a small claims action "[u]pon a showing of good cause…" Plaintiff states that they missed the September 16, 2026, hearing because they did not receive notice of the hearing date. Plaintiff's Authorized Representative was present on July 15, 2026, when the September date was set. Though Plaintiff avers that they were not in receipt of the minutes from July 15, 2026, the clerk has filled out a proof of service evidencing service by mail. Moreover, the motion itself raises an impossibility. Plaintiff filed the motion on September 30, 2026, stating the above reasons for Plaintiff missing the hearing, and stating that Plaintiff did not learn of the dismissal until September 22, 2026. However, Plaintiff's Authorized Representative **signed the motion on September 16, 2026.** This means according to the motion, Plaintiff affirmed the facts of the motion before they learned of the dismissal.

Plaintiff simply fails to present credible basis for good cause to set aside the dismissal without prejudice. The record reflects that Plaintiff did have notice of the September 16, 2026 hearing, whether through the served minutes that they claim they did not receive, or their actual presence at the time the hearing was set. The motion provides an inconsistent narrative undermining any possible good cause.

Therefore, based on all the foregoing reasons, the Motion is **DENIED**.

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