

TENTATIVE RULINGS: CIVIL LAW & MOTION

Wednesday, September 27, 2023 at 3:00 p.m.
Courtroom 18 – Hon. Christopher M. Honigsberg
Civil and Family Law Courthouse
3055 Cleveland Avenue
Santa Rosa, California 95403

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.

CourtCall is not permitted for this calendar.

If the tentative ruling does not require appearances, and is accepted, no appearance is necessary.

Any party who wishes to be heard in response or opposition to the Court's tentative ruling **MUST NOTIFY** the Court's Judicial Assistant by telephone at **(707) 521-6723** and **MUST NOTIFY all other parties of their intent to appear, the issue(s) to be addressed or argued and whether the appearance will be in person or by Zoom.** Notifications must be completed **no later than 4:00 p.m.** on the court (business) day immediately before the day of the hearing.

TO JOIN "ZOOM" ONLINE,

Department 18: <https://sonomacourt-org.zoomgov.com/j/1607394368?pwd=aW1JTWIIL3NBeE9LVHU2NVVpQIVRUT09>

Meeting ID: **160—739—4368**
Password: **000169**

To Join Department 18 "Zoom" By Phone:

Call: +1 669 900 6833 US (San Jose)

Enter Meeting ID: 160—739—4368
And Password: 000169

Unless notification of an appearance has been given as provided above, the tentative ruling shall become the ruling of the Court the day of the hearing at the beginning of the calendar.

1-2. SCV-264911, Bella Commercial, LLC v. Pacific Specialty Insurance Company

Plaintiff's motion to re-open discovery and for sanctions is DENIED. Defendant's request for sanctions against Plaintiff is DENIED.

CCP § 2023.050(c) provides:

The court shall impose a monetary sanction...against any party, person, or attorney who unsuccessfully makes or opposes a motion to extend or to reopen discovery, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

Plaintiff's counsel shall submit a written order consistent with this tentative ruling and in compliance with Rule 3.1312.

The issues raised by Plaintiff can be resolved through motions in limine. In fact, Plaintiff has a pending motion in limine to exclude the testimony of the witness whose deposition Plaintiff seeks to re-open discovery for. Furthermore, this Court has already denied a previous request to re-open discovery made by Defendant Quantum Mechanical. Plaintiff opposed that motion. The Court refers the parties to the June 28, 2023, order denying Quantum Mechanical's motion in which the Court stated, "Without a stipulation of the parties, the Court does not intend to revisit discovery outside of a motion in limine to exclude specific evidence." The same is true now. The Court will not impose sanctions because the Court did not impose sanction against Quantum Mechanical as part of the July 11, 2023, discovery motion. The Court believes it would be unjust to now impose sanctions against Plaintiff.

3-4. SCV-270512, Farris v. ME Northern Bay LLC

Appearances required. This matter has been continued twice to allow the parties time to reach a stipulation regarding the Bel-Air West Notice procedure. In the Court's most recent minute order, the Court ordered the parties to inform the Court by September 20, 2023, if the parties were able to reach an agreement. Neither party has updated the Court. For this reason, appearances are required.