

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, February 6, 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>

TO JOIN ZOOM BY PHONE:

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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. 25CV01119, Christian v. Rancho Grande Manufactured Home Community, LP

Plaintiff Emory Christian’s (“Plaintiff”) motion to strike RG Defendants’ October 15th unverified Answer is **DROPPED as MOOT**. In its discretion, the Court **STRIKES** RG Defendants’ November 14, 2025, Joint Amended Answer and RG Defendants’ January 13, 2026, Individual Third Amended Answers pursuant to C.C.P. section 436(b) since RG Defendants did not have leave of the Court to file these Answers.

I. Procedural History

Plaintiff filed her Complaint on February 11, 2025, to which various Defendants demurred. Rancho Grande Defendants (composed of Rancho Grande Manufactured Home Community, LP, Lisa Hamernick, and Burt Hamernick) (hereinafter “RG Defendants”) did not file an Answer to the Complaint but instead filed a demurrer to the Complaint on May 28, 2025 pursuant to the automatic 30-day extension afforded to demurring parties under C.C.P. section 430.41. (See Declaration Demurring Party in Support of Extension, filed April 25, 2025.) After hearing argument on August 13, 2025, regarding the three demurrers to the Complaint filed by Inspectors (composed of Barton Hotchkiss and Stacy Stephenson), Susan Roberts, and RG Defendants, the

Court took the matters under submission. (See Ruling Issued on Submitted Matter re: Demurrers and Motion to Strike, filed August 20, 2025.) The Court sustained RG Defendants' demurrer to the Complaint with leave to amend as to the Seventh, Tenth, Eleventh, and Fifteenth Causes of Action and sustained the First, Second, and Third Causes of Action with leave to amend as to the Hamernicks. (*Ibid.*) In its August 20, 2025, ruling, the Court denied Plaintiff's Motion to Strike and Impose Sanctions that was set for October 29, 2025 and this hearing was taken off calendar as a result. (*Ibid.*)

Plaintiff filed the First Amended Complaint ("FAC") on September 2, 2025. RG Defendants filed an Answer to Plaintiff's FAC on October 15, 2025. Plaintiff then filed the instant Motion to Strike RG Defendants' Answer to the FAC on October 27, 2025 on the basis that the Answer to the FAC was unverified in violation of C.C.P. section 446(a). On November 7, 2025, RG Defendants filed and served a verified Answer to the FAC. On November 14, 2025, RG Defendants filed and served a "Joint Verified Answer" to the FAC. On January 13, 2026, RG Defendants Rancho Grande Manufactured Home Community, LP, Lisa Hamernick, and Burt Hamernick all individually filed and served verified answers to Plaintiff's FAC. On January 21, 2026, Plaintiff filed an Amended Motion to Strike RG Defendants' January 13th Individual Third Amended Answers pursuant to C.C.P. sections 436(a), 436(b), and 431.30(d). On January 26, 2026, RG Defendants filed an Opposition to Plaintiff's Amended Motion to Strike their January 13th Individual Answers. The Court deciphers the Parties' labyrinthine pleadings below.

II. Analysis

A. The Operative Answer

As detailed above, RG Defendants have filed four answers to the FAC between October 2025 and January 2026. Pursuant to C.C.P. section 472(a), a party may amend its pleading *once* without leave of the court after a motion to strike is filed but before the motion to strike is heard if the amended pleading is filed and served no later than the date for filing an opposition to the motion to strike. (Emphasis added). An answer is a responsive pleading and is therefore subject to the amendment requirements under C.C.P. section 472. RG Defendants filed and served their first Answer in the case, which was to the FAC, on October 15, 2025. This Answer is unverified, which is why Plaintiff moves to strike the October 15th Answer pursuant to C.C.P. section 446(a). However, on November 7, 2025, RG Defendants filed and served a verified Answer to the FAC, which is timely pursuant to C.C.P. section 472(a) as it was filed before the opposition to the motion to strike was due. The November 7th Verified Answer not only contained the required verifications that the October 15th Answer lacked but added 297 paragraphs of specific denials in addition to their already pled general denial and affirmative defenses. RG Defendants were not required to seek leave of the Court to file the November 7th Verified Answer as it was their first amended Answer and filed timely pursuant to C.C.P. section 472(a) at which point it became the operative Answer for RG Defendants in this case.

The Court acknowledges RG Defendants' counsel's efforts to meet and confer with Plaintiff in response to her October 27, 2025, Motion to Strike. RG Defendants assert that after it filed and served their November 7th Verified Answer, Plaintiff raised concerns about the compliance of the November 7th Verified Answer on November 10, 2025, specifically that RG Defendants

were required to serve separate, verified answers pursuant to C.C.P. 431.30(b) and that the body of the Answer refers to “Defendant” and does not clarify what denials or affirmative defenses are asserted by each of the RG Defendants. (Reyes Decl., ¶ 7, Exhibit B.) RG Defendants contend that it filed and served the November 14, 2025, Joint Verified Answer to address Plaintiff’s concerns raised in her November 10th letter. (Reyes Decl., ¶ 8.) However, RG Defendants did not have leave of the Court to file the November 14th Joint Amended Answer nor did RG Defendants file a stipulation and order permitting RG Defendants to file the November 14th Amended Answer.

On December 15, 2025, Plaintiff raised concerns about the November 14th Joint Amended Answer. (Reyes Decl., ¶ 9, Exhibit C.) The Parties met and conferred, giving Defendants until January 13, 2026, to file individual, verified answers as confirmed via email. (Reyes Decl., ¶ 10, Exhibit D.) RG Defendants then filed three individual verified Answers to the FAC (filed as “Third Amended Verified Answer”). (Reyes Decl., ¶ 11, Exhibit E.) While the Parties agreed to the filing of the January 13, 2026, Individual Answers, they did not file a stipulation and order nor did they request leave of the Court for such filing. Thus, the Court **STRIKES** RG Defendants’ January 13, 2026 Individual Answers in their entirety (filed as “Third Amended Verified Answer”) in its discretion pursuant to C.C.P. section 436(b) since RG Defendants did not have leave of the Court to file these Answers. Furthermore, the Court **STRIKES** RG Defendants’ November 14, 2025 Joint Amended Answer in its discretion pursuant to C.C.P. section 436(b) because RG Defendants did not have leave of the Court to file this Answer. Therefore, the November 7th Verified Answer is RG Defendants’ operative Answer in this case. If RG Defendants seek to amend their Answer any further, they must ask the Court for leave.

B. Plaintiff’s October 27, 2025 Motion to Strike

Plaintiff’s October 27th Motion to Strike RG Defendants’ October 15th unverified Answer is **MOOT** because RG Defendants timely filed and served an amended verified Answer to the FAC on November 7, 2025, which was before the opposition to the motion to strike was due pursuant to C.C.P. section 472(a).

C. Plaintiff’s January 21, 2026 Amended Motion to Strike

On January 21, 2026, Plaintiff filed an amendment to her October 27, 2025 Motion to Strike challenging RG Defendants’ January 13th individual Third Amended Verified Answers contesting the substance of the answers arguing that they are sham and evasive. However, Plaintiff may not amend her October 27th Motion to Strike to challenge a new pleading on completely different legal bases. Such filing is improper. Regardless, RG Defendants’ January 13th individual Third Amended Verified Answers have been stricken by the Court as noted above and are not operative. Therefore, Plaintiff’s January 21, 2026 Amended Motion to Strike is **MOOT**.

III. Conclusion

The motion to strike RG Defendants’ October 15th unverified Answer is **DROPPED as MOOT**. RG Defendants’ November 14, 2025 Joint Amended Answer and RG Defendants’ January 13,

2026 Individual Third Amended Answers (filed separately as Burt Hamernick's Third Amended Verified Answer, Lisa Hamernick's Third Amended Verified Answer, and Rancho Grande Manufactured Home Community's Third Amended Verified Answer) are **STRICKEN** pursuant to C.C.P. section 436(b). If RG Defendants seek to amend their Answer any further, they must ask the Court for leave or file a stipulation and order.

RG Defendants' 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. 25CV01401, Michael Lennox v. Kuzma, M.D.

Plaintiff's counsel Douglas Fladseth requests to be relieved as counsel for Plaintiff Michael Lennox (individually and as personal representative for the Estate of Gerry Lennox) due to a breakdown in the attorney-client relationship. However, counsel Fladseth failed to lodge a proposed order (form MC-053) with the moving papers as required by rule 3.1362(e) of the California Rules of Court. The motion is **CONTINUED** to **Friday March 13, 2026 at 3:00 p.m.** in Department 19 to allow counsel to serve the proposed order on all Parties and lodge the proposed order with a proof of service with the Court. The proposed order must be filled out and served in conformance with rule 3.1362(e) ("[t]he order must specify all hearing dates scheduled in the action or proceeding" and "[a]fter the order is signed, a copy of the signed order must be served on the client and on all parties that have appeared in the case.")

3. SCV-273542, Ming v. Cottingham

Counsel George W. Wolff requests to be relieved as counsel for Defendant Angel Brothers Lath & Plastering, Inc. due to a breakdown in the attorney-client relationship. However, counsel Wolff's signature is missing on page two of the Notice of Motion and Motion to be Relieved as Counsel (form MC-051), and his signature is illegible on page two of the Declaration in Support of Attorney's Motion to be Relieved as Counsel (form MC-052). The motion is **CONTINUED** to **Friday March 13, 2026 at 3:00 p.m.** in Department 19 to allow counsel to refile the forms with legible signatures. Should counsel not correct the signature defects, the Court shall strike the unsigned papers pursuant to C.C.P. section 128.7(a).

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