TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, April 3, 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. 25CV00393, LaFortune v. Adams

Defendant Richard Adams' ("Defendant Adams") motion to consolidate is **GRANTED** pursuant to C.C.P. § 1048(a).

I. FACTUAL & PROCEDURAL HISTORY

This action arises from a motor vehicle accident involving multiple vehicles that occurred on August 29, 2024, on westbound State Route 12, east of Fulton Road in Sonoma County. (MPA in Support of Motion to Consolidate, 2:3–4.) Defendant Adams was driving a 2014 Peterbilt truck, when he collided with Charles LaFortune's vehicle, which caused a chain collision involving 10 additional vehicles. (*Id.* at 3:4–5.) Charles LaFortune was killed in the accident and several others were injured. (*Id.* at 3:6.) Charles LaFortune's surviving relatives, his wife Noel LaFortune, and his children Michael LaFortune, Jonathan LaFortune, and Michele Yockey (together as "Plaintiffs"), filed their Complaint against Defendant Adams who is alleged to have been in the course of his employment at the time of the accident with his employer Defendant Eisenhauer Construction, Inc., owned by Defendant Robert

Michael Eisenhauer. (See Second Amended Complaint, filed March 10, 2026, ¶¶ 9–13.) The Second Amended Complaint also names the State of California and California Department of Transportation ("Caltrans") as Defendants for the operation and maintenance of the intersection where the accident occurred. (*Id.* at ¶¶, 14–15.)

There are three separate cases relating to the accident currently pending in the Sonoma County Superior Court:

- The instant action: *LaFortune v. Adams* (25CV00393) filed on January 15, 2025, in Department 17;
- *Salas v. Adams* (25CV03391) filed on May 13, 2025, in Department 17; and
- *Cuzzi v. Adams* (25CV04954) filed on July 15, 2025, in Department 19.

Defendant Adams now moves the Court to consolidate these three actions with the instant case being the lead case since it was the first-filed case.

II. DISCUSSION

A. Governing Law

A trial court has broad discretion to consolidate actions with common questions of law or fact to avoid unnecessary costs or delay. (C.C.P. § 1048(a); *Walker v. Walker* (1960) 177 Cal.App.2d 89, 91–92.) Rule 3.350 of the California Rules of Court governs the requirements of a motion to consolidate cases and the process of consolidation.

B. Moving Papers

Defendant Adams argues that common questions of law and fact pertaining to the accident predominate amongst the three cases: Defendant Adams' conduct as driver, Defendant Eisenhauer's role and potential liability, and the mechanics of the collision. (MPA in Support of Motion to Consolidate, 5:2–5.) Defendant Adams contends that C.C.P. section 1048(a) only requires a common quest of law or fact, not identical causes of action or defendants. (*Id*. at 5:5–6.) Defendant Adams further argues that judicial economy strongly favors consolidation and minimizes the danger of inconsistent verdicts. (*Id.* at 6:2–16.) Defendant Adams suggests that trial management tools, such as bifurcation of issues or tailored verdict forms, may be used to avoid trial complications or any risk of prejudice. (*Id.* at 6:19–28.)

Plaintiffs oppose the motion for consolidation arguing that common questions of law and fact do not predominate and consolidation will make trial confusing, inefficient, and adversely affect Plaintiffs because they are asserting liability against three defendants that are not currently included in the *Cuzzi* and *Salas* cases: Robert Eisenhauer, the State of California, and Caltrans. (Opposition to Motion to Consolidate, 4:2–6:3.)

In Reply, Defendant Adams argues that different causes of action and different parties do not render consolidation inappropriate. (Reply, 2:14–3:9.) Defendant Adams also argues that alleged jury confusion is speculative and that Plaintiffs fail to demonstrate any legally cognizable prejudice because separate damages can be presented independently, separate verdicts as to each defendant could be rendered, and the jury could evaluate each Plaintiffs' claim individually. (*Id*. at 3:12–4:5.)

C. Application

The Court is not persuaded by Plaintiffs' arguments. All three cases proposed to be consolidated arise from the same accident, which necessarily involves common questions of law and fact. While Charles LaFortune is the only party among the three cases that suffered a fatality, this difference and consequently the fact that the LaFortune Plaintiffs' causes of action may be different than plaintiffs in the other cases does not change the common questions of law and fact involved in the cases, including Defendant Adams and Defendant Eisenhauer Construction's liability in the accident. Even though Plaintiffs assert liability against three defendants that are not currently included in the *Cuzzi* and *Salas* cases, this does not substantively prejudice Plaintiffs as the cases will still involve primarily the same witnesses and evidence. As Defendant Adams maintains, arguments of jury confusion are speculative as damages can be presented separately and verdicts can be rendered separately. Having three cases arising out of the same accident be tried separately frustrates judicial economy and efficiency by creating duplicative litigation and poses a great risk for inconsistent verdicts. Therefore, Defendant Adams' motion to consolidate is **GRANTED**.

Pursuant to California Rules of Court, Rule 3.350, case number 25CV00393 is the lead case as the lowest numbered case and all documents filed must include the caption and case number of the lead case, followed by the case numbers of all the other consolidated cases.

III. CONCLUSION

Defendant Adams' motion to consolidate is **GRANTED**.

Unless oral argument is requested, the Court will sign the proposed order lodged with the motion. The order must be filed in each case sought to be consolidated in compliance with Rule 3.350(c) of the California Rules of Court.

2. 24CV06465, Looney v. Apricode KDS Corp

Plaintiff Gary Looney ("Plaintiff") moves unopposed against Defendants Apricode KDS Corp. (doing business as The Purdue, doing business as Nickel Bar, doing business as The Nickel Mine) and Rami Haddad, individually as personal guarantor for Apricode KDS Corp. to appoint Landon McPherson as receiver to seize and sell Defendant's California Liquor License number 563263 to satisfy the $9,424.62 judgment entered January 28, 2025 (the "Judgment"). The unopposed motion is **GRANTED** pursuant to C.C.P. section 564(b)(3).

Governing Law

Per C.C.P. section 564(b)(3), a court may appoint a receiver to carry out a judgment previously entered. The receiver may enforce the judgment where the judgment creditor has shown that, considering the interests of both the judgment creditor and debtor, the appointment of a receiver will reasonably allow the fair and orderly satisfaction of the judgment. (C.C.P. § 708.620.) Specifically, a court can appoint a receiver to transfer the judgment debtor's interest in an alcoholic beverage license for the purpose of satisfying a judgment. (C.C.P. § 708.630.)

Application

Plaintiff was unable to enforce this Court's Judgment and now moves to appoint Mr. McPherson as receiver to take possession of and, if necessary, sell Defendant's California Liquor License number 563263 to satisfy the outstanding Judgment. (Motion, pp. 2–3.) Defendant's license is not subject to any security interests except for obligations under California law. (Motion, p. 2.) Plaintiff provided sufficient notice of the motion's hearing. Defendant has not opposed the motion.

Plaintiff has sufficiently shown that the appointment of Mr. McPherson as receiver is warranted because Defendant has not responded to the complaint, to any post-judgment discovery requests after this Court's order compelling responses, or to any of Plaintiff's efforts to enforce the judgment entered. Mr. McPherson is a consultant broker for CAL ABC License Services and specializes in the acquisition and sale of liquor licenses in California with over 15 years of experience in the field.

Conclusion

As Plaintiff has satisfied the minimum requirements for the appointment of a receiver, Plaintiff's motion is **GRANTED**. The Court appoints Mr. McPherson as receiver to take possession of and, if necessary, sell Defendant's California Liquor License number 563263 to satisfy the $9,424.62 judgment entered January 28, 2025.

Plaintiff 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).

3. SCV-273838, Lanz v. Perez

APPEARANCES REQUIRED.

4-5. 24CV05613, Turchin v. Rinkleib

PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff's unopposed motion for sanctions against Defendant Randy S. Rinkleib is **GRANTED in part and DENIED in part**, as explained below.

Plaintiff's request for judicial notice is **GRANTED**.

I. PERTINENT FACTUAL & PROCEDURAL HISTORY

On September 23, 2024, Plaintiff, Curtis G. Turchin, filed a complaint against Defendants LZR Ultrabright; Randy A. Rinkleib, an individual; LZR7, Inc., a California corporation; Quantex, a Wyoming corporation; and Does 1 to 20, inclusive. Plaintiff alleged causes of action for Declaratory Relief, Breach of Fiduciary Duty, Conversion, An Accounting, and Enforcement of Books and Records Rights. This case arises out of an alleged attempt by Defendant Randy A. Rinkleib to wrongfully take the ownership interest of Plaintiff in LZR UltraBright, a business they started and grew together.

In this motion, Plaintiff seeks an order entering monetary sanctions, issue sanctions, evidentiary sanctions, and terminating sanctions against Defendant Randy A. Rinkleib (hereafter "Defendant Rinkleib") for his refusal to participate in discovery following the Court's order. Plaintiff also seeks for the Court to enter judgment in Plaintiff's favor in the amount of $14,000,000.

The motion was served electronically upon Defendant's counsel on January 29, 2026. Counsel also served an amended notice of motion on February 23, 2026, that apprised Defendant's counsel of the hearing date assigned to the motion. On March 3, 2026, the Court granted Plaintiff's ex parte application to advance the hearing on this motion from April 24th to April 3rd. Plaintiff served this order electronically on Defendant's counsel on March 3rd. No opposition has been filed. The Court notes that there is currently a pending motion by Defendant's counsel to be relieved as counsel for Defendant Rinkleib that is being heard concurrently with this motion.

II. ANALYSIS

The Civil Discovery Act imbues trial courts with broad discretion in selecting the appropriate penalty for the misuse of the discovery process. (*Lopez v. Watchtower Bible & Tract Society of New York* (2016) 246 Cal.App.4th 566, 604; CCP § 2023.030.) As pertinent here, "misuse of the discovery process" includes "[f]ailing to respond [to] or to submit to an authorized method of discovery," and "[d]isobeying a court order to provide discovery." (CCP § 2023.010.) When confronted with such misuse, a court may impose (1) monetary sanctions; (2) sanctions that deem specified issues to be 'established' or that 'prohibit' the non-compliant party from raising 'opposing ... claims or defenses (so-called 'issue sanctions'); (3) sanctions that preclude the admission of evidence (so-called 'evidentiary sanction[s]'); or (4) 'terminating sanction[s],' which include ordering the action dismissed. (CCP § 2023.030(a)-(d).)

> "The discovery statutes evince an incremental approach to discovery sanctions, starting with monetary sanctions and ending with the ultimate sanction of termination. 'Discovery sanctions "should be appropriate to the dereliction, and should not exceed that which is required to

> protect the interests of the party entitled to but denied discovery." ' [Citation.] If a lesser sanction fails to curb misuse, a greater sanction is warranted: continuing misuses of the discovery process warrant incrementally harsher sanctions until the sanction is reached that will curb the abuse.

(*Creed-21 v. City of Wildomar* (2017) 18 Cal.App.5th 690, 701–02, citing *Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4th 967.)

Here, Plaintiff propounded a request for production of documents on Defendant Rinkleib on November 21, 2024, to which Defendant Rinkleib never responded. Plaintiff filed a motion to compel responses, which was unopposed. The Court granted the motion and imposed monetary sanctions against Defendant in the amount of $460. The Court ordered Defendant to serve complete, verified, and objection-free responses to set one of Plaintiff's requests for production of documents within 30 days of receipt of notice of entry of the Court's order. Plaintiff served notice of entry of the Court's order on Defendant's counsel by mail and email on June 30, 2025.

Plaintiff also propounded form interrogatories, special interrogatories, and requests for admission on Defendant Rinkleib on January 8, 2025. Defendant also did not respond to these requests. Plaintiff filed a motion to compel responses to this discovery, which was unopposed. On June 20, 2025, the Court granted the motion and imposed monetary sanctions in the amount of $460. Defendant was ordered to serve complete, verified, and objection-free responses to set one of Plaintiff's form interrogatories and special interrogatories within 30 days of receipt of notice of entry of the Court's order. The Court issued an order deeming the requests for admissions as admitted. Plaintiff served notice of entry of the order on Defendant's counsel by mail and electronically on June 17, 2025.

Defendant Rinkleib has still failed to provide responses to Plaintiff's discovery requests in violation of the Court's orders. The Court finds Defendant Rinkleib's continued refusal to participate in discovery and disregard for the orders of this Court to warrant additional monetary sanctions, issue sanctions, and evidentiary sanctions. However, the Court does not agree with Plaintiff that terminating sanctions are warranted at this time. Monetary sanctions have been proven to be insufficient to deter Defendant's misuses of the discovery process. However, as explained above, an incremental approach should be utilized. The ultimate sanction of termination is a last-resort sanction. Accordingly, the Court will impose monetary, issue, and evidentiary sanctions as follows.

Monetary Sanctions

Plaintiff requests $14,440 in monetary sanctions based on purported attorney's fees incurred in connection with this motion in the amount of $14,380 and a $60 filing fee. This request is based on hourly rates of $650 to $720 per hour for Mr. Degen who is a 6-year associate. It is also based on a purported 21.1 hours spent on this motion.

The typical hourly rate awarded by the Court in this county for an attorney with the experience of Mr. Degen is $550. This will be the hourly rate applied by the Court.

The Court finds 21.1 hours spent on one motion for sanctions to be unreasonable. The Court will award a total of 10 hours, which the Court finds to be a reasonable amount of time to have spent on this motion.

Accordingly, monetary sanctions are awarded in the total amount of $5,610, which is comprised of $5,550 for reasonable attorney's fees incurred in making the motion and the $60 filing fee.

Issue Sanctions

Plaintiff argues that his interrogatories and requests for production concern the ownership, value, and profits of LZR UltraBright including Rinkleib's purported claim to John Mooney's prior interest in LZR UltraBright, the purported Native American tribe's interest in the business and its intellectual property and research, and documents related to the sales and profits of LZR UltraBright. Accordingly, Plaintiff requests the following issue sanctions be imposed:

> 1. Turchin and Rinkleib be deemed the 50/50 partners in LZR UltraBright with no other individual or entity having an ownership interest.
> 2. Rinkleib be precluded from making any argument regarding the value of LZR UltraBright or matters relating to its value such as the amount of sales or profits of LZR UltraBright.
> 3. Rinkleib be precluded from arguing he had any justifiable right to exclude Turchin from the partnership.
> 4. That Rinkleib did exclude Turchin from the partnership and converted Turchin's ownership interest.
> 5. Any other issue preclusions the Court deems just and proper.

Requests numbers 1 and 4 are too broad considering the discovery requests propounded by Plaintiff. Rather than deeming these matters as established, the Court will preclude Defendant Rinkleib from raising any opposing claims or defenses regarding the issue of ownership of LZR UltraBright or that he excluded Plaintiff from the partnership and converted Plaintiff's ownership interest. Requests numbers 2 and 3 are granted as written.

Evidence Sanctions

Plaintiff requests that Defendant Rinkleib be precluded from relying on any evidence responsive to the discovery requests. This request is reasonable and granted.

Terminating Sanctions

Plaintiff requests for the Court to strike all of Defendant Rinkleib's affirmative defenses asserted in his answer and enter default judgment against him on all claims. The Court finds that Plaintiff has not shown that such sanction is required to protect his interests. Since sanctions should be imposed in an incremental fashion, and since it has not yet become apparent whether issue and evidentiary sanctions will be sufficient to deter Defendant's misuses of the discovery process, the Court declines to impose terminating sanctions.

Furthermore, the Court notes that Plaintiff requests the Court enter default judgment against Defendant in the amount of $14,000,000 without providing proof that $14,000,000 in damages are warranted against this defendant. Asking the Court to do so without substantial evidence having been submitted to support the $14,000,000 damages claim or without first holding an evidentiary hearing on the substantiality of Plaintiff's damages claim is unreasonable.

III. CONCLUSION

Plaintiff's request for monetary sanctions is **GRANTED**. Monetary sanctions are imposed against Defendant Rinkleib in the amount of $5,610.00. This is in addition to the monetary sanctions previously ordered by the Court.

Plaintiff's request for issue sanctions is **GRANTED**. Issue sanctions are imposed as follows:

1. Defendant Rinkleib is precluded from raising any opposing claims or defenses regarding the issue of ownership of LZR UltraBright.
2. Defendant Rinkleib is precluded from making any argument regarding the value of LZR UltraBright or matters relating to its value such as the amount of sales or profits of LZR UltraBright.
3. Defendant Rinkleib is precluded from arguing he had any justifiable right to exclude Plaintiff from the partnership.
4. Defendant Rinkleib is precluded from raising any opposing claims or defenses regarding the issues of whether Defendant Rinkleib excluded Plaintiff from the partnership and converted Plaintiff's ownership interest.

Plaintiff's request for evidence sanctions is **GRANTED**. Evidence sanctions are imposed as follows: Defendant Rinkleib is precluded from relying on any evidence responsive to the discovery requests.

Terminating sanctions are **DENIED**.

Plaintiff's counsel shall submit a written order consistent with this tentative ruling. Due to the lack of opposition compliance with Rule 3.1312 is excused.

DEFENDANT'S MOTION TO BE RELIEVED AS COUNSEL

Counsel Delcin's motion to be relieved as counsel is **GRANTED**.

Defendant's counsel Catherine Delcin and Christopher Epsha (Delcin Consulting Group) request to be relieved as counsel for Defendant Randy Rinkleib due to a breakdown in the attorney-client relationship as Defendant Rinkleib refuses to follow counsels' advice.

Plaintiff opposes the motion to be relieved as counsel arguing that this is a delay tactic by Defendant Rinkleib as he has refused to respond to discovery, sit for a deposition, and follow Court

orders. Plaintiff requests that trial remains set for April 24, 2026, and that there be no changes to the case schedule if the Court grants the instant motion. Plaintiff asserts that Defendant Rinkleib is capable of making a court filing on his own, citing several other lawsuits against Plaintiff in other courts.

While the Court understands Plaintiff's concerns, this does not overcome the fact that Defendant Rinkleib is not following his counsel's advice and not participating in the instant case with his counsel. Defendant Rinkleib previously appeared in this action in *propria persona* before obtaining counsel and he is the only remaining Defendant as corporation Defendants (LZR7, Inc., LZR Ultrabright, and Quantex) have all defaulted as of December 12, 2024, and December 16, 2024, respectively. (See Motion to Dismiss, filed December 17, 2024.) Defendant Rinkleib still has time to obtain counsel for himself before trial and the Court shall consider any future request for a trial continuance. Thus, Counsel Delcin's motion to be relieved as counsel is **GRANTED** and the Court shall sign the proposed order lodged on March 3, 2026. However, the granting of this motion does not affect the current trial date, and the trial date remains set for April 24, 2026.

As a condition of relief, the Court orders Counsel Delcin to serve the signed order on Defendant Rinkleib within five (5) days of this hearing date at Defendant Rinkleib's last known physical address and email to advise him of the upcoming trial date on April 24, 2026. Counsel Delcin is also ordered to file a proof of service of the signed order on Defendant Rinkleib with the Court upon service.

6. 25CV04934, Goodwin v. Word & Brown Insurance Administrators, Inc.

Plaintiff's motion for attorney's fees, costs and service award to Plaintiff is **CONTINUED** to **Friday, June 26, 2026 at 3:00pm** in Department 17 to be heard at the final fairness hearing.