

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, February 27, 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.

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1. 24CV01989, 505 SR Ave. LLC v. Anderson

Plaintiff 505 SR Ave LLC’s motion to compel Defendant Eric Anderson and Urban Green Food, LLC’s (together as “Defendants”) compliance with this Court’s September 12, 2025 Order is **GRANTED**. Defendants shall comply with the Court’s September 12 Order within ten (10) days of service of the order on this motion. Plaintiff’s request for issue and evidence sanctions is **DENIED**. However, monetary sanctions are **GRANTED** in the amount of \$4,012.50 pursuant C.C.P. section 2023.030(a) but only as to Defendants and not their former counsel as discussed below.

I. Factual & Procedural History

This action arises out of a corporate shareholder dispute over Plaintiff, 505 SR Ave LLC. On September 12, 2025, this Court granted Plaintiff’s June 24, 2025, motions to compel Defendants’ further responses to Set One of the form interrogatories, special interrogatories, requests for production of documents, and requests for admission (“RFAs”), except for the RFAs as to Urban Green Foods. (See Order on Plaintiff’s Motion to Compel, filed September 12, 2025.) Defendants were ordered to serve code-compliant, objection free-responses within 30 days of

notice of the order and Defendants and their counsel (jointly and severally) were ordered to pay sanctions in the amount of \$4,402.50 to Plaintiffs within 30 days of notice of entry of the order. (*Ibid.*) Plaintiff states that Defendants were served with the Court’s September 12 Order on September 22, 2025, making their responses due by October 22, 2025. (RJN, Exhibit 3.) Plaintiff represents that Defendants have paid the monetary sanctions issued but have failed to provide any amended responses or initial responses as ordered by this Court and now seek the court to compel Defendant’s compliance with the September 12 Order. (Descamps Decl., ¶ 5.) Plaintiff also requests that this Court impose issue or evidentiary sanctions and monetary sanctions for Defendant’s misuse of the discovery process.

II. Governing Law

C.C.P. section 2023.010 details conduct subject to sanctions for misuse of the discovery process, which includes disobeying a court order to provide discovery. Misuse of the discovery process has various consequences, including monetary sanctions [section 2023.030(a)], issue sanctions [section 2023.030(b)], evidence sanction [section 2023.030(c)], terminating sanction [section 2023.030(d)], or contempt sanction [section 2023.030(e)]. However, such sanctions are discretionary and when exercising its discretion to determine which form of sanction is most appropriate, a court should consider many factors, including “the importance of the materials that were not produced—from the perspective of the offended party’s ability to litigate the case—and what prejudice, if any, the offended party suffered.” (*Victor Valley Union High School Dist. v. Superior Court* (2023) 91 Cal.App.5th 1121, 1158 [citations omitted].)

III. Analysis

A. Requests for Judicial Notice

Judicial notice of official acts is statutorily appropriate. (Evid. Code § 452(c).) The court may take judicial notice of facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (Evid. Code § 452(h).) The court must take judicial notice of any matter requested by a party, so long as it complies with the requirements under Evidence Code section 452. (Evid. Code § 453.) Courts may take notice of public records but not take notice of the truth of their contents. (*Herrera v. Deutsche Bank National Trust Co.* (2011) 196 Cal.App.4th 1366, 1375.)

In support of its motion, Plaintiff requests judicial notice of the motion to compel filed by Plaintiff on June 24, 2025, this Court’s September 12, 2025, Order, and Notice Entry of Order filed on September 22, 2025. These requests are **GRANTED**.

B. Compel Compliance with Court Order

As Defendants have failed to oppose this motion, the Court finds that Defendants have misused the discovery process by failing to comply with the Court’s September 12 Order pursuant to C.C.P. section 2023.010(g). The Court **GRANTS** Plaintiff’s request to order Defendants compliance with the Court’s September 12 Order within ten (10) days of service of the order on this motion.

C. Issue and Evidence Sanctions

Plaintiff requests that if Defendants fail to comply with the instant motion (requiring Defendants to comply with the Court's September 12 Order within ten days of service of the order on this motion), that the Court impose the following issue sanctions and preclude Defendants from offering any evidence rebutting the issue sanctions:

1. Andreas Pfanner is and has been the manager and 100% member of Plaintiff since the execution of the First Amendment on April 5, 2023.
2. During his tenure as Plaintiff's manager between December 31, 2018, until April 5, 2023, Defendant Anderson was obligated to maintain Plaintiff's books and records and render an account to Plaintiff and its members.
3. Defendant Anderson failed to provide an accounting of Plaintiff to Plaintiff and its members.
4. Defendant Anderson improperly diverted Plaintiff's capital and revenue to himself, to Defendant UGF, and to other entities owned/controlled by Defendant Anderson.
5. Defendant Anderson failed to pay real property taxes on behalf of Plaintiff.

Here, Plaintiff is essentially requesting that the Court adjudicate the case via issue sanctions because whether Defendant Anderson was responsible for paying the real property taxes on behalf of Plaintiff and whether Defendant Anderson misappropriated these funds are the crux of the instant case. The Court finds that these issues would be more appropriately decided at trial or on a motion for summary judgment given the close proximity to trial in this case—March 27, 2026. Plaintiff filed its motion for summary judgment on November 11, 2025, and is currently set for a hearing on March 13, 2026. Therefore, the Court **DENIES** Plaintiff's request for issue and evidence sanctions as Defendants' failure to comply with the Court's September 12 Order does not justify the relief requested. (See *Victor Valley Union High School Dist.*, *supra*, 91 Cal.App.5th at 1159 [Except for in cases of extreme misconduct and when other viable options are unavailable, a trial court abuses its discretion when a sanctions order deprives a party "of any right to defend the action upon its merits" and was "designed not to accomplish the purposes of discovery but designed to punish" the party for not fully complying with its discovery obligations." [Citations omitted]].)

D. Monetary Sanctions

Lastly, Plaintiff requests monetary sanctions against Defendants and their counsel (jointly and severally) in the amount of \$4,012.50 which represents the attorney's fees incurred in preparing the instant motion. Defendants were formerly represented by counsel G. Scott Emblidge of Moscone Emblidge & Rubens LLP, but this Court granted their motion to be relieved as counsel on November 12, 2025 (motion filed August 6, 2025). Counsel Emblidge filed a declaration in opposition to this motion solely on the issue of Plaintiff's request for sanctions against counsel's firm jointly and severally. (See Declaration of G. Scott Emblidge, filed January 5, 2026.) Counsel Emblidge states that Defendant Anderson had stopped communicating with the firm, the firm was unable to provide adequate discovery responses to Plaintiff due to the lack of

communication which was relayed to Plaintiff's counsel on October 24, 2025, and affirms that neither he nor his firm has done anything to obstruct discovery or encourage Defendants to obstruct discovery. Plaintiff filed a notice of non-opposition on February 17, 2026 but did not address counsel Emblidge's opposition.

The Court finds that monetary sanctions are warranted pursuant to C.C.P. section 2023.030(a). However, given that counsel Emblidge was unable to regularly contact Defendants and requested to be relieved as counsel on August 6, 2025 (before the instant motion was filed) that was granted by this Court on November 12, 2025, the Court finds that imposing sanctions against Defendants and counsel Emblidge/his firm jointly and severally would be unjust. Counsel Descamps requests \$375 per hour for 10.7 hours in preparing the instant motion. The rate and time expended are reasonable. Therefore, the Court **GRANTS** Plaintiff's requests for sanctions in the amount of \$4,012.50. However, only Defendants are ordered to pay \$4,012.50 to Plaintiff with 30 days of service of the order on this motion.

E. Representation of Urban Green Foods LLC

As explained above, this Court relieved counsel Emblidge from representing Defendants on November 12, 2025. Defendant Anderson may represent himself in *propria persona* in this action. However, Urban Green Foods LLC must be represented by licensed counsel in proceedings before the Court because it is a corporation and may not be represented by individual Defendant Anderson. (*CLD Construction, Inc. v. City of San Ramon* (2004) 120 Cal.App.4th 1141, 1145.)

D. Conclusion

Defendants are **ORDERED** to comply with the Court's September 12 Order within ten (10) days of service of the order on this motion. Defendants are further **ORDERED** to pay \$4,012.50 in monetary sanctions pursuant C.C.P. section 2023.030(a) to Plaintiff within thirty (30) days of service of the order on this motion.

Plaintiff's request for issue and evidence sanctions is **DENIED**.

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

2-3. 24CV05590, Navarro v. Frank

Plaintiff Henry Navarro ("Plaintiff" or "Navarro") filed the presently operative complaint (the "Complaint") against defendant Bert Frank, dba, Image Motorsports ("Defendant" or "Frank") and Does 1-50. This matter is on calendar for Plaintiffs' (1) Motion Seeking Leave to Conduct an Additional Deposition of Defendant pursuant to California Code of Civil Procedure ("CCP") CCP §2024.050, and (2) Motion to Conduct Limited Financial Discovery pursuant to Civil Code ("CC") §3295(c).

Plaintiff's Motion Seeking Leave to Conduct an Additional Deposition of Defendant pursuant to California Code of Civil Procedure ("CCP") CCP §2024.050 is **DENIED**. Plaintiff's Motion to Conduct Limited Financial Discovery pursuant to Civil Code ("CC") §3295(c), is **DENIED** without prejudice, subject to the conditions outlined below.

I. Governing Law

A. CCP §2024.050

"On motion of any party, the court may grant leave to complete discovery proceedings, or to have a motion concerning discovery heard, closer to the initial trial date, or to reopen discovery after a new trial date has been set. This motion shall be accompanied by a meet and confer declaration under Section 2016.040." (CCP §2024.050(a)).

"In exercising its discretion to grant or deny this motion, the court shall take into consideration any matter relevant to the leave requested, including, but not limited to, the following: (1) The necessity and the reasons for the discovery. (2) The diligence or lack of diligence of the party seeking the discovery or the hearing of a discovery motion, and the reasons that the discovery was not completed or that the discovery motion was not heard earlier. (3) Any likelihood that permitting the discovery or hearing the discovery motion will prevent the case from going to trial on the date set, or otherwise interfere with the trial calendar, or result in prejudice to any other party. (4) The length of time that has elapsed between any date previously set, and the date presently set, for the trial of the action. (CCP §2024.050 (b)(1)-(4)).

"The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney *who unsuccessfully makes or opposes* a motion to extend or to reopen discovery, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." (CCP §2024.050 (c); emphasis added).

B. CCP §2025.610

Natural persons, including parties to the action, may not be deposed more than once without a court order based on a showing of good cause. CCP § 2025.610(a), (b); see *Fairmont Ins. Co. v. Sup.Ct. (Stendell)* (2000) 22 Cal.4th 245, 254.

C. Protections Under Civ. Code § 3295

"No pretrial discovery by the plaintiff shall be permitted with respect to (the profits the defendant has gained by virtue of the wrongful course of conduct of the nature and type shown by the evidence or the financial condition of the defendant) unless the court enters an order permitting such discovery pursuant to this subdivision." Civ. Code, § 3295 (c). "Upon motion by the plaintiff supported by appropriate affidavits and after a hearing, if the court deems a hearing to be necessary, the court may at any time enter an order permitting the discovery otherwise prohibited by this subdivision if the court finds, on the basis of the supporting and opposing affidavits presented, that the plaintiff has established that there is a substantial probability that the plaintiff will prevail on the claim pursuant to Section 3294." CCP § 3295 (c). Civ. Code §

3295 is, at its heart, an objection rooted in privacy concerns. See *Kerner v. Superior Court* (2012) 206 Cal.App.4th 84, 120. “The purpose of [requiring plaintiffs to make a prima facie case under §3295] is to protect defendants’ financial privacy and prevent defendants from being pressured into settling nonmeritorious cases in order to avoid disclosure of their financial information.” *Ibid.*

“(B)efore a trial court may enter an order allowing discovery of financial condition information under Civil Code section 3295, subdivision (c) ..., it must (1) weigh the evidence presented by both sides, and (2) make a finding that it is very likely the plaintiff will prevail on his claim for punitive damages.” *Jabro v. Superior Court* (2002) 95 Cal.App.4th 754, 755; *Guardado v. Superior Court* (2008) 163 Cal.App.4th 91, 98. To meet the required burden of showing a “substantial probability” of prevailing, a plaintiff must show it is “very likely” or “a strong likelihood” that they will prevail at trial on the punitive damages claims. *Id.* at 758.

D. Punitive Damages

Civil Code § 3294 authorizes the recovery of punitive damages in noncontract cases “where the defendant has been guilty of oppression, fraud, or malice...” “Malice” means conduct which is intended by the defendant to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others. “Oppression” means despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person’s rights. “Fraud” means an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury. Civ. Code § 3294. A conscious disregard for the safety of others may constitute malice. *G. D. Searle & Co. v. Superior Court* (1975) 49 Cal.App.3d 22, 28 (“*Searle*”). “When nondeliberate injury is charged, allegations that the defendant’s conduct was wrongful, willful, wanton, reckless or unlawful do not support a claim for exemplary damages; such allegations do not charge malice.” *Id.* at 29. “The central spirit of the exemplary damage statute, the demand for evil motive, is violated by an award founded upon recklessness alone.” *Id.* at 32. “Conscious disregard of safety as an appropriate description of the Animus malus which may justify an exemplary damage award when nondeliberate injury is alleged.” *Ibid.* “In order to justify an award of punitive damages on this basis, the plaintiff must establish that the defendant was aware of the probable dangerous consequences of his conduct, and that he wilfully and deliberately failed to avoid those consequences.” *Taylor v. Superior Court* (1979) 24 Cal.3d 890, 895-896. In general, as with showing fraud, oppression, or malice sufficient to support punitive damages, while plaintiffs must plead facts, with respect to intent and the like, a “general allegation of intent is sufficient.” *Unruh v. Truck Insurance Exchange* (1972) 7 Cal.3d 616, 632 (superseded by statute on other grounds).

II. Analysis

A. Motion to Take Additional Deposition

Plaintiff moves the Court for a second opportunity to have Frank appear for deposition testimony based ‘facts that became apparent only after’ the first deposition concluded. (Ex Parte App. at

¶24). Plaintiff acknowledges that Frant appeared for his deposition on December 3, 2025. (Motion at 2:19-21). According to Frank the deposition exceeded more than seven hours. (Opp. at pg. 2:3-4). Frank also described suffering from physical ailments (unrelated to this action) which made the duration of the first deposition taxing. (Opp. at pg. 2:5-7). Plaintiff makes no mention about the duration of the deposition of what subject matters were covered in the session.

Additionally, Plaintiff provides no facts, reasons, or specific explanation as to why a second deposition is now needed. Plaintiff does not aver that Frank was evasive, refused to answer questions, or that information discovered after the deposition now warrant a second session. Plaintiff does claim the subject matter for a second deposition relates to his fraud claim and potential damages flowing from CC §3294. This claim and the potential for punitive damages were asserted by Plaintiff in the complaint back on September 20, 2024. There is nothing new about this information, and Plaintiff provides no reason why (if at all) he was precluded from asking any questions on these issued during the first session. Plaintiff fails to make a ‘good cause’ showing necessary to warrant a second deposition of Frank.

Therefore, Plaintiff’s Motion is DENIED.

B. Motion for Financial Discovery

Plaintiff’s Complaint asserts fourteen causes of action, five of which include allegations of, and prayers for, potential punitive damages. These claims include (1) fraud- intentional misrepresentation, (2) fraud – false promise, (3) fraud – concealment, (4) elder abuse – financial, and (5) intentional infliction of emotional distress. However, the burden here is on Plaintiff to produce *evidence* of a substantial probability of prevailing. More precisely, the Court may only grant the motion on submission of “appropriate affidavits”. In support of the motion, Plaintiff submits three declarations (his, his counsel, and retained expert Greg Scott). Generally, Plaintiff and counsel’s declarations provide conclusory statements that Frank engaged in intentional misrepresentations, provided false promises, or failed to perform according to the contract. The weight of these assertions sound more in breach of contract claims rather than intentional torts. This is not to say, that Plaintiff will be unable on his own testimony to establish these intentional torts at trial, only that as presented in this motion they prove unavailing. The Scott declaration does have the potential to establish the intentional conduct claims. However, Scott relies on evidence from third parties (Boulevard Automotive and Taorima Imports) which raises evidentiary concerns for the Court. Frank’s opposition provides no countervailing evidence or even a cogent argument refuting the potential for punitive damages. At this point Plaintiff has not provided, or better stated, established sufficient evidence that he will likely be successful on any of the intentional conduct claims.

Therefore, Plaintiff’s Motion is DENIED, without prejudice. Plaintiff can reassert this motion after the conclusion of the liability phase should the jury make a factual finding that Frank engaged in conduct covered by CC §3294. If such findings are made by the jury, then the second phase will require Frank’s financial information which may include, but is not limited to, bank statements, profit statements, or any other income reflecting documents from 2023 to the present for himself and Image Motorsport.

III. Conclusion

Plaintiff's Motion Seeking Leave to Conduct an Additional Deposition of Defendant pursuant to California Code of Civil Procedure ("CCP") CCP §2024.050 is **DENIED**. Plaintiff's Motion to Conduct Limited Financial Discovery pursuant to Civil Code ("CC") §3295(c), is **DENIED** without prejudice, and subject to the conditions outlined above.

Plaintiffs 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).

4. 25CV02023, Corona Abarca v. Mora Villanueva

Plaintiff/Cross-Complainant Raul Corona Abarca's ("Plaintiff") *unopposed* motion for leave to file the First Amended Complaint ("FAC") is **GRANTED**. Plaintiff shall file and serve on all Defendants the proposed FAC attached as Exhibit B to Plaintiff's Declaration within ten (10) days of service of notice of entry of the Court's order on this motion.

E. Procedural History

This action arises from Plaintiff's financial loans to Defendant Lorena Mora Villanueva for her business, Lorena's Ice Cream LLC. In his Complaint, Plaintiff alleges that Defendant has failed to pay him for these loans and asserts a breach of contract cause of action and a cause of action for common counts against Defendant Lorena Mora Villanueva individually. (See Complaint, filed March 24, 2025.) On July 21, 2025, Plaintiff filed his FAC without leave of the Court, so Defendant moved to strike the July FAC on August 13, 2025. The Court granted Defendant's motion to strike on December 3, 2025. (See Order Granting Defendant's Motion to Strike First Amended Complaint, filed January 21, 2026.) The Court now considers Plaintiff's motion for leave to file the First Amended Complaint pursuant to C.C.P. section 473(a)(1) to add Lorena's Ice Cream LLC as a Defendant to both causes of action in the Complaint.

F. Governing Law

Code of Civil Procedure ("C.C.P.") section 473 states in relevant part that "[t]he court may...in its discretion [and] after notice to the adverse party, allow, upon any terms as may be just, an amendment to any pleading or proceeding in other particulars..." (C.C.P. § 473(a)(1).) "The discretionary power to allow amendments to the pleadings ... must be exercised liberally at all stages of the proceeding" and is usually exercised in favor of allowing amendments. (*Edwards v. Superior Court* (2001) 93 Cal.App.4th 172, 180; see also, *Howard v. County of San Diego* (2010) 184 Cal.App.4th 1422, 1428.) "The policy favoring amendment is so strong that it is a rare case in which denial of leave to amend can be justified." (*Howard, supra*, 184 Cal.App.4th at 1428.) Additionally, rule 3.1324 of the California Rules of Court outlines the requirements for filing amendments to pleadings, including the contents and form of the motion and the supporting declaration.

G. Analysis

A. Plaintiff's Motion for Leave

Here, Plaintiff seeks to add Defendant Lorena’s Ice Cream LLC to both causes of action alleged in the Complaint. The complaint was filed on July 21, 2025, and Plaintiff sought leave of the Court to amend the Complaint in January 2026 after being informed by the Court that Plaintiff improperly filed the FAC without leave of the Court. The proposed amendment does not add any further causes of action and arises out of the same set of facts as the Complaint: Defendant’s alleged failure to repay Plaintiff for his loan to Defendant Lorena Mora Villanueva for her business, Lorena’s Ice Cream LLC. Therefore, there are no facts to indicate undue delay or any resulting prejudice to Defendants that justify defying the liberal allowance of amendments to the pleadings at all stages of the proceeding. (*Higgins v. Del Faro* (1981) 123 Cal.App.3d 558, 564 [“Where no prejudice is shown to the adverse party, the liberal rule of allowance [to amend a pleading in the furtherance of justice] prevails.”].) The motion is **GRANTED**.

B. Representation of Corporations

The Court notes that Defendant Lorena Mora Villanueva (an individual) and Defendant Lorena’s Ice Cream LLC were previously represented by counsel when they filed their Answer to the Complaint and their Motion to Strike. On September 3, 2025, Defendants and counsel filed a substitution of attorney (Form MC-050) stating that Defendants would now be representing themselves in *propria persona* in this action. Defendant Lorena Mora Villanueva as an individual may continue to represent herself in *propria persona* in this action. However, Defendant Lorena’s Ice Cream LLC must be represented by licensed counsel in proceedings before the Court because it is a corporation and may not be represented by individual Defendant Lorena Mora Villanueva and (*CLD Construction, Inc. v. City of San Ramon* (2004) 120 Cal.App.4th 1141, 1145.)

H. Conclusion

Plaintiff’s motion for leave to file the FAC is **GRANTED**. Plaintiff shall file and serve on all Defendants the proposed FAC attached as Exhibit B to Plaintiff’s Declaration within ten (10) days of service of notice of entry of the Court’s order on this motion.

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

5. 25CV08306, In Re to Rankin

Petitioners Patricia “Tish” Avigo Rankin, Heather Megan Rankin, and Gwendolyn Rebecca Kottong’s petition for declaratory relief is **GRANTED in part with modifications** and **DENIED in part** pursuant to C.C.P. section 1060 as discussed below.

I. Procedural History

Petitioners Patricia “Tish” Avigo Rankin, Heather Megan Rankin, and Gwendolyn Rebecca Kottong (together as “Petitioners”) are U.S. citizens are attempting to pursue their right to claim Italian citizenship via the Italian civil law doctrine of *jure sanguinis* (blood right citizenship),

Italian law 555 of 1912. Petitioners seek an order confirming their family lineage, including that Patricia Margaret Avigo is one and the same person as her other used names (Tish Avigo Rankin, Tish A. Avigo, and Tish A. Rankin), and that Gwendolyn Rebecca Rankin is one and the same person as Gwendolyn Rebecca Kottong. The Court considers these requests below.

II. Governing Law

C.C.P. section 1060 provides that “[a]ny person interested under a written instrument...who desires a declaration of his or her rights or duties with respect to another...may, in cases of actual controversy relating to the legal rights and duties of the respective parties, bring an original action or cross-complaint in the superior court for a declaration of his or her rights and duties in the premises, including a determination of any question of construction or validity arising under the instrument or contract.”

III. Discussion

A. Applicability

Here, Petitioners argue that they are entitled to relief pursuant to C.C.P. section 1060 and that an actual controversy exists because without a court order declaring their rights, they will suffer harm in the form of not being able to claim their Italian citizenship. (See Declaration of Italian Attorney Arturo Grasso.)

In support of this request, Petitioners attached seven court orders granting declaratory relief for the purposes of foreign citizenship requests from other courts across California. (See Exhibit P, pp. 59–74.) The Court finds that it may grant such relief, but only as to documents created and recorded in the United States, not foreign records as explained below.

B. The Proposed Order

Petitioners provided a “[Proposed] Findings and Orders” in their moving papers asking the Court for an order of the following:

Severino Avigo was born on the 5th of April 1876 in Rivoltella, Italy.

Annunciata Maria Giacomini was born on the 17th of September, 1881, in Tremosine, Italy.

Severino Avigo and Annunciata Maria Giacomini married on September 12, 1903 in Rivoltella, Italy. They are Marco Carlo Avigo’s parents.

Severino Avigo and Annunciata Maria Giacomini gave birth to their son, Marco Carlo Avigo, in Lee, Massachusetts on July 8, 1908. During the course of his life, Marco Carlo Avigo was also known as Marco Avigo. Marco Carlo Avigo is Petitioner Patricia Margaret Avigo’s father.

Zilpha Freeman was born on June 20, 1921 in Garston, West Derby, England. During the course of her life, she used the names Zilpha Freeman, May Zilpha Freeman, May otherwise Zilpha Freeman, May Freeman, May Zilpha Avigo, May Zilpah Freeman, and May Zilpah Avigo. Zilpha Freeman, May Zilpha Freeman, May otherwise Zilpha Freeman, May Freeman, May Zilpha Avigo, May Zilpah Freeman, and May Zilpah Avigo are all one and the same person. She is also Patricia Margaret Avigo's mother.

Marco Carlo Avigo married Zilpha Freeman on May 2, 1945 in England. They are the parents to Petitioner Patricia Margaret Avigo.

Petitioner Patricia Margaret Avigo was born in Lee, Massachusetts on February 11, 1951 to Marco Carlo Avigo and May Zilpha Freeman. During her life, Patricia Margaret Avigo has used the names Patricia Margaret Avigo, Tish Avigo Rankin, Tish A. Avigo, and Tish A. Rankin. Despite using multiple different names, they are all one and the same person. She is the mother to Heather Megan Rankin and Gwendolyn Rebecca Rankin.

Patricia Margaret Avigo and Wesley Ernest Rankin married in Sacramento, California on March 25, 1984. They are Heather Megan Rankin and Gwendolyn Rebecca Rankin's parents.

Heather Megan Rankin was born on June 20, 1985 in Sacramento, California. She is Patricia Margaret Avigo and Wesley Ernest Rankin's daughter.

Gwendolyn Rebecca Rankin was born on October 18, 1987 in Sacramento, California. She married Zachary Aaron Kottong on August 12, 2011 in Sonoma County. She has used the name Gwendolyn Rebecca Rankin and Gwendolyn Rebecca Kottong. Although she has used different names, she is one and the same person.

(See Petition, pp. 19–20.)

C. Petitioners' Italian Lineage

The Court cannot verify the lineage of several family members for various reasons as explained below.

1. Annunciata Maria Giacomini and Severino Avigo

First, Petitioners failed to comply with California Rules of Court, rule 3.1110(g) that requires all exhibits written in a foreign language to be accompanied by an English translation, certified under oath by a qualified interpreter. Here, Exhibit A (Birth Certificate of Severino Avigo), Exhibit B (Birth Certificate of Annunciata Maria Giacomini) and Exhibit C (Marriage Record of Severino Avigo and Annunciata Maria Giacomini) contain Italian records that do not have translations. Thus, the Court is unable to consider these exhibits as they were not provided to the

Court in English with a certification of translation by a qualified interpreter. However, even if the Court had the required translations, Petitioners fail to adequately explain the relevance of an order from this Court in the U.S. verifying Italian birth and marriage information for the Italian court's use. Of greater importance is that Petitioners fail to identify any law, statute, or caselaw which authorizes this Court to have jurisdiction to make such a finding when these are Italian vital records. Petitioners' reliance and reading of CCP §1060 does not appear to create or extend the Court's authority in this respect.

In addition to being in a foreign language, these documents are either blurry, illegible, are photos of the documents rather than scanned copies, or contain unidentified groups of random letters and numbers that raise concerns as to the authenticity of the documents. Furthermore, while Petitioners attached seven court orders for similar relief from other courts across California, none of these orders grant the relief requested here for general findings that certain relatives were born or married abroad rather than finding a relative is "one and the same person as" an alias or other name that relative has used. (See Exhibit P, pp. 59–74.) Regarding Severino Avigo, providing a Certificate of Nonexistence of Record from USCIS (Exhibit A) verifying that there is no record for such a person in the Central Index System and/or Microfilm Digitization Application System offers no significance to the Petition. Thus, the Court **DENIES** Petitioners' requests for an order from this Court confirming the birth and marriage records for Annunciata Maria Giacomini and Severino Avigo as requested.

2. Marco Carlo Avigo

Next, Petitioners request that the Court verify that Marco Carlo Avigo's birth information (including his parents' identity), that he was also known as Marco Avigo, and that he is Petitioner Patricia Margaret Avigo's father. Marco Avigo's birth certificate issued by the Commonwealth of Massachusetts lists his name as "Marco C Avigo" with his place of birth and residence being in Lee, MA. However, a "Marco Carlo Avigo" is then listed on Petitioner Patricia Avigo's birth certificate. (See Petition, Exhibits D, G.) Patricia's birth certificate also indicates that "Marco Carlo Avigo" resides in Lee, MA. Based on Marco Avigo's birth certificate, Petitioner Patricia Avigo's birth certificate, and Petitioner Patricia Avigo's declaration (Exhibit L) the Court **GRANTS** this request regarding Marco Carlo Avigo's birth information, that he is Petitioner Patricia Margaret Avigo's father and that Marco Carlo Avigo, Marco C Avigo, and Marco Avigo are one in the same person.

3. Zilpha Freeman

Petitioners request that the Court verify records for Zilpha Freeman (including her birth information), her other names used, and that she is Petitioner Patricia Margaret Avigo's mother. Zilpha Freeman's West Derby, England birth certificate lists her name as "Zilpha". (See Petition, Ex. F). The name "May otherwise Zilpah Freeman" then appears on a marriage certificate along with "Marco Carlo Avigo" issued in England, Liverpool North on May 2, 1945. (Petition, Ex. E). On the birth certificate of Patricia Margaret Avigo, the names "May Zilpah Freeman" and "May Zilpah Avigo" as maiden name and present name, respectively. (Petition Ex. G). She is then listed as "May Freeman" on Patricia Margaret Avigo's marriage certificate. (See Petition, Exhibits F, G, and H.)

The Petition alleges that Patricia Margaret Avigo's birth certificate contains a typo of her mother's name "May Zilpah Freeman" (instead of May *Zilpha* Freeman/Avigo) and that Zilpha Freeman often used the alias "May". Based on Zilpha Freeman's birth certificate, Petitioner Patricia Margaret Avigo's birth certificate and marriage certificate, and Petitioner Patricia Margaret Avigo's declaration (Exhibit L) the Court **GRANTS** this request regarding Zilpha Freeman's birth information, that she is Petitioner Patricia Margaret Avigo's mother, and that Zilpha Freeman, May Zilpah Freeman, May Zilpah Avigo, May Zilpha Freeman, May Zilpha Avigo, and May Freeman are one in the same person.

The Court **DENIES** the request regarding Zilpha Freeman's birth information declaring that Zilpha Freeman used the alias "May otherwise Zilpha Freeman" as the evidence presented is insufficient to support such findings and Petitioners did not provide any authority giving this Court jurisdiction to make findings based on foreign records instead of seeking relief from such country's judicial system.

Regarding the marriage between Zilpha Freeman and Marco Carlo Avigo, the copy of the marriage certificate is not legible for the Court to make any determination as to their marriage. (See Petition, Exhibit E.) The attached copy of the certificate is a small photo of the certificate rather than a legible scanned copy. Furthermore, the marriage license is a document from England and Petitioners fail to provide any authority by giving the Court jurisdiction to make findings solely based on foreign records. This request is **DENIED**.

D. Individual Petitioners

1. *Patricia Margaret Avigo*

Petitioners request that the Court verify records for Petitioner Patricia Margaret Avigo's (including her birth information), her other names used, and that she is the mother of Petitioners Heather Megan Rankin and Gwendolyn Rebecca Rankin. According to her birth certificate, Petitioner Patricia Margaret Avigo was born in Lee, Massachusetts on February 11, 1951 to Marco Carlo Avigo and May Zilpah Avigo. (See Petition, Exhibit G.) On her marriage certificate and daughter Gwendolyn Rebecca Rankin's birth certificate, Petitioner Patricia Margaret Avigo used the name "Tish A. Avigo". (See Petition, Exhibits H and J.) On daughter Heather Megan Rankin's birth certificate, Petitioner Patricia Margaret Avigo used her biological name Patricia Margaret Avigo. (See Petition, Exhibit I.) The Petitioner alleges that Petitioner Patricia Margaret Avigo prefers the name of "Tish Avigo Rankin". Based on Petitioner Patricia Margaret Avigo's birth certificate, Petitioner Heather Megan Rankin and Gwendolyn Rebecca Rankin's birth certificates, the Court **GRANTS** this request regarding Petitioner Patricia Margaret Avigo's birth information, that she is Petitioners Heather Megan Rankin and Gwendolyn Rebecca Rankin's mother, and that Patricia Margaret Avigo and Tish A. Avigo are one in the same person.

The Court **DENIES** the request declaring that Petitioner Patricia Margaret Avigo's used the following aliases as the evidence presented is insufficient to support such findings and

Petitioners fail to explain the relevance of such aliases to the relief sought: Tish Avigo Rankin and Tish A. Rankin.

Regarding Petitioner Patricia Margaret Avigo and Wesley Ernest Rankin's marriage, the Court **GRANTS** the request.

2. *Heather Megan Rankin*

Based on her birth certificate and declaration, the request regarding Heather Megan Rankin is **GRANTED**. (See Petition, Exhibits I and M.)

3. *Gwendolyn Rebecca Rankin*

Lastly, Petitioners request that the Court verify records for Petitioner Gwendolyn Rebecca Rankin's birth, marriage, and other names used. Based on her birth certificate, marriage certificate, and declaration, the Court **GRANTS** this request regarding Petitioner Gwendolyn Rebecca Rankin's birth information, that she married Zachary Aaron Kottong on August 12, 2011 in Sonoma County, California, and that Gwendolyn Rebecca Rankin is one in the same person as Gwendolyn Rebecca Kottong.

IV. Conclusion

Upon review of the Petition and all exhibits, the Court **GRANTS** the Petition for an order declaring the following in support of Petitioners' application for Italian citizenship:

1. Severino Avigo and Annunciata Maria Giacomini gave birth to their son, Marco Carlo Avigo, in Lee, Massachusetts on July 8, 1908. During the course of his life, Marco Carlo Avigo was also known as Marco Avigo and Marco C Avigo. Marco Carlo Avigo is Patricia Margaret Avigo's father.
2. Zilpha Freeman is one in the same person as May Zilpha Freeman, May Freeman, May Zilpha Avigo, May Zilpah Freeman, and May Zilpah Avigo. She is Patricia Margaret Avigo's mother.
3. Patricia Margaret Avigo was born in Lee, Massachusetts on February 11, 1951 to Marco Carlo Avigo and May Zilpah Avigo. Patricia Margaret Avigo is one in the same person as Tish A. Avigo. She married Wesley Ernest Rankin in Sacramento, California on March 25, 1984 and they are the parents of Heather Megan Rankin and Gwendolyn Rebecca Rankin.
4. Heather Megan Rankin was born on June 20, 1985 in Sacramento, California. She is Patricia Margaret Avigo and Wesley Ernest Rankin's daughter.
5. Gwendolyn Rebecca Rankin was born on October 18, 1987 in Sacramento, California. She married Zachary Aaron Kottong on August 12, 2011 in Sonoma

County, California. Gwendolyn Rebecca Rankin is one in the same as Gwendolyn Rebecca Kottong.

All other requests are **DENIED**.

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

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