

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, April 17, 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. 25CV06484, Lynch v. 458 Fairgrounds Drive, LLC

Plaintiff Darlene Lynch ("Plaintiff") moves the Court to strike several affirmative defenses from Defendant 458 Fairgrounds Drive, LLC's (doing business as Quality Inns & Suites, LLC) ("Defendant") Answer to Plaintiff's First Amended Complaint ("FAC"). The motion is **DENIED** as being untimely pursuant to C.C.P. section 435(d).

I. FACTUAL & PROCEDURAL HISTORY

On September 29, 2025, Plaintiff filed her Complaint alleging two causes of action pursuant to Civil Code section 1714 and Evidence Code section 669(a). On October 2, 2025, Plaintiff filed her First Amended Complaint ("FAC") adding more facts. Defendant filed its Answer to the FAC on December 10, 2025, asserting a general denial and 35 affirmative defenses. Plaintiff now moves the Court to strike nine of these affirmative defenses, two without leave to amend and the other seven with leave to amend.

II. DISCUSSION

A. Plaintiff was Required to Meet and Confer Before Filing the Motion to Strike

Pursuant to C.C.P. section 435.5(a), Plaintiff was required to meet and confer with Defendant's counsel in person, by telephone, or by video conference at least five (5) days before the date she filed her

motion to strike. Plaintiff was also required to file and serve a declaration about such meet and confer efforts with the motion to strike under section 435.5(a)(3). Plaintiff did not file any declaration with the motion and did not address any meet and confer efforts in her MPA.

Defendants summarize Plaintiff's meet and confer efforts as calling Defendant's counsel on February 17, 2026, requesting to discuss the motion to strike as required by the Court's Notice of Informal Conference & Sanctions served on January 20, 2026. (Strunk Decl., ¶ 2.) Counsel Strunk stated that he would schedule a later time to discuss the motion. (Strunk Decl., ¶ 3.) On February 23, 2026, Plaintiff sent a Zoom link to Counsel Bayly via email for a 2:00 p.m. meeting that same day without any other prior notice. (Bayly Decl., ¶ 2.) Both counsels told Plaintiff that they were unable to meet and confer that day but told her to suggest other dates/times of her availability. (Bayly Decl., ¶ 2; Strunk Decl., ¶ 4.) Plaintiff responded with her availability from 2:00 p.m. to 2:20 p.m. Monday through Thursday, asking counsel to notify her of their availability. (Strunk Decl., ¶ 5, Exhibit A.) While a 20-minute window is a limited time frame, Defendant's counsel also did not respond to Plaintiff's last email stating her availability. (Strunk Decl., Exhibit A.) Nonetheless, Plaintiff was required to meet and confer with Defendant's counsel at least five days *before* filing her notice of motion to strike and file a declaration of these meet and confer efforts with her motion, which she failed to do. (C.C.P. section 435.5(a).)

In the interest of disposing of cases on their merits, the Court shall consider Plaintiff's motion and supporting documents. While the Court understands that Plaintiff has chosen to represent herself in *propria persona*, she is held to the same standards as attorneys and must abide by proper procedure pursuant to the California Rules of Court and California Code of Civil Procedure.

B. Plaintiff's Operative MPA is the February 13, 2026 MPA

Defendant objects to Plaintiff's MPA filed on February 13, 2026, citing violations of C.C.P. sections 1010 and California Rules of Court, Rules 3.1110(a), 3.1112(a), and 3.1113(a) because Plaintiff filed an amended MPA that modified the relief sought in the original MPA without leave of the Court. However, counsel misinterprets the procedural history.

Plaintiff first filed her motion to strike, MPA in support, and proof of service of the motion with the Court on January 8, 2026. However, the Clerk's Office rejected the MPA and proof of service for improper formatting pursuant to Rule 2.111 of the Rules of Court. Plaintiff then filed an amended MPA on February 13, 2026, which was accepted by the Court. Plaintiff did not re-file the January 8, 2026, proof of service, did not file an amended proof of service of the February 13th amended MPA with the Court, or file an amended notice of motion. However, Defendant's counsel does not dispute service of the February 13th amended MPA as he objects to its filing. Defendant also challenges the January 8th MPA as procedurally improper pursuant to Rule 2.111.

The January 8th MPA does not exist in the Court's docket as it was rejected by the Clerk's Office for the very reason Defendant cites. As such, the Court is unaware of the differences between the two MPAs. Accordingly, the February 13th amended MPA is the operative MPA as it was timely filed more than 16 court days before the April 17, 2026, hearing date. (See Cal. Rules of Court, Rule 3.1300(a); C.C.P. § 1005(b).) Therefore, Defendant's objection to the February 13th amended MPA is **OVERRULED**.

C. However, Plaintiff's Motion is Untimely

C.C.P. section 435(d) requires that a notice of motion to strike part of answer shall not extend the time within which to demur, which would have been 10 days after the service of Defendant's Answer to the FAC under C.C.P. section 430.40(b). Defendant's proof of service shows electronic and mail service of its Answer on Plaintiff on December 10, 2025. Thus, Plaintiff's notice of motion to strike should have been filed no later than December 23, 2025 (10 days pursuant to section 430.40(b) plus two court days for electronic service pursuant to section 1010.6(a)(3)(B)). Therefore, Plaintiff's time to file a demurrer to Defendant's Answer or to move to strike portions of or the entire Answer lapsed on December 23, 2025, and the instant motion is untimely as Plaintiff did not file her notice of motion until January 8, 2026.

III. CONCLUSION

Plaintiff's motion to strike is **DENIED** as being untimely.

Defendant'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. SCV-269497, Wilcox v. Culbertson, M.D.

Plaintiff Lydia Wilcox moves the Court for a second time to vacate summary judgment entered against Plaintiff on June 18, 2024, pursuant to C.C.P. sections 473(b) and 473(d). This Court previously denied Plaintiff's first motion to vacate or reconsider summary judgment entered against Plaintiff pursuant to C.C.P. sections 473(d) and 1008 on November 13, 2025. (See Notice of Entry of Order, filed November 21, 2025.) However, the same day Plaintiff filed the instant motion, she also filed a notice of appeal of this Court's November 13, 2025, denial of her motion to vacate or reconsider summary judgment entered against her. (See Notice of Appeal, filed January 16, 2026). Therefore, this Court does not have jurisdiction over this motion. (C.C.P. § 916.) Even if this Court retained jurisdiction, the motion seeks relief on issues this Court has already adjudicated. Accordingly, the motion is dropped from calendar without prejudice.

3. 25CV00751, Kingsborough v. Guy

The hearing on Defendants' demurrer is **CONTINUED** to **Friday, July 10, 2026 at 3:00 p.m.** in Department 17. Parties are to file supplemental briefs nine (9) court days prior to the hearing. Reply briefs are to be filed five (5) court days prior to the hearing.

4. MCV-259068, Wells Fargo Bank, N.A. v. Miller

Plaintiff Wells Fargo Bank, N.A. ("Plaintiff") moves the Court to vacate the dismissal entered on January 18, 2024, pursuant to C.C.P. section 128 and California Rule of Court, Rule 3.650(d). The motion is **DENIED**.

On July 18, 2022, Plaintiff filed its Complaint against Defendant Martha Miller for \$5,748.38 in unpaid credit card debt. The Court set an Order to Show Cause regarding dismissal of the case on January

18, 2024. At the hearing, counsel appeared on behalf of Plaintiff advising the Court that the matter settled and requested that the case be dismissed. (See Minute Orders, dated January 18, 2024.) The Court dismissed the entire action without prejudice. (See Order and Notice of Entry of Dismissal, filed January 18, 2024.)

Plaintiff filed the instant motion to vacate the 2024 dismissal on January 16, 2026. Plaintiff contends that after it drafted and forwarded the settlement agreement to Defendant for review, she never executed the agreement or made any payments and asks the Court to vacate the dismissal pursuant to C.C.P. section 128(a)(8) and the Court's inherent authority to amend and control its process and orders so as to make them confirm to law and justice. (Lopez Decl., ¶ 4.) However, counsel does not provide the Court with any proof of the unexecuted settlement agreement or how or when it was delivered to Defendant. Counsel also fails to explain why it filed its motion for relief two years after the Court dismissed the case when Defendant allegedly never signed the settlement agreement and failed to make even one payment. Accordingly, the motion is **DENIED**.

The Court's Minute Order shall constitute the order of the Court.

5. 25CV01717, House v. Monsanto Company

Defendants Monsanto Company and Mission Ace Hardware, Inc.'s (doing business as Mission Ace Hardware & Lumber) unopposed application for an order of the Court permitting counsel Jennifer Blues Kenyon, Esq. to appear *pro hac vice* is **GRANTED** pursuant to California Rules of Court, Rule 9.40.

The Court notes that counsel only filed a proposed order cover sheet and not did not attach a proposed order. Therefore, 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).