

**TENTATIVE RULINGS  
LAW & MOTION CALENDAR  
Wednesday, March 11, 2026 3:00 p.m.  
Courtroom 17 – Hon. Jane Gaskell  
3035 Cleveland Avenue, Santa Rosa**

**PLEASE NOTE: In accordance with the Order of the Presiding Judge, a party or representative of a party may appear in Department 17 in person or remotely by Zoom, a web conferencing platform.**

**CourtCall is not permitted for this calendar.**

**If the tentative ruling is accepted, no appearance is necessary via Zoom unless otherwise indicated.**

**TO JOIN D17 ZOOM ONLINE:**

Meeting ID: 161 126 4123

Passcode: 062178

<https://sonomacourt-org.zoomgov.com/j/1611264123>

**TO JOIN ZOOM BY PHONE:**

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

+1 669 254 5252

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** Judge Gaskell's Judicial Assistant by telephone at **(707) 521-6723**, and all other opposing parties of your intent to appear, and **whether that appearance is in person or via Zoom**, by **4:00 p.m. the court day immediately preceding the day of the hearing.**

**1. 23CV00822, Steele v. Gentry**

The hearing on Plaintiffs Moni Syeda and Juneko Steele's ("Plaintiffs") motion for an order consolidating three matters pending in the Superior Court for Sonoma County is **CONTINUED** to April 1, 2026, at 3:00 P.M. in Department 17. Plaintiffs filed a late amended notice of motion to cure procedural defects in the motion outlined in the Opposition on or about March 4, 2026, in order to comply with California Rules of Court, Rule 3.350. However, as a result of the late filing and notice, all parties involved in the three actions have not had sufficient time to review the moving papers and consider whether to oppose or object. Thus, the hearing is continued to allow all parties sufficient time after the filing of the amended notice of motion to consider the motion.

**2-3. 24CV05519, Rooney v. Skare**

The hearing on Defendant First Pointe Management Group's demurrer and motion to strike is **CONTINUED** to June 24, 2026. On March 4, 2026, Plaintiffs filed untimely oppositions to the two motions without any justification for the delay. Per C.C.P. section 1005(b), "all papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least nine court

days...before the hearing.” It is within a court’s discretion whether to consider a late-filed paper. (California Rules of Court, Rule 3.1300(d).) Though Plaintiffs made no argument for why the Court should consider the late-filed oppositions, the Court will continue the hearing to allow Defendant to file supplemental reply briefs to respond to the arguments made in the untimely oppositions so that any prejudice may be avoided. No other briefing shall be permitted apart from these supplemental reply briefs.

#### **4. 24CV07106, King v. The Ezralow Company, LLC**

Plaintiffs’ unopposed motion for leave to file First Amended Complaint is **CONTINUED** to March 25, 2026, at 3:00 p.m. in Department 17. C.C.P. section 473 and California Rules of Court, Rule 3.1324 require that the moving party accompany the motion for leave to amend with a copy of the amended pleading to be filed if leave is granted. Though Counsel Brod’s declaration indicates that the proposed amended pleading was attached as Exhibit A to his declaration, no such exhibit was attached. As this appears to be a clerical error, the Court will continue the hearing to allow Counsel to file a supplemental declaration to correct the issue.

#### **5. 24CV07689, Snowden v. Ainsworth**

Plaintiffs Cary Snowden, Michael Irvine, Dawn Holman, and Boys & Girls Clubs of Sonoma Valley’s (“BGCSV”)(together “Plaintiffs”) demurrer to self-represented Defendant Adina Flores’ Amended Answer filed September 23, 2025, is **OVERRULED**.

##### **I. PROCEDURAL HISTORY**

Plaintiffs commenced this defamation action against Defendants Flores and Ainsworth who have since approximately March of 2018 been claiming via numerous emails and correspondences to Plaintiffs and third parties that Plaintiffs and their agents conspired or were conspiring to cover up child sexual abuse, were failing to report child sexual abuse, were facilitating and participating in child abuse including pedophilia and grooming, and were violating State and Federal employment laws. (See Complaint, ¶ 21.). In their Complaint, Plaintiffs allege causes of action against named Defendants for: (1) defamation; (2) false light; (3) intentional infliction of emotional distress; (4) negligent infliction of emotional distress; (5) intentional interference with contractual relationships; (6) intentional interference with prospective economic advantage; and (7) injunctive relief. (Complaint, ¶¶ 46-125.)

On March 6, 2025, Defendant Flores filed her Answer to the Complaint. The Answer generally denies each and every allegation, assertion, statement, and belief set forth in the Complaint. (Answer, 1:21-23.) Defendant also sets forth 39 defenses under her affirmative defenses section. (*Id.* at pp. 4-18.) Plaintiffs demurred to the Answer as deficient, which the Court sustained finding that the demurrer was warranted because Defendant Flores’ affirmative defenses were ambiguous, uncertain, unintelligible, and otherwise not supported by any legal theory.

On September 23, 2025, Defendant Flores filed the Amended Answer, which is much briefer and alleges eleven affirmative defenses on the grounds of: (1) failure to state a cause of action; (2)

ambiguity; (3) statute of limitations; (4) lack of standing; (5) unclean hands; (6) no misrepresentation; (7) res judicata/collateral estoppel; (8) failure to mitigate damages; (9) comparative negligence; (10) absence of damages; and (11) truth. (Amended Answer, pp. 2-3.)

Plaintiffs' counsel met and conferred with Defendant Flores regarding issues that continue to exist with the Amended Answer, and Defendant stated she would be willing to further amend, but stands by the current Amended Answer as it is. (Noble Decl., ¶¶ 5-11.) Plaintiffs then filed the demurrer, which Defendant opposes. Plaintiffs replied to the Opposition. The parties' arguments are considered below.

## II. DEMURRER

### Legal Standard

Per C.C.P. section 430.20, a party against whom an answer has been filed may object to the answer via demurrer as provided in Section 430.30 upon one or more of the following grounds: (a) the answer does not state facts sufficient to constitute a defense; (b) the answer is uncertain (i.e., ambiguous or unintelligible.); or (c) the answer pleads a contract, but it cannot be ascertained whether the contract is written or oral.

A party may demur to a pleading to test its legal sufficiency. (C.C.P. § 422.10; California Rules of Court ("C.R.C."), Rule 3.1320.) Each ground on which a demurrer is based must be stated in a separate paragraph and must state whether it applies to the entire pleading, or to specified causes of action or defenses. (C.R.C., Rule 3.1320(a).) In general, an answer may contain "a statement of any new matter constituting a defense." (C.C.P. § 431.30(b)(2).) An affirmative defense sets forth facts from which it results that, notwithstanding the truth of the allegations of the complaint, no cause of action existed in the plaintiff at the time the action was brought. (*Salazar v. Maradeaga* (1992) 10 Cal.App.4th Supp. 1, 5.)

Discovery is the appropriate method to pursue the details of defendants' allegations regarding its affirmative defenses, so it is not necessary to require specificity in the pleadings. (*Doheny Park Terrace Homeowners Ass'n, Inc. v. Truck Ins. Exch.* (2005) 132 Cal.App.4th 1076, 1099.)

Generally, the principles governing whether an answer states a defense are the same as the principles which are applicable to determining if a complaint states a cause of action. (*South Shore Land Co. v. Petersen* (1964) 226 Cal. App. 2d 725, 732.) Thus, it is not required to plead evidentiary facts to state affirmative defenses; it is sufficient to plead ultimate facts in ordinary and concise language. (C.C.P. § 425.10(a); *Perkins v. Superior Court* (1981) 117 Cal. App. 3d 1, 6-7.) The same pleading of "ultimate facts" rather than "evidentiary" matter or "legal conclusions" is required as in pleading the complaint. (Weil & Brown, *Civil Procedure Before Trial* (The Rutter Group) Pleading Requirements, §6:459.) The answer must aver facts "as carefully and with as much detail as the facts which constitute the cause of action and which are alleged in the complaint." (*FPI Development, Inc. v. Nakashima* (1991) 231 CA 3d 367, 384.)

Finally, unless otherwise ordered, leave to amend within 10 days is deemed granted, except for actions in forcible entry, forcible detainer, or unlawful detainer in which case 5 calendar days is deemed granted. (C.R.C., Rule 3.1320(g).)

#### Plaintiffs' Demurrer to the Amended Answer

Plaintiffs demur generally to Defendant Flores' Amended Answer as irrelevant, improper, false, and unsupported by applicable law or facts. (Demurrer Memorandum of Points and Authorities ["MPA"], pp. 2-4) Plaintiffs request that leave to amend not be granted because there is no possibility that Defendant can cure the defective pleading. (*Id.* at pp. 4-5.)

#### Flores' Opposition

Defendant Flores opposes the demurrer arguing that the demurrer was untimely under C.C.P. section 430.41(b) as it was served two days past the deadline, that Plaintiffs failed to meet and confer in good faith before filing the demurrer, and that the Complaint itself is vague, retaliatory and subject to an anti-SLAPP motion. (Opposition, 2:4-18.)

#### Plaintiffs' Reply

In the Reply, Plaintiffs argue that the procedural arguments are without merit in the Opposition because the Demurrer was not untimely and the meet and confer efforts were made in good faith. (Reply, pp. 2-3.) Furthermore, the "SLAPP" argument is not properly before the Court as this is a motion for demurrer.

#### Application

As mentioned above, ultimate facts and concise language are appropriate in affirmative defenses and it is not required to plead evidentiary facts with specificity to state those defenses. Defendant Flores amended the Answer substantially and took out much of the unnecessary language and cut down her affirmative defenses to only one-fourth of what was previously alleged. Though very brief, the Court does find that the Amended Answer contains concise language and ultimate facts to support her eleven defenses, and that the proper method to pursue the details of such defenses is through discovery. As such, the Court will overrule the demurrer.

### **III. CONCLUSION**

Plaintiffs' demurrer to the Answer is **OVERRULED**. Defendant Flores 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).

## **6. 25CV00587, Midland Credit Management Inc. v. Durra**

The hearing on self-represented Defendant Durra's motion to set aside default judgment is **CONTINUED** to April 15, 2026, at 3:00 P.M. in Department 17. The motion was filed on November 7, 2025, but the proof of service attached to the motion only indicates service of the proposed Answer

on November 4, 2025. The Court is uncertain whether Defendant has properly and timely served the moving papers with the notice of hearing date on Plaintiff. As such, the Court will allow Defendant time to correct this procedural error before the next hearing date. If an updated proof of service is not filed showing timely and proper service of the moving papers with notice of the new hearing date on Plaintiff, the Court will deny the motion as procedurally deficient.

**Tentative Ruling Issued by the Honorable Christopher M. Honigsberg**

**7-8. SCV-268396, Friends of the South Fork Gualala v. California Department of Forestry and Fire Protection**

APPEARANCES ARE REQUIRED.