TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, March 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
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1. 24CV03100, Jooblay, Inc. v. Sanchez

Defendants Juliana Alders and Christine Bakers' (together as "moving Defendants") Demurrer to Plaintiff Jooblay, Inc.'s ("Jooblay") Third Amended Complaint is **SUSTAINED with leave to amend** pursuant to C.C.P. section 430.10(e). Jooblay shall file an amended complaint within 30 days of notice of this order.

I. Procedural History

This action arises out of the ownership of two properties: 9579 Ross Station, Sebastopol, CA 95472 (A.P.N. 084-150-046-000) and 1551 Laguna Road, Santa Rosa, CA 95401 (A.P.N. 130-480-025-000). Jooblay filed its Complaint on May 28, 2024, alleging seven causes of action against various Defendants. Jooblay's contention is that the 2021 auction sale proceedings were not proper and therefore title was not properly conveyed to Defendant Sanchez and thus Defendant Sanchez could not convey the Ross Station Property to Defendants Alders and Baker.

On November 7, 2024, non-moving Defendants demurred to the First, Second, Fifth, and Sixth Causes of Action in the Complaint, which the Court sustained with leave to amend and it gave

Jooblay 30 days to amend the Complaint. (See Minute Orders, dated February 21, 2025.) Jooblay filed its First Amended Complaint ("FAC") on February 18, 2025. On January 9, 2025, moving Defendants Alders and Baker demurred to the Complaint but dropped this hearing in light of the filing of the FAC on February 18, 2025. On March 27, 2025, non-moving Defendants demurred to the First, Second, Fifth, and Sixth Causes of Action in the FAC, which the Court sustained with leave to amend, giving Jooblay 20 days to file an amended complaint. (See Minute Orders, dated June 4, 2025.) However, in the meantime, on April 21, 2025, moving Defendants demurred to the FAC, which was found to be moot as Jooblay filed its *Amended* Second Amended Complaint on July 10, 2025, in response to the Court's June 4, 2025 Order. (See Minute Orders, dated June 27, 2025, and Minute Orders, dated July 11, 2025.)

On August 13, 2025, this Court signed an order allowing Jooblay to file a Third Amended Complaint ("TAC") based on a joint stipulation by all parties. (See Stipulation and Order, filed August 13, 2025.) On September 2, 2025, Jooblay filed its TAC alleging the same two causes of actions against moving Defendants: quiet title (First Cause of Action) and cancellation of Alders-Baker grant deed (Seventh Cause of Action). The Court now considers moving Defendants' demurrer to the TAC on the basis that the First and Seventh Causes of Action do not state sufficient facts to state a cause of action against moving Defendants (C.C.P. § 430.10(e)) and that these two causes of action are uncertain (C.C.P. § 430.10(f)).

II. Governing Law

A. Demurrers Generally

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).) A party may demur to a pleading when there is another action pending between the same parties on the same cause of action. (C.C.P. § 430.10(c).) 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 facts which are judicially noticed 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. (*Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6.) "The distinction between conclusions of law and ultimate facts is not at all clear and involves at most a matter of degree." (*Burks v. Poppy Const. Co.* (1962) 57 Cal.2d 463, 473.) Leave to amend should generally be granted liberally where there is some reasonable possibility that a party may cure the defect through amendment. (*The Swahn Group, Inc. v. Segal* (2010) 183 Cal.App.4th 831, 852.)

B. Uncertainty

Demurrers for uncertainty are disfavored and only granted "if the pleading is so incomprehensible that a defendant cannot reasonably respond." (*Morris v. JPMorgan Chase Bank, N.A.* (2022) 78 Cal.App.5th 279, 292 [internal citation omitted].) "A demurrer for

uncertainty is strictly construed, even where a complaint is in some respects uncertain, because ambiguities can be clarified under modern discovery procedures." (*Khoury v. Maly's of California, Inc.* (1993) 14 Cal.App.4th 612, 616 [citations omitted].)

C. Quiet Title

A cause of action for quiet title requires a plaintiff to alleges: (1) description of the property subject to the action, (2) the title of the plaintiff as to which a determination is sought and the basis of title, (3) the adverse claims to the title of the plaintiff against which a determination is sought, (4) the date as of which determination is sought, and (5) a prayer for the determination of the title of the plaintiff against the adverse claims. (C.C.P. § 761.020(a)–(e).) An action to quiet title may address adverse claims in addition to those traditionally referred to as clouds on title because "a quiet title action, unlike in a cancellation action, is for the purpose of stopping the mouth of a person who has asserted or is asserting a claim to the plaintiff's property .... It is not aimed at a particular piece of evidence, but at the pretensions of an individual." (*Water for Citizens of Weed California v. Churchwell White LLP* (2023) 88 Cal.App.5th 270, 284–285 [citations omitted].) For quiet title actions, "a claim includes a legal or equitable right, title, estate, lien, or interest in property or cloud upon title. (C.C.P. § 760.010, subd. (a).)" (*Id.* at 281.) A void instrument garners no validity from the fact that it is recorded. (*OC Interior Services, LLC v. Nationstar Mortgage, LLC* (2017) 7 Cal.App.5th 1318, 1331.)

D. Cancellation of Grant Deed

A written instrument, in respect to which there is a reasonable apprehension that if left outstanding it may cause serious injury to a person against whom it is void or voidable, may, upon his application, be so adjudged, and ordered to be delivered up or canceled. (Civ. Code § 3412.) To obtain cancellation of a written instrument under Civil Code section 3412, a plaintiff must allege the instrument is "void or voidable" and would cause "serious injury" if not canceled. (*Saterbak v. JPMorgan Chase Bank, N.A.* (2016) 245 Cal.App.4th 808, 818–819.) The same tender requirements apply to actions to cancel an instrument as to quiet title causes of action. (*Id.* at 819.)

Where a complaint seeks to quiet title to real property and cancel an instrument and both claims are based on the same facts, it is said that the cancellation claim is incidental to the claim to quiet title such that the action asserts only one claim. (*Ephraim v. Metropolitan Trust Co. of Cal.* (1946) 28 Cal.2d 824, 833.) In a suit to remove a cloud the complaint must state facts, not mere conclusions, showing the apparent validity of the instrument designated, and point out the reason for asserting that it is actually invalid. (*Id.* at 833–834.)

III. Analysis

A. Jooblay's Opposition

Jooblay filed its Opposition to the demurrer on Monday, March 2, 2026, at 4:00 p.m., which is seven days after its Opposition was due on Monday, February 23, 2026. Due to the extensive delay in its filing and the fact that Defendant was served with the Notice of the March 6, 2026,

hearing date on November 24, 2025, the Court shall not consider Jooblay's Opposition in its discretion. (Cal. Rules of Court, Rule 3.1300(d).)

B. First Cause of Action – Quiet Title

1. Failure to State a Cause of Action

Moving Defendants argue that Jooblay fails to plead facts that they are not bona fide purchasers showing that moving Defendants had knowledge or notice of Jooblay's claim to title. Moving Defendants further argue that Jooblay fails to allege any facts showing that Civil Code section 2924m is applicable or that it has a private right of action to bring a claim under this section as Jooblay's contention is that there was an irregularity in the foreclosure proceedings that violated section 2924m.

"The bona fide purchaser doctrine enables a buyer to keep the purchased property if it can show it bought for value and lacked knowledge or notice of another's claim. When the buyer has actual or constructive notice of a prior interest, however, the buyer takes the property subject to those other interests." (*Sam v. Kwan* (2024) 101 Cal.App.5th 556.) "Where defendants, who are themselves innocent of any act of wrongdoing, are shown by the pleading to have acquired the legal title to property, it is incumbent upon a plaintiff, seeking to establish a superior equitable title, to plead and prove that the defendants are not innocent purchasers for value." (*Ferguson v. Ferguson* (1943) 58 Cal.App.2d 811, 814.)

Here, The TAC alleges that Trustee's Deed granting the Ross Station Property to Sanchez was recorded more than sixty (60) calendar days after the public auction concluded on September 3, 2021, that the Trustee's Deed to Sanchez is not a perfected conveyance of title to Sanchez as a matter of law, and therefore the grant deed transferring the Ross Station property to Alders and Baker is void *ab initio* because Sanchez did not hold title, interest, or rights in the Ross Station Property when he conveyed the Ross Station Property to Alders and Baker on September 15, 2022. (TAC, ¶¶ 45–48.) The TAC further alleges that based on this clouded chain of title, Alders and Baker cannot be deemed as bona fide purchasers for value because the Ross Station Property was conveyed to them outside the chain of title. (TAC, ¶ 48.)

The TAC conclusively states that Alders and Baker cannot be deemed as bona fide purchasers. However, there are no facts alleged to support the conclusion that both Sanchez and Alders Baker's executed deeds were recorded outside the chain of title. Jooblay fails to establish how an alleged invalid conveyance of property renders the executed deeds to that property to be recorded outside the chain of title or how such conveyance renders the executed deeds as void. Additionally, Jooblay does not present any factual allegations that would put moving Defendants on notice (either actual or constructive) of Jooblay's claim to title of the Ross Station Property or facts that reasonably bring into question the state of title reflected in the recorded chain of title. On the face of the Complaint, Alders and Baker purchased the Ross Station Property for value on September 15, 2022 from Sanchez, which is reflected by a grant deed to the Property. (TAC, ¶ 45–48.) Furthermore, regarding Civil Code section 2924m, this Court previously found that violations of Civil Code section 2924m are enforceable by The Attorney General, a county

counsel, a city attorney, or a district attorney, not Jooblay who is none of these public entities. (Civ. Code § 2924m (j).) Therefore, demurrer to the First Cause of Action is **SUSTAINED**.

2. Uncertainty

Here, moving Defendants generally assert that this cause of action is uncertain because it cannot be ascertained what facts give rise to the purported cause of action. However, moving Defendant's fail to show that the TAC is so deficient that they cannot reasonably respond. The TAC sufficiently alleges that Jooblay's title in the Ross Station Property was recorded on March 5, 2020, that the foreclosure on the Ross Station Property was invalid because title should not have been granted to Defendant Sanchez as he was a non-eligible bidder who submitted an unlawful post-auction bid, and therefore could not have conveyed title to Defendants Alders and Baker. (TAC ¶¶ 27, 34–36, 41, 47–64.) Furthermore, the TAC is clearly certain to which moving Defendants can reasonably respond because they identify facts Jooblay has failed to allege to maintain a cause of action for quiet title. Therefore, moving Defendants' demurrer is **OVERRULED** on the basis of uncertainty.

C. Seventh Cause of Action – Cancellation of Grant Deed

1. Failure to State a Cause of Action

Moving Defendants argue that Jooblay has failed to plead facts giving grounds to cancel the Trustee's deed upon sale or the subsequent grand deed to moving Defendants or any allegation of tender.

Here, as discussed above, the allegations in the TAC that the conveyance was outside the chain of title are not substantiated by sufficient facts. Therefore, Jooblay's contention that the conveyance is then void (rather than voidable) does not stand and Jooblay must plead tender. (*Saterbak, supra*, 245 Cal.App.4th at 819.) However, Jooblay did not plead tender. Moreover, under Civil Code section 2924m, Jooblay has failed to raise any part of the statute that would void the conveyances at issue in this case or how Jooblay would be authorized to bring such a claim as a private action. Thus, the demurrer to the Seventh Cause of Action is **SUSTAINED**.

2. Uncertainty

As stated above, moving Defendant's fail to show that the TAC is so deficient that they cannot reasonably respond to the Seventh Cause of Action as moving Defendants they identify specific facts Jooblay has failed to allege to maintain a cause of action for cancellation of the grant deed. Therefore, moving Defendants' demurrer is **OVERRULED** on the basis of uncertainty.

D. Leave to Amend

While moving Defendants argue that leave to amend should not be granted, there is some reasonable possibility Jooblay may cure these defects through amendment. (*The Swahn Group, Inc., supra,* 183 Cal.App.4th at 852.) Furthermore, while moving Defendants have demurred to every complaint in this action, this is the Court's first instance in reaching the merits of moving

Defendants' demurrer to a complaint due the timing of non-moving Defendants demurrers and Jooblay's amendments in response to those motions. Thus, the Court **GRANTS** leave to amend.

IV. Conclusion

Moving Defendants Alders and Bakers' demurrer to the TAC is **SUSTAINED with leave to amend**. Jooblay shall file an amended complaint within 30 days of notice of this order.

Moving 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).

2-3. 25CV04749, Jane Van Buskirk Revocable Trust v. Sexton

APPEARANCES REQUIRED.

4. SCV-265714, County of Sonoma v. Castagnola

Plaintiff County of Sonoma (the "County"), filed the Complaint in this action against the property owner in this case, Defendant Michael L. Castagnola, as Trustee of the Michael L. Castagnola Revocable Trust ("Defendant") alleging zoning violations and public nuisance under California Health and Safety Code §§ 17980 *et seq.* present at the property commonly known as 12778 Dupont Road, Sebastopol, California (the "Property"). This matter is on calendar for Defendant's omnibus motion for an order permitting (1) a presently-existing federal lawsuit against the Receiver in this case, (2) modification of the Court's April 9, 2025 Order, and (3) termination of the receivership. Defendant's motion is **DENIED**.

I. Factual & Procedural History

On December 17, 2019, the County filed its Complaint to Enforce Building and Zoning Code violations and to abate a public nuisance on the Property. Defendant filed his Cross-Complaint for declaratory and injunctive relief on February 3, 2020. On July 15, 2020, the Parties filed a Stipulated Judgment, which the Court signed on July 24, 2020, requiring that Defendant obtain permits to abate all violations on the Property, dismiss his Cross-Complaint, pay costs and attorney's fees in the amount of $16,865.00, and pay civil penalties in the amount of $73,134.00.

By January 2022, the County found that Defendant had not complied with the Judgment and filed a motion to appoint a receivership on January 31, 2022. Defendant then filed a motion to vacate the July Judgment on March 28, 2022. The Court denied Defendant's motion to vacate the July Judgment and granted the County's request to appoint a receiver. (See Minute Orders, dated May 25, 2022.) Mark S. Adams was appointed as the Receiver on June 3, 2022. (See Civil Undertaking, filed June 3, 2022.)

Defendant moved to vacate the May 25, 2022 Order, which the Court denied on September 19, 2022. (See Order Denying Defendant's Motion to Vacate). On January 3, 2025, Defendant's daughter, Carly-Suzanne Castagnola, filed a motion for leave of the Court to bring suit against the Receiver or to intervene in the instant action in the alternative in addition to a Verified Complaint. On March 12, 2025, the Court granted Ms. Castagnola's motion in part by allowing

her to intervene in the instant action and to file a complaint-in-intervention but denied her motion to file a separate action against the Receiver and vacated her Verified Complaint. (See Minute Order, filed March 12, 2025.) Ms. Castagnola has yet to file her complaint-in-intervention. The Order on this motion was signed on April 9, 2025.

Defendant now requests the Court to grant permission to maintain a presently-existing federal lawsuit against the Receiver, to modify its April 9, 2025 Order, and to terminate the receivership.

II. Governing Law

"A receiver is a court-appointed official who can be sued only by permission of the court appointing him." (*Ostrowski v. Miller* (1964) 226 Cal.App.2d 79, 84.) "The rule requiring court permission to sue a receiver stems from Code of Civil Procedure section 568." (*Vitug v. Griffin* (1989) 214 Cal.App.3d 488, 492.) "[E]ven in cases where it would be proper for the court to dispose of the controversy under an intervention in the original special proceeding, it may, nevertheless, grant permission to bring an independent suit. It is not, however, required to do so, and when, by virtue of its ample legal and equitable jurisdiction, it can grant full relief in all proper form of law to a party asserting a claim against the receiver by his intervening in the original proceeding, it is no abuse of discretion to refuse him permission to bring an independent suit." (*De Forrest v. Coffey* (1908) 154 Cal. 444, 450.) However, in so doing the court is not entitled to assess the merits of the claims asserted against the receiver, nor may the court deprive the claimant both of the opportunity to bring suit against the receiver separately and refuse to allow them to intervene. (*Jun v. Myers* (2001) 88 Cal.App.4th 117, 125.)

III. Analysis

A. Permission to Maintain Federal Case

To be clear, Defendant and Ms. Castagnola have already filed a federal case against the Receiver (Case No. 25-cv-03624-JD in April 2025) currently before the Honorable James Donato of the U.S. District Court for the Northern District of California. "It is a general rule that before suit is brought against a receiver leave of the court by which he was appointed must be obtained." (*Barton v. Barbour* (1881) 104 U.S. 126, 127.) "The more common practice, and the one generally recommended, is to hear and determine all rights of action and demands against a receiver by petition in the cause in which he was appointed." (*Ostrowski, supra,* 226 Cal.App.2d at 83 [citations omitted].) Notably, as previously explained, this Court is the proper forum to assess any alleged wrongdoing by the Receiver since this Court appointed the receiver and has had the instant case on its docket since its inception on December 17, 2019. Defendant's federal complaint asserts 18 causes of action for various state and federal claims, all of which appear directly related to the Receiver's role in this matter. The Court previously provided a detailed analysis of why such claims should be retained in the instant matter when it dealt with Ms. Castagnola's request to sue. (See March 12, 2025 Order).

More importantly, Defendant fails to explain why it should now be exempt from complying with the general rule outlined in *Barton*. Defendant cites to CCP §128 (a)(8) pointing to the court's inherent power to amend or control processes and orders to make them conform to law and justice. However, doing so in this instance would effectively require Defendant to withdraw his

federal complaint before renewing the present motion in this action. What Defendant prefers is that this Court exercise the discretion under CCP §128 (a)(8) and retroactively approve the filing of the federal complaint. The Court is not inclined to exercise its discretion in this manner. In support of this position Defendant then cites three cases which it believes stands for the proposition that a Receiver may be sued independently for breaches of fiduciary duties or other official duties.

Defendant cites to *City of Santa Monica v. Gonzalez*, (2008), 43 Cal.4th 905; *Shannon v. Superior Court* (1990) 217 Cal.App.3d 986; and *Garrison v. Mitchell* (1935) 7 Cal.App.2d 430. None squarely fits the present circumstance. In *Gonzalez* the California Supreme Court was tasked with determining whether the trial court had abused its discretion in authorizing the demolition of an unsafe structure. The property owner challenged the receivership and demolition orders on statutory and due process grounds. The *Gonzalez* court never directly examined the issue of whether a receiver can be sued for breaches of their fiduciary duty. Instead, this case focused on whether the property owner had received sufficient notices of the violations, whether the appointment of the receiver was proper, and whether the decision authorizing the demolition was an abuse of discretion. (Gonzalez, supra, 43 Cal.4th at 929-931). *Gonazlez* simply does not apply here.

Shannon involved a writ of mandate filed by the court-appointed receiver (Shannon) after the trial court ordered disclosure of attorney-client privileged communications. Although the court commented that a "receiver is not immune from responsibility for his or her acts. A receiver cannot be held liable as a tortfeasor for an act done within the scope of the powers granted by the order of the court. (*Shannon, supra*, 217 Cal.App.3d at 993, citing to *Tapscott v. Lien* (1894) 103 Cal. 297, 312). Moreover, the *Shannon* court was more concerned with whether any interested party challenging the conduct of the receiver, and where the same had retained counsel, would be privy to receiving attorney-client communications. Finally, *Garris* stands for the same procedural requirement outlined in *Barton*. In *Garris*, plaintiffs filed a request to bring fraud and malfeasance-based claims against an appointed receiver which the trial court granted. After the trial court sustained defendants' demurrers without leave to amend, plaintiffs appealed. (*Id*. at 432). This case deals more so with the sufficiency of pleadings. However, *Garris* does state that "[A] court of equity, having assumed jurisdiction of the subject matter, may retain that jurisdiction and require all matters relating thereto to be litigated in the same action. This has been the usual practice in the state of California, and it might have been better for the court to have followed this practice. It is, however, well established that, upon application, the court may grant leave that an independent action be brought. *De Forrest v. Coffey*, 154 Cal. 444, 98 P. 27; *State v. State Bank of Circleville*, 84 Kan. 366, 114 P. 381. It is within the discretion of the court to determine which course to adopt." (*Id.* at 433-434). Again, no case presented by Defendants warrants deviation from the *Barton* rule.

Secondly, Defendant argues that the Court's refusal to grant to this motion effectively deprives him from exercising his due process rights under the California Constitution (Art. 1, Sec. 7) as well as California Health & Safety Code §17980.7(c)(14). This is simply not the case. Defendant is not prevented from exercising any rights and can proceed in a similar manner as her daughter, Carly Castagnola, and make a request to this Court. The Court continues to find that most, if not all, of these claims would be better resolved in the instant matter, Defendant has already filed his

case in federal court and Court will not exercise its discretion retroactively to cure this procedural defect. Therefore, this request is **DENIED**.

B. Modifying the Court's April 9, 2025 Order

On March 12, 2025, the Court heard argument from counsel regarding Carly Castagnola's motion to sue the receiver in a separate action or intervene in the instant action in the alternative. The Court adopted its tentative ruling allowing Ms. Castagnola to file a complaint-in-intervention but denying her request to sue the receiver in a separate action. On April 9, 2025, the Court signed the Order on this motion. Defendant is now requesting the Court to allow Ms. Castagnola to continue as co-plaintiff in the federal action against the Receiver, which would require the Court to amend its April 9, 2025 Order. Thus, Defendant's request should be properly brought in a motion for reconsideration as Defendant is requesting relief on behalf of Carly Castagnola that this Court has already considered and denied. Regardless, such a request is untimely, and Defendant fails to show the existence of new or different facts, circumstances, or law. (C.C.P. § 1008(a).) Modification of the Court's March 12, 2025 ruling and the following April 9, 2025 Order on that motion is **DENIED**.

C. Terminating Receivership

Lastly, Defendant requests that the Court terminate the receivership because the Property was sold on October 3, 2025 and title has passed to the purchasers. However, the receivership is not completed, as the Receiver has not presented his final account and report. Therefore, Defendant's request to terminate the receivership is **DENIED**.

Additionally, since the Property sold on October 3, 2025, the Court will set a hearing on its Law and Motion calendar on **Wednesday, June 24, 2026 at 3:00 p.m.** in Department 19 for a hearing on the Receiver's final account and report. The Receiver shall file and serve his final account and report in compliance with rule 3.1184 of the California Rules of Court no later than May 22, 2026. Any opposition to the accounting shall be filed and served nine (9) court days before the hearing and any reply to an opposition shall be filed and served five (5) court days before the hearing.

IV. Conclusion

Defendant's motion is **DENIED**.

The Court sets a hearing on its Law and Motion calendar on **Wednesday, June 24, 2026 at 3:00 p.m.** in Department 19 for a hearing on the Receiver's final account and report. The Receiver shall file and serve his final account and report in compliance with rule 3.1184 of the California Rules of Court no later than May 22, 2026. Any opposition to the accounting shall be filed and served nine (9) court days before the hearing and any reply to an opposition shall be filed and served five (5) court days before the hearing.

Receiver'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).

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