

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

1 CV66120

Andrea Otanez Verdugo V. Capstone Logistics, LLC

04/22/2024

Capstone Logistics, LLC

Attorney: Yet Not Entered

Andrea Otanez Verdugo

Attorney: Mark Potter

Corey J Devine

Attorney: Nick Rosenthal

Corey J Devine

Attorney: Taras Kick

Sherri King

Jermaine Willis

Attorney: Taras Kick

Sherri King

Attorney: Larry Lee

Jacob Saige

Attorney: Yet Not Entered

Reginald McOwens

Attorney: Yet Not Entered

Motion Hearing - Other

for Preliminary Approval for Cass Action Settlement

Hearing set by att. over the phone. FLA

Motion Hearing - Other

In Re: Intervention

04/22/2024 Petition

File Tracking

08/12/2025 High Density

This case involves a wage/hour dispute with putative individual, class and representative (PAGA) claims. The dispute was ostensibly resolved by way of an award rendered after a hearing in arbitration. That award was submitted here for confirmation and, based on the statutory presumption favoring confirmation (see CCP §§ 1286.2 and 1286.6), ultimately confirmed but then set aside and treated as a settlement rather than an award. Shortly thereafter, Corey and Jermaine tried to intervene. After much effort, a resolution was reached between the employer and employees Andrea, Corey and Jermaine. Just as the global settlement were being hammered out, two new employees (Sheri and Ivan) joined the party, prompting everyone to decide on an amended pleading. Now, with a pending motion to approve the class and PAGA settlement, two new employees (Jacob and Reginald) showed up at the party – and it seems they are presently unwelcome. The objection to this new request to intervene is not too different from the objection directed at Corey and Jermaine, and yet while the issue was under submission the parties decided to resolve their differences peacefully. With history as its guide, this Court will follow the same path, decline to spend substantive time on the intervention issue just yet, and inquire of the settlement options first. On the off-chance this helps, trial courts are empowered to apportion legal fees amongst the firms participating in a manner which approximates the actual work and effort, so late-comers do not share equally. See *Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 556-558; *Mark v. Spencer* (2008) 166 Cal.App.4th 219, 230; *In re Vitamin Cases* (2003) 110 Cal.App.4th 1041, 1056.

Court intends to continue the hearing for any ruling on the motion to intervene or the motion to approve the proposed settlement to permit the parties additional time to find a path forward toward a global resolution.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025	8:30 am	DA Case #	Date Filed
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2	CV67524	Scott Bruno vs. Tuolumne County Sheriff Department,		08/04/2025
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Scott Bruno	Pro Per
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**Tuolumne County Sheriff
Department
David Vasquez
Tuolumne County Sheriff Office**

Curtis M Sorin

David Byersdorf

Hallie Gorman Campbell

Writ of Mandate Hearing

FURTHER POS/ /First Appearance fee?

08/04/2025 **Petition**

File Tracking 08/28/2025 High Density
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This is a petition for writ of mandamus, seeking an order directing the Tuolumne County Sheriff's Office to release certain items of personal property seized from the petitioner. See H&S §11488.5 et seq. Although an initial hearing took place with petitioner present, in which no mention thereof was made, it later came to the attention of this Court that petition had filed two days prior a declination to stipulate to the assignment of this matter to a Commissioner. As such, the matter will need to be referred to the Presiding Judge of this Court for reassignment.

Petitioner will be informed of a future review date, and will be required to provide notice to all parties.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025	8:30 am	DA Case #	Date Filed
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3	CV65234	Jeffrey Dotson vs. Entrust Solutions Group	04/12/2023
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Jeffrey Dotson

Attorney: Scott Ward

Entrust Solutions Group

Attorney: Nick Baltaxe

Motion Hearing - Ex Parte

To Enforce the Settlement Agreement

Review Hearing

Dismissal?

04/12/2023 Complaint

File Tracking

05/13/2024 High Density

This is an employment dispute involving allegations of wage/hour violations and wrongful termination. Before the Court was at first a defense motion to dismiss because plaintiff refused to sign the dismissal after receiving the settlement check. The issue with proceeding via a Rule of Court dismissal following a Notice of Conditional Settlement is that there is a “good cause” exception to the mandatory dismissal under CRC 3.1385(b), and plaintiff claimed that his “roommate” stole and cashed the settlement check. The motion to dismiss was denied. Defendant then filed an ex parte application to “enforce” the settlement via CCP §664.6.

Pursuant to CCP §664.6, if parties to pending litigation agree to settle in a signed writing, a trial court may enter judgment pursuant to the terms of that settlement. This statute was enacted to provide a summary procedure for specifically enforcing a settlement contract without the need for a new lawsuit. Not every settlement agreement is amenable to enforcement by way of this summary proceeding; sometimes, the parties will need to amend the operative pleading or file a new lawsuit. For example, settlements which either omit material terms or incorporate prospective conditions with “moving parts” are often ineligible for expedited summary treatment because the trial court is not allowed to interpret or resolve factual conflicts in this summary proceeding. See *In re Marriage of Assemi* (1994) 7 Cal.4th 896, 905, 911; *Machado v. Myers* (2019) 39 Cal.App.5th 779, 790-791; *Leeman v. Adams Extract & Spice, LLC* (2015) 236 Cal.App.4th 1367, 1375; *Khavarian Enterprises, Inc. v. Commline, Inc.* (2013) 216 Cal.App.4th 310, 328-329; *Lindsay v. Lewandowski* (2006) 139 Cal.App.4th 1618, 1624; *Terry v. Conlan* (2005) 131 Cal.App.4th 1445, 1459. The papers reference a written settlement agreement attached to a declaration, but the court file does not contain a copy of that declaration or the settlement agreement. In fact, reference to the accompanying Proof of Service reveals that the defendant also did not receive a copy of that declaration, or the settlement agreement. Without that information, this Court is unable to reach the merits of the motion to enforce said agreement.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025	8:30 am	DA Case #	Date Filed
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4	CV66440	Fawn B Foster Harbour vs. FCA US, LLC		09/12/2024
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Fawn B Foster Harbour	Attorney: Tionna Dolin
FCA US, LLC	Attorney: Elizabeth McNulty
FCA US, LLC	Attorney: Christopher Waldon
FCA US, LLC	Attorney: Christopher Brown
Motion Hearing - Ex Parte	

RESERVED
Legal counsel representing DEF called to set motion hearing for ex parte.

09/12/2024 Complaint

File Tracking	
07/09/2025	High Density

This is a lemon law case involving alleged defects with a 2022 Dodge Ram 1500. The case is on calendar this day for a reserved ex parte application by the defendant, but the court file does not contain any application. A review of the court file reveals one possible trigger for that request, to wit: a defect with the scheduling of defendant’s MSJ. At present, that motion is set to be heard on 12/24/2025, with trial set to commence on 01/19/2026. Since dispositive motions “shall be heard no later than 30 days before the date of trial, unless the court for good cause orders otherwise” (CCP §437c(a)(3)), and that finding of good cause generally must be made *before* the motion is filed (*Robinson v. Woods* (2008) 168 Cal.App.4th 1258, 1268), something must be adjusted here since it appears that the motion was otherwise filed timely (see *Cole v. Superior Court* (2022) 87 Cal.App.5th 84, 88-89). On balance, and given the Court’s current impacts, a continuance of both the MSJ hearing and trial are warranted – assuming one or both parties are so inclined.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon:

Department 5	November 12, 2025	8:30 am	DA Case #	Date Filed
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5	CV65560	First Light Property Holdings, LLC vs. Fidelity National Title Insurance Company		09/08/2023
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First Light Property Holdings, LLC Attorney: Mary McEwen

Fidelity National Title Insurance Company

Michael Gordon Attorney: Scott Ward

Michael Gordon Attorney: Scott Ward

Diane Gordon Attorney: Scott Ward

Diane Gordon Attorney: Scott Ward

Mark Fossum Attorney: Peter Catalanotti

Pine Mountain Lake Realty Attorney: Peter Catalanotti

Brian L. Merritt Pro Per

Kristine M. Merritt Pro Per

Trustee of the Acme Afterlife Trust dated November 20, 2002 Pro Per

Michael Gordon Attorney: Scott Ward

Diane Gordon Attorney: Scott Ward

Mark Fossum

Pine Mountain Lake Realty

Fidelity National Title Insurance Company

Patricia Fulton Attorney: Yet Not Entered

NORCAL Gold, INC. Attorney: Yet Not Entered

Chicago Title Company

Motion Hearing - Attorney Withdrawal

for NORCAL Gold, INC. & Fulton, Patricia RESERVED

12/20/2024 Cross Complaint

File Tracking
07/11/2025 High Density

This case involves a disputed property transaction and ownership rights to the "mobile home or manufactured housing unit and appurtenances, if any, located on said land." There is a settlement conference set for 12/16/2025 in Department 2, and trial in Department 3 on 01/12/2026. The case appears on calendar this day pursuant to an oral request by counsel for Fulton and NORCAL Gold to hold a spot to run a motion to withdraw. That motion was never filed, and probably never served. Either way, there is no substantive hearing taking place this day.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

6 CV67478 Anthony M Garcia vs. Richard Vines et al

07/25/2025

Anthony M Garcia

Attorney: Kenneth Hedberg

Richard Vines et al

Melinda Vines

Pro Per

Michelle Lee Bailey

Demurrer

Of Proposed Intervenor

Motion Hearing - Leave

to Intervene

07/25/2025 Complaint

File Tracking

07/25/2025 High Density

This is a quiet title action involving a portion of a 25-acre parcel in Groveland, and what seems to be the ubiquitous marijuana crop somewhere thereon. Plaintiff alleges that defendant caused to be recorded in the chain of title a false/forged quit claim deed transferring title of the portion including the crop from plaintiff to defendant as an unremunerated gift. The source of the confusion stems from a family decision to pledge a "portion" of said parcel to a bail bondsman to cover bail for a family member, and thereafter a series of conflated "agreements" and the untimely death of key witnesses.

Defendant responded to the verified complaint via unverified answer and demurrer set for hearing this date. The court file does not include any opposition to the demurrer, but that might be explained by the fact that the demurrer does not include a valid/completed proof of service showing notice to plaintiff's counsel, nor does it include a declaration demonstrating the required good faith effort to meet and confer prior to the filing of the demurrer. For these reasons, the demurrer will not be addressed substantively at this time.

However, the demurrer does raise an interesting issue. According to the pleading, there is a related action in probate court in which ownership of this very parcel is at issue, impacting the plaintiff's "standing" to assert an ownership interest. This Court was unable to locate any probate case relating to these parties, or the property in question.

In addition to the demurrer, there is on calendar a motion to intervene filed by defendant's relatives, who claim to be heirs of the individual who recently passed away with an alleged ownership interest of 25% in the subject parcel. There is no proof of service accompanying the motion, no proposed complaint in intervention, no opposition to the motion, and no reason to believe that a copy of the motion was provided to plaintiff. Of course, the allegations would clearly support intervention and joinder by necessity. See *Marriage of Ramirez* (2011) 198 Cal.App.4th 336, 341; *Patrick v. Alacer Corp.* (2008) 167 Cal.App.4th 995, 1015.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

7 CV66507 Bryan Keith Goldberg vs. FCA US, LLC et al

10/01/2024

Bryan Keith Goldberg

Attorney: Tionna Dolin

FCA US, LLC

Attorney: Steven Park

Sonora Chrysler Dodge Jeep Ram

Motion Hearing - Strike

Demurrer

10/01/2024 Complaint

File Tracking

08/08/2025 High Density

This is a lemon law case involving an alleged defect with a 2022 Dodge Ram 2500. Before the Court this day is a demurrer and motion to strike, directed at the sixth cause of action for “fraudulent inducement – concealment” and the prayer for exemplary damages (which the defense believes to be limited thereto). This Court previously granted a motion for judgment on the pleadings directed at the same cause of action, noting that plaintiff failed to state sufficient *evidentiary* facts (as is required in a fraud cause of action) regarding FCA’s alleged duty to disclose. See Complaint Para 67 and Minute Order dtd 07/25/2025. Plaintiff filed a First Amended Complaint, adding twelve (12) more paragraphs in the introductory section, and three (3) more paragraphs within the sixth cause of action. According to defendant, these additions did little to cure the previous deficiency.

It is no secret amongst the “lemon law bar” that Song-Beverly cases took an interesting turn some years back when the claims started migrating beyond the basic statutory claims and into the realm of tort. In courtrooms all over California, manufacturers are frequently accused of breaching a duty to disclose defects allegedly known to exist in the vehicles they placed into the market stream, which the defense has unsuccessfully claimed to be an end-run around the economic loss rule. See *Dhital v. Nissan North American, Inc.* (2022) 84 Cal.App.5th 828, 841; in accord, *Rattagan v. Uber Technologies, Inc.* (2024) 17 Cal.5th 1, 38; *Toyo Tire Holdings of Americas Inc. v. Ameri and Partners, Inc.*, 753 F.Supp.3d 966, 979 (C.D. Cal. 2024); *Epperson v. General Motors, LLC*, 706 F.Supp.3d 1031, 1045 (S.D. Cal. 2023). Practitioners can hardly escape the irony: no contract (sales) between manufacturer and customer opens the door to a tort claim, but the tort claim most often needs the existence of a contract (warranty) to support an essential element (duty to disclose).

This Court has not yet prepared a proposed ruling on the demurrer or motion to strike. While all law & motion matters set for hearing in Department 5 have been assigned by order of the Presiding Judge to be heard and decided by the Commissioner serving as a Judge Pro Tem, parties retain the right under Cal. Const. art VI §21 to decline consent by clearing stating the declination at the hearing. It is for that reason that bench officers awaiting said stipulation do not ordinarily work up, let alone post, a substantive determination of the motion – particularly ones involving issues of widespread importance beyond the case at bar. With the appropriate express/tacit stipulation, argument will be received and the matter will be taken under submission ... unless of course the parties agree on a path forward that does not involve a written ruling on this particular demurrer.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

8 CV66906

Grassy Sprain Group, Successor in Interest to

01/21/2025

Grassy Sprain Group, Successor in Interest to Merchants Capital Access, LLC Attorney: Steven Booska

Sweet Water Farm & Ranch Company LLC, a Limited Liability Company Joseph Santry

Review Hearing

Default Filed?

Review Hearing - Ex Parte

RESERVED by Attorney Jonathan Joannides from Digital Frontier Law Firm

Reserved by Attorney Jonathan Joannides from Digital Frontier Law Firm.

01/21/2025 Complaint

File Tracking

08/08/2025 High Density

This is a non-collections breach of contract action arising out of a Purchase and Sale Agreement for total receipts in the approximate amount of \$56,500.00. That agreement contains an agreement “to arbitrate all disputes and claims arising out of or relating to this Purchase Agreement.”

The complaint was filed on 01/21/2025. At the initial CMC six months thereafter, counsel for plaintiff advised that his office was having trouble serving defendant. At the continued CMC on 09/10/2025, counsel for plaintiff advised that one or both defendants had been served. Since there was declaration of diligence or proof of service in the court file, in an abundance of caution this Court set a further CRC 3.110 review hearing for this date (#31 on the 10:00 a.m. calendar).

On 11/05/2025, counsel for defendants filed an ex parte application requesting an order dismissing the action in toto. The basis for the request is two-fold: CRC 3.110 and CCP §128.5/128.7. Neither provide the requisite legal authority for a dismissal, or the nature of sanctions actually requested.

Pursuant to CRC 3.110(b), the plaintiff is required to file proof of service of the summons and complaint on each defendant “within 60 days after the filing of the complaint.” It has now been 295 days, and there is no POS in the court file. Pursuant to CRC 3.110(f), “if a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed.” Emphasis added. Before the two-year mark, there is no authority vested in the trial court to dismiss the case for failure to serve. See CCP §583.420(a)(1), and CRC 3.1342.

As for the delays, the duty of candor concerns, and the patently inexplicable fact that court filings (CM-110) subscribed consisted with CCP §128.7(b) conflict with facts on the ground, all of these transgressions actually inured to the defendants’ benefit because plaintiff could have secured a default six months ago but instead splashed around in a wading pool of apparent confusion. Defendants are not entitled to “sanctions” because (1) they benefitted from the delays and (2) there is no evidence of compliance with the sale harbor. A lack of candor in the trial court is typically met with contempt proceedings, but in this instance the paperwork would exceed the offense committed.

Court intends to grant defendants 20 days to file/serve a responsive pleading.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

9 CVL66686 JPMorgan Chase Bank, N.A. vs. Jennifer

11/15/2024

JPMorgan Chase Bank, N.A.

Attorney: Alexander Balzer
Carr

Jennifer Serpa-Brewster

Order of Examination Hearing

RESERVED

11/15/2024 Complaint

File Tracking

06/09/2025 Archive Room

This is a collections case involving a debt of roughly \$9,000.00, with \$1,471.40 currently in the hands of the San Joaquin County Sheriff's Office. Before the Court this day is the debtor's claim of exemption. Debtor offers to permit a withholding of up to \$100 each pay period based upon a financial statement which reflects disposable income north of \$8,000/month.

The California Constitution mandates that the Legislature protect "a certain portion" of debtors' property from forced sale. See Cal. Const. Art. XX, §1.5. The broad purpose is to protect enough property from enforcement to enable judgment debtors to support themselves and their families, and to help shift the cost of social welfare for debtors from the community to judgment creditors. *Coastline JX Holdings LLC v. Bennett* (2022) 80 Cal.App.5th 985, 1004; *Kilker v. Stillman* (2015) 233 Cal.App.4th 320, 329. To this end, exemption laws are liberally construed in the debtor's favor. *Kono v. Meeker* (2011) 196 Cal.App.4th 81, 86; *Ford Motor Credit Co. v. Waters* (2008) 166 Cal.App.4th Supp. 1, 8.

First, there is a statutory cap on garnishment equal to 20% of a debtor's disposable earnings (which are those earnings remaining after deductions for *required* taxes, disability, and retirement benefits). CCP §§ 706.011, 706.050; see also 15 USC §1672-1673; in accord, *Sourcecorp, Inc. v. Shill* (2012) 206 Cal.App.4th 1054, 1058. Based on the financial statement, that comes to just under \$1,700.00 per pay period. (Of note, her *voluntary* retirement deductions are not counted against her disposable income.)

Next, the court must consider any additional caps vis-à-vis a claim of exemption. Debtors ordinarily claim exemption under CCP §706.051, which protects "the portion of the judgment debtor's earnings which the judgment debtor proves is necessary for the support of the judgment debtor or the judgment debtor's family." There is no precise definition of what is necessary for the support of a judgment debtor or his or her family. Necessary normally includes housing costs, food, insurance, and automobile costs, but the determination of what is necessary for the support of the judgment debtor or his family has not been subject to a precise definition and differs with each debtor. The court shall take into account all property of the judgment debtor and, to the extent the judgment debtor has a spouse and dependents or family, all property of such spouse and dependents or family, including community property and separate property of the spouse, whether or not such property is subject to enforcement of the money judgment. The debtor's claim of exemption does not include a summary or statement of necessities, but does include reference to a spouse with additional earnings that would appear to more than cover household necessities.

Creditor does not propose a specific withholding amount, but the \$1,471.40 currently in the hands of the San Joaquin County Sheriff's Office shall be immediately delivered to creditor, and an EWO will likely be granted in the amount of \$500 per pay period. This should allow the entire debt to be resolved within 12 months. Parties will of course be heard from if they so desire.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

10 CV63984

Madalyn Milbourn, et. al., vs. Anthony Carrillo

08/06/2021

Madalyn Milbourn

Attorney: Seth Goldstein

Anthony V Carrillo

Pro Per

June Carrillo

Attorney: Ameet Birring

Jennifer Milbourn

Attorney: Seth Goldstein

Noah Milbourne

Attorney: Seth Goldstein

Motion Hearing - Set Aside/Vacate

Default Judgment if entered.

Motion Hearing - Other

Order to issue Writ Attachment

08/06/2021 Complaint

File Tracking

06/24/2025 High Density

This is a personal injury action filed by an alleged victim of sexual abuse. It is generally alleged by plaintiff #1 that defendant groomed her into a vulnerable position by using his family and "church" connections to access and sexually assault her when she was 14 years of age (or younger). Defendant was found guilty in a related criminal case (CRF56188), and is presently appealing that judgment (F082996).

Before the Court this day is defendant's motion to set aside what he describes as a "default" judgment, occurring as a result of surprise and excusable neglect on or about February 18, 2025. There is no opposition to the motion appearing in the court file, and no proof of service on plaintiffs accompanying the motion. Given the nature of the request, and plaintiffs' silence, this Court suspects that a service anomaly may be afoot. However, it is worth noting that a review of the court file reveals a potential anomaly regarding defendant's right of access to the previous court hearings while incarcerated, which could support good cause for setting aside a default. See, e.g., *Smith v. Ogbuehi* (2019) 38 Cal.App.5th 453, 465-467; *Hoversten v. Superior Court* (1999) 74 Cal.App.4th 636, 641-642. That is not to necessarily prejudge the motion to set aside, but rather to invite perhaps some colloquy between the parties about the reality of this case pressing forward in a bench trial when there was no clear record of the defendant's presence being ordered/authorized for trial (which is required for parties in prison).

Also before the Court this day is plaintiffs' application for a writ of attachment. There is no opposition to the motion appearing in the court file, despite there being both a proof of mail service and a proof of actual delivery within the facility itself (aka, two-stage service). However, the application is incomplete as there is no AT-105 in the court file. Moreover, a writ of attachment is a prejudgment provisional remedy for cases involving fundamentally liquidated contract disputes, and only those relating to the defendant's trade, business or profession. See CCP §483.010; in accord, *Park v. NMSI, Inc.* (2023) 96 Cal.App.5th 346, 353-354; *Santa Clara Waste Water Co. v. Allied World Nat'l Assur. Co.* (2017) 18 Cal.App.5th 881, 886. This case does not seem to fit that description, in that plaintiffs have not alleged that the molestation was accomplished as part of a business enterprise involving contract matters. This is not intended to prejudge the application, only to note that this might require a continuance as well. Moreover, plaintiffs should be informed that certain assets previously belonging to defendant have already been divided as part of his dissolution action, so notice to non-parties will be required for certain assets (thus the importance of a completed AT-105).

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5 November 12, 2025 8:30 am DA Case # Date Filed

11 CV63591 Stanley Redick, III vs. Sonora Police Department 01/19/2021

Stanley Redick Pro Per
Sonora Police Department Attorney: Van Longyear
Stanley Redick
Sonora Police Department Attorney: Van Longyear
County of Tuolumne District Attorney: Jeffrey Arnold
Attorney Office
City of Sonora Attorney: Van Longyear
Motion Hearing - Other

Intervention and Consolidated Relief

10/21/2024 Civil Appeal

File Tracking
07/09/2025 High Density

Other Cases

CV63593

CV63592

CV63539

This is a type of “malicious prosecution” case filed by an individual who was charged with, but never fully prosecuted for, shoplifting. The details have been supplied in various prior written rulings, and are not necessary to repeat here except to note that the criminal complaint (CRF58586) languished for almost two years, only to be voluntarily dismissed by the DA when questions arose about plaintiff’s role in the alleged theft. Unsatisfied with the victory of avoiding prosecution, plaintiff filed civil lawsuits against Lowe’s, the District Attorney, the jail, the County and the Sonora PD (see CV63539, CV63591, CV63592, and CV63593). Due to a remarkably unfortunate series of outstanding clerical blunders, plaintiff managed to secure patently-defective defaults in each of those cases for a combined total of ... wait for it ... are you sitting down ... \$107,733,000.00. When the local agencies learned what had occurred, this Court ordered those defaults set aside. Since that time, the “malicious prosecution” lawsuit has seemingly taken a backseat to plaintiff’s challenges to various bench officers in this Court, and his request to have these consolidated cases removed to federal court. His recent writ of supersedeas to the California Supreme Court was summarily denied.

Before the Court this day is a motion plaintiff styles as an “emergency motion seeking immediate judicial intervention, consolidation of relief, and enforcement of statutory and constitutional rights in light of ongoing procedural irregularities, judicial misconduct, and document manipulation.” He cites as authority for the motion CCP §473(b), CRC 5(a) and the 14th Amendment to the United States Constitution. However, since neither Hon. Seibert (ret) nor Hon. Krieg are currently assigned to hear matters in this case, it seems to this Court that the crux of plaintiff’s motion is really a request for a stay in order to have time to convince the federal district court to accept his request for a transfer. Although the typical route would be to file a Notice of Removal, which would create the desired stay, this Court has no visceral objection to giving plaintiff the time he seeks to evaluate his options. This Court has already reminded plaintiff (at the CMC on 10/22/2025) that he only has five years to bring his case to trial (CCP §583.310), and that his time is running out, but he declined at the CMC this Court’s invitation to set a trial date. If he wants further delay, who is this Court to deny him that pleasure? To be clear though, this is not an imposed stay, a suspension of jurisdiction, or a circumstance in which trial would be impossible, impractical, or futile. CCP §583.340. It is simply plaintiff’s preference not to proceed with diligence (CCP §583.130), and defendants’ acquiescence. Parties to discuss.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

12 CV67134

Petition of Kevin Starks

04/11/2025

Kevin Starks

Pro Per

School District of Curtis Creek
Elementary

Attorney: Yet Not Entered

Motion Hearing - Strike

04/11/2025 Petition

File Tracking

08/07/2025 High Density

This is a special proceeding commenced by way of a single operative pleading styled as a “writ of administrative mandate and monetary relief.” It was noted that the pleading was ambiguous in that it appeared to combine a complaint for damages (ie, wrongful discharge or retaliation) with a writ of mandamus (ie, CCP §1085 or CCP §1094.5). Since then, petitioner filed a First Amended Complaint alleging what amounts to reputational harm resulting from the “tarnishment” that has resulted from being placed on paid leave, being removed prematurely from the classroom setting, and from the decision not to re-engage plaintiff. The operative pleading still refers, however, to “unlawful termination” and “retaliation” as the theory of wrongdoing.

On 09/24/2025, this Court entertained oral argument on petitioner’s motion to enter default, and respondent’s demurrer to the First Amended Complaint. This Court offered an initial indication via posted case note, but agreed to take the matter under submission to provide a detailed analysis of the operative pleading to guide the parties regarding preparation of the needed administrative record (following receipt of petitioner’s sur-reply). Days later, petitioner filed a motion to strike – which is what brings the parties before the Court this day. Because that motion to strike involved documents this Court might have referenced in its written under submission ruling, the under submission matter had to be put on hold until this motion to strike could be resolved.

Petitioner’s motion to strike is arguably untimely because (1) it was filed *after* the substantive hearing on the motions to which it is directed, and (2) petitioner did not secure leave of court to file such a motion in conjunction with his demurrer sur-reply. However, respondent has filed a substantive opposition to the motion, so this Court feels it is best to reach the merits (or lack thereof).

The notice of motion caused this Court some confusion. At first it seemed that petitioner was asking to strike the whole of (1) respondent’s memorandum of points and authorities in support of the aforementioned demurrer and (2) the declaration of Erin Hamor filed in opposition to petitioner’s motion for default, on the basis that both documents are “not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court.” CCP §436(b); see also *Ferraro v. Camarlinghi* (2008) 161 Cal.App.4th 509, 528; *Ricard v. Grobstein, Goldman, Stevenson, Siegel, LeVine & Mangel* (1992) 6 Cal.App.4th 157, 162. However, turns out petitioner is really only asking to strike parts of the memorandum:

- “Petitioner next asserts the District placed Petitioner on paid administrative leave to investigate Petitioner’s conduct.” 10:5-6.
- “As noted in *Braman*, the ‘very essence of discretion is the power to make comparisons, choices, judgments, and evaluations.’ Discretionary exercise is the hallmark of quasi-legislative action.” 13:27-14:1.
- “The District took immediate and appropriate action to protect its students by placing Petitioner on paid administrative leave and conducting an investigation after Petitioner received an inappropriate photo from an underage female student.” 15:24-26.
- “While not binding on this Court, it is noteworthy that the [US Appellate Courts] have held that placing an employee on paid administrative leave was not an adverse employment action.” 15:26-16:1.
- “In placing Petitioner on paid administrative leave, the District’s paramount concern was student safety.” 16:6-10.
- “Petitioner did not file a grievance under the CBA, nor does he allege as much.” 17:22-23.
- “The FAP makes no mention of any discriminatory conduct at all in Petitioner’s workplace-not one single incident.” 22:24-25.

Pursuant to CRC 3.1113, a party filing a motion must serve and file a supporting memorandum containing “a statement of facts, a concise statement of the law, evidence and arguments relied on, and a discussion of the statutes, cases, and textbooks cited in support of the position advanced.” See also *Smith, Smith & Kring v. Superior Court* (1997) 60 Cal.App.4th 573, 577-578. The memorandum is not evidence itself, nor is it signed under penalty of perjury. While there is an expectation that the “legal contentions therein are warranted by existing law” and “the allegations and other factual contentions have evidentiary support” (see CCP §128.7), CCP §436(a) is to be used sparingly, not as a line item veto (*PH II, Inc. v. Superior Court* (1995) 33 Cal.App.4th 1680, 1683). Thus, not everything false or irrelevant must be stricken, and in this instance counsel’s arguments – without more – are given limited weight in this Court. What is the reason for striking these arguments?

As for Erin Hamor’s declaration, petitioner did not offer any legal or factual basis for finding that it was “not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court,” so there is no basis for striking it *in toto*.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

13 CVL66503 Wells Fargo Bank N.A. vs. Jesse J McKay

09/30/2024

Wells Fargo Bank N.A.

Attorney: Harlan Reese

Jesse J McKay

Motion Hearing - Other

Motion to Deem Request for Admission Admitted- RESERVED

By telephone reservation by Emma of Reese Law Group, no paperwork filed. -LJ 6/16/25.

Case Management Conference

Further

09/30/2024 Complaint

File Tracking

08/11/2025 High Density

This is a collections case which rolled over into the Fast Track lane following the filing of an answer by defendant on 11/19/2024.

On 06/24/2025, plaintiff filed the pending motion to have RFAs deemed admitted. According to the supporting papers, plaintiff caused to be served upon defendant a set of RFAs on 03/24/2025. However, those RFAs (designated as Exhibit "A" to counsel's declaration) are in fact not attached. The RFAs were filed as a stand-alone document, but without the POS attached. Oddly enough, the POS was filed as a stand-alone document. So, perhaps, if this Court is inclined to play connect the dots, it may adequately appear that discovery was indeed served on defendant. The same can be said of the pending motion.

The primary purpose behind requests for admissions is to eliminate the need for proof and to set at rest triable issues so that they will not have to be tried. *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 865. Requests for admissions may be directed to any matter that is in controversy between the parties: facts, opinions or legal conclusions. See CCP §2033.010; *Miller v. American Greetings Corp.* (2008) 161 Cal.App.4th 1055, 1066. As noted by one Court of Appeal, "the law governing the consequences for failing to respond to requests for admission may be the most unforgiving in civil procedure." *Demyer v. Costa Mesa Mobile Home Estates* (1995) 36 Cal.App.4th 393, 394-39. That is mostly true, save perhaps for one, often-overlooked, safe harbor therein, to wit: CCP §2033.280(c). Pursuant thereto, a substantially-compliant response to the RFAs made at any time "before the hearing on the motion" will moot the motion almost entirely (sanctions would still recoverable, but plaintiff did not seek those here). See *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 778; in accord, *Katayama v. Continental Investment Group* (2024) 105 Cal.App.5th 898, 908.

Assuming defendant has not provided substantially-complaint responses by the hearing, the motion will be granted. With that, this Court needs to conduct a CMC as well. Defendant did not file a CMC statement, but it appears that plaintiff intends to present this case as a 2-hr bench trial (and not via the cumbersome MSJ route). This Court is amenable to setting trial at this time.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

8:30 am

DA Case #

Date Filed

14 CVL65928 Wells Fargo Bank, N.A. vs. Dylan M. Smith

02/13/2024

Wells Fargo Bank, N.A.

Attorney: Jon Blanda

Dylan M. Smith

Motion Hearing - Set Aside/Vacate

Dismissal

02/13/2024 Complaint

File Tracking

04/22/2025 Archive Room

This is a garden-variety collections case resolved by way of written settlement with stipulated judgment in reserve. Plaintiff has submitted uncontested evidence of defendant's default, notice consistent with the terms of the settlement agreement, reservation of jurisdiction under CCP §664.6, and – most importantly – a covenant that plaintiff is free to have the stipulated judgment filed without a hearing on the default itself. It is for that reason that no CCP §664.6 hearing is actually required. This is simply a stipulation to set aside the dismissal and have judgment entered, but adjusted in amount based upon the actual amount due and owing (rather than some liquidated penalty). See, *e.g.*, *DeSaulles v. Community Hospital of Monterey Peninsula* (2016) 62 Cal.4th 1140, 1155–1156. Whether one views this as a motion to enforce a settlement, or a motion to enter a stipulated (adjusted) judgment, the end result is the same: a vehicle by which plaintiff can forcibly extract money owing from defendant. Plaintiff even had the forethought to secure a stipulation in that settlement agreement to have the matter handled by a Commissioner.

Court intends to grant the motion and enter the proposed judgment accordingly – noting of course that some creditors should be careful what they wish for, especially when a defendant has voluntarily paid 50% of the debt without the weight of a credit-killing judgment.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		November 12, 2025		8:30 am	DA Case #	Date Filed
15	CVL66157	Wells Fargo Bank, N.A. vs. Rose L. Stevens				05/28/2024
		Wells Fargo Bank, N.A.	Attorney: Jon Blanda			
		Rose L. Stevens	Attorney: Jonathan Yong			
		Review Hearing				
		Settlement / Dismissal filed?				
		Motion Hearing - Summary Judgment				
05/28/2024	Complaint	File Tracking 08/11/2025 High Density				

At the review hearing on 09/10/2025, the lawyers involved in this collections case advised this Court that the case had settled. This Court advised that all hearings would come off calendar as soon as a Notice of Settlement was filed. Meanwhile, plaintiff's MSJ filed 08/15/2025 was left dangling in the wind – presumably as a mere reminder to plaintiff to keep focused on the settlement.

Flash forward two months ... and there is still no Notice of Settlement on file. Plaintiff's MSJ is now up to bat. There is no opposition to the motion from defendant, and no notice from plaintiff that the motion should come off calendar. But for that very clear joint representation from the parties at the previous review hearing, one might reasonably surmise from a review of the court file that this MSJ is actually expecting to be reviewed and analyzed this date.

Since CRC 3.1385 conditions the immediate cessation of court hearings on the “filing” of “written” notice of a settlement (as contrasted with an oral announcement in open court), it seems that perhaps this MSJ is indeed on calendar for handling. Since this Court has already granted the order deeming plaintiff's RFAs admitted, there is really very little to do with the MSJ other than confirm that this is the route plaintiff wants to take – knowing that debtors are sometimes incentivized to cooperate when a credit-crushing judgment can be avoided.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025 8:30 am

DA Case #

Date Filed

16 CVL67121 Wells Fargo Bank, N.A. vs. Carolina Massimillo

04/01/2025

Wells Fargo Bank, N.A.

Attorney: David Bartley

Carolina Massimillo

Motion Hearing - Other

Determining truth of the matters specified in Plaintiff's request for admissions as admitted

04/01/2025 Complaint

File Tracking

07/09/2025 High Density

This is a collections case. Before the Court this day is an unopposed motion to have RFAs deemed admitted. According to the papers filed, RFAs were served on defendant on 06/24/2025. The POS attached to those RFAs indicate that the discovery was mailed to defense counsel; however, defense counsel bailed out of the case before responses were due. The POS on the substitution of attorneys shows that counsel for plaintiff was alerted to defense counsel's abandonment of his client right around the time responses were due. One month later, counsel for plaintiff send a "meet and confer" letter to defense counsel asking for cooperation with the overdue discovery. Naturally, defense counsel had no response since he was already long gone from the case. Adding insult to injury, plaintiff's counsel went ahead and filed the pending discovery motion and served a copy on ... you guessed it ... defense counsel. Even the amended notice of motion, filed 10/20/2025, was served on only former defense counsel, despite his departure from the case three months prior. Needless to say, it does appear rather reliably from the court record that plaintiff – who is representing herself in this case – has no idea about the pending motion, and probably has no idea about the RFAs themselves (though that may be conjecture).

The motion to deem the RFAs admitted must be denied. Moreover, without evidence that defense counsel went over the RFAs with his client before bailing out of the case, this Court will not assume that defendant has misused the discovery process at all. Thus, if plaintiff would like to stand on the RFAs, they will need to be re-served on plaintiff, who will have an appropriate period of time to respond.

The CMC currently scheduled for 12/24/2025 is advanced to this date and continued to 02/04/2026 at 10:00 a.m. Plaintiff is kindly asked to give notice.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025	8:30 am	DA Case #	Date Filed
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17	CV66990	Summer Dawn Whitehouse vs. Clifford Boehrer		02/24/2025
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Summer Dawn Whitehouse	Attorney: Kelly Vierra
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Clifford Boehrer

Default Hearing

Prove Up

02/24/2025 Complaint

File Tracking 08/08/2025 High Density

This is an action to halt a nonjudicial foreclosure, cancel a deed of trust, remove a cloud, and quiet title to certain real property located within this county which was allegedly encumbered via false representations and possible dependent adult abuse. The matter is set for a default prove-up. At the prior hearing, this Court authorized plaintiff to short-cut today's evidentiary hearing by submitting a proposed reconveyance and supporting declaration in advance thereof. Although any defendant or interested party is free to still participate in this hearing, which obligates the Court to proceed as such (see CCP §764.010; *Bailey v. Citibank, NA* (2021) 66 Cal.App.5th 335, 348; *Harbour Vista, LLC v. HSBC Mortgage Services Inc.* (2011) 201 Cal.App.4th 1496, 1502-1505), this Court has reviewed the provided materials and considers them to be in substantially-compliant order to warrant the relief sought. Assuming defendant does not appear for the hearing, the Court intends to take the matter under submission and prepare a substantive writing ruling on the merits in order to require that collateral challenges address both procedural and substantive concerns.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025 10:00 am

DA Case #

Date Filed

18 CV67689

In the Matter of Flint Zide

09/24/2025

Scott and Associates

Hearing: Other

Sanctions Paid \$500.00?

09/24/2025 Sanctions

File Tracking

10/01/2025 Cubicle 3

Other Cases

CVL66179

See #50.

This is a collections case.

- Complaint: 05/31/2024
- POS w/in 180 days? Yes
- Judgment w/in 360 days? No
- OSC served? Yes
- Sanction imposed? No

CRC 3.740(f) = \$500

Court intends to set second post-360 review date with Tier II sanction.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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19	CVL66955	American Express National Bank vs. Clara Phelps	02/05/2025
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American Express National Bank Attorney: Janet Brown

Clara Phelps

Review Hearing

Settlement filed / Dismissal

02/05/2025 Complaint

File Tracking 03/17/2025 High Density

This is a collections case which was recently settled with a written settlement agreement and stipulated judgment in reserve. Although the Notice of Conditional Settlement technically prohibits court hearings until 45 days beyond the date set in the Notice, the date must be reasonable. In this case, asking the Court to hold open/active this case until 45 days after 07/04/2027 is patently unreasonable. Since the parties have the agreement and the stipulated judgment, the proper course of action is to file the CIV-110 dismissal with the §664.6 reservation of jurisdiction. See, *e.g.*, *DeSaulles v. Community Hospital of Monterey Peninsula* (2016) 62 Cal.4th 1140, 1155–1156.

If the parties decline to file the CIV-110 forthwith, this Court will reserve jurisdiction on its own under CCP §664.6 and enter the dismissal sua sponte.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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20	CVL66504	Bank of America, N.A. vs. Samuel Henry Shockley	09/30/2024
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Bank of America, N.A.	Attorney: Shane Wate
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Samuel Henry Shockley

Review Hearing

Judgment or Dismissal

09/30/2024 Complaint

File Tracking 04/29/2025 High Density

This is a collections case.

➤ Complaint:	09/30/2024
➤ POS w/in 180 days?	Yes
➤ Judgment w/in 360 days?	No
➤ OSC served?	No
➤ Sanction imposed?	n/a

CRC 3.740(f) = set OSC with Tier I sanctions (\$500) for judgment or dismissal.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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21	CV67107	Ernest Anthony Biera vs. Giving-To-Change, a Ernest Anthony Biera Giving-To-Change, a California Nonprofit Public Benefit Corporation; et. al. Kathleen Rebecca Solano Angelina Artemoff Rowen Artemoff-Meyerson Jose Munoz Jack E Downhill Russell D Park Jeneane Prevatt Partnership Zoe Raven Case Management Conference	03/27/2025
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Attorney: Yet Not Entered

03/27/2025 Complaint

File Tracking 03/28/2025 High Density

This is a partition action involving APN 022-230-002-000. The action was commenced by way of complaint filed on 03/27/2025. That pleading was superseded by a First Amended Complaint, adding to the partition a bevy of tort claims. The operative pleading includes the same eight (8) named defendants who were named in the original pleading filed back in March.

The matter is on calendar this day for an initial Case Management Conference. Of note:

- There is no proof of service for any of the defendants, notwithstanding the requirement that proof of service for each defendant “must be filed with the court within 60 days after the filing of the complaint.” CRC 3.110(b). We are presently at 230 days. “If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed.” CRC 3.110(f).
- There is no case management statement in the court file from plaintiff, notwithstanding the requirement that each party file and serve a statement “no later than 15 calendar days before the date set for the case management conference.” CRC 3.725. “The court on its own motion may issue an order to show cause that must (1) state the applicable rule that has been violated, (2) describe the specific conduct that appears to have violated the rule, and (3) direct the attorney, law firm, party, witness, or other person to show cause why sanctions should not be imposed against them for violation of the rule.” CRC 2.30(c).

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5 November 12, 2025 10:00 am DA Case # Date Filed

22 CV67027 Campbell vs. McDonald's Corporation et al

03/06/2025

Randall Campbell

Attorney: Mark Smith

McDonald's USA LLC

McDonald's Corp.,

Graspointner Mgmt. Co., INC

Graspointner Dennis

Graspointer Management

Case Management Conference

Further

03/06/2025 Petition

File Tracking

05/30/2025 Dept. 1 Calendar/Clerk

Appearances please:

This is a personal injury action stemming from an altercation occurring at a local fast food establishment between a patron and an employee thereof.

Full CMC:

- o Is the case fully at issue?
- o Are all parties present or defaulted?
- o Any plans to add parties or amend/attack the pleadings?
- o Any related cases?
- o Amount in controversy?
- o Jury demanded?
- o Time estimate?

Trial: _____ (Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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23	CV67131	Nick Chiaverini et al vs. Tuolumne Utilities District	04/04/2025
		Nick Chiaverini	Attorney: Gary Dambacher
		Chelsea Chiaverini	Attorney: Gary Dambacher
		Tuolumne Utilities District	Attorney: Yet Not Entered
		Case Management Conference	
		FURTHER	

04/04/2025 Complaint

File Tracking	
04/07/2025	High Density

This is a property damage claim involving loss occasioned by a broken water main under the alleged control of a public utility company. Defendant just recently entered the case, and requested within its CMC statement a continuance of this hearing to permit early discovery and possible mediation. Although it is unclear to this Court why it took almost four months to serve TUD (when CRC 3.110 provides 60 days), it does seem prudent to continue the CMC for a few months and give TUD time to get a handle on this claim. Parties to advise.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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24 CV65628	Beverly W. Cooley vs. Sonora Community Hospital		10/06/2023
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Beverly W. Cooley	Attorney: David Yeremian
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Sonora Community Hospital, a California Corporation	Attorney: Daniel Whang
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Adventist Health System/West, a California Corporation	Attorney: Daniel Whang
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Case Management Conference

Plaintiff's attorney to appear via zoom. Emanix

10/06/2023 Complaint

File Tracking 07/16/2025 High Density

This is a wage/hour dispute with class claims and a PAGA cause of action. Per the joint status conference statement, parties have reached a resolution regarding the class and PAGA claims, and require additional time to finalize the written settlement agreement before submitting to the Court for completion. At the last hearing this Court made the required findings to exempt this case from the Trial Court Delay Reduction disposition goal of 24 months. Court is amenable to continuing the CMC another 120 days so that the parties do not burn more legal fees on review hearings.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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25	CVL66178	Discover Bank vs. Denise E. Bass		05/31/2024
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Discover Bank

Attorney: Robert Cox

Denise E. Bass

Review Hearing

dismissal filed?

05/31/2024 Complaint

File Tracking

07/28/2025 Dept. 1 Calendar/Clerk

This is a collections case.

On 08/01/2025, plaintiff filed a Notice of Conditional Settlement of the Entire Case, based upon an agreement providing for periodic payments by defendant. The prospective completion date for the agreement was 07/26/2027. Although the Notice of Conditional Settlement technically prohibits court hearings until 45 days beyond the date set in the Notice, the date must be reasonable – and this one is not. The proper course of action is to file the CIV-110 dismissal with the §664.6 reservation of jurisdiction. See, *e.g.*, *DeSaulles v. Community Hospital of Monterey Peninsula* (2016) 62 Cal.4th 1140, 1155–1156.

If the parties decline to file the CIV-110 forthwith, this Court will reserve jurisdiction on its own under CCP §664.6 and enter the dismissal sua sponte.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5	November 12, 2025	10:00 am	DA Case #	Date Filed
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26	CVL66499	Discover Bank vs. Doug Smith		09/30/2024
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Discover Bank

Attorney: Shane Wate

Doug Smith

Review Hearing

Judgment or Dismissal

09/30/2024 Complaint

File Tracking

04/29/2025 High Density

This is a collections case.

- | | |
|---------------------------|------------|
| ➤ Complaint: | 09/30/2024 |
| ➤ POS w/in 180 days? | Yes |
| ➤ Judgment w/in 360 days? | No |
| ➤ OSC served? | No |
| ➤ Sanction imposed? | n/a |

CRC 3.740(f) = set OSC with Tier I sanctions (\$500) for judgment or dismissal.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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27	CVL66500	Discover Bank vs. Lisa Horton		09/30/2024
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Discover Bank

Attorney: Shane Wate

Lisa Horton

Review Hearing

Default Judgment or Dismissal

09/30/2024 Complaint

File Tracking

04/29/2025 High Density

This is a collections case.

- | | |
|---------------------------|------------|
| ➤ Complaint: | 09/30/2024 |
| ➤ POS w/in 180 days? | Yes |
| ➤ Judgment w/in 360 days? | No |
| ➤ OSC served? | No |
| ➤ Sanction imposed? | n/a |

CRC 3.740(f) = set OSC with Tier I sanctions (\$500) for judgment or dismissal.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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28	CVL66707	Discover Bank vs. Anthony J Hughes	11/25/2024
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Discover Bank

Attorney: Thomas Sebourn

Anthony J Hughes

Review Hearing

serve or dismiss

11/25/2024 Complaint

File Tracking

08/08/2025 High Density

This is a collections case.

- | | |
|---------------------------|--|
| ➤ Complaint: | 11/25/2024 |
| ➤ POS w/in 180 days? | No |
| ➤ Judgment w/in 360 days? | n/a |
| ➤ OSC served? | Yes (CRC 3.740 (e)) |
| ➤ Sanction imposed? | No (declaration of due diligence provided) |

Waive 3.740(e) sanction and serve new OSC and set CRC 3.740(f) with Tier I sanctions (\$500) for judgment or dismissal beyond day 360.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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29	CVL66745	Discover Bank vs. Austin Hickey	12/05/2024
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Discover Bank

Attorney: Chan Hsu

Austin Hickey

OSC Hearing - Sanctions

12/05/2024 Complaint

File Tracking

08/12/2025 High Density

This is a collections case.

- | | |
|---------------------------|--------------------|
| ➤ Complaint: | 12/05/2024 |
| ➤ POS w/in 180 days? | No |
| ➤ Judgment w/in 360 days? | n/a |
| ➤ OSC served? | Yes (CRC 3.740(e)) |
| ➤ Sanction imposed? | No |

Waive 3.740(e) sanction and serve new OSC and set CRC 3.740(f) with Tier I sanctions (\$500) for judgment or dismissal beyond day 360.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		November 12, 2025 10:00 am		DA Case #	Date Filed				
30	CV65224	Lisa Garcia vs. Sonora Community Hospital			04/05/2023				
		Lisa Garcia	Attorney: Anna Cronk						
		Sonora Community Hospital	Attorney: Cassandra Ninke						
		Review Hearing							
		Settlement / Dismissal filed?							
04/05/2023	Complaint	<table><tr><td colspan="2">File Tracking</td></tr><tr><td>07/25/2025</td><td>Cubicle 3</td></tr></table>				File Tracking		07/25/2025	Cubicle 3
File Tracking									
07/25/2025	Cubicle 3								

Notice of conditional settlement was filed 04/16/2025, with a due date to file the CIV-110 by 07/01/2025. Pursuant to CRC 3.1385(c)(2), “if the plaintiff or other party required to serve and file a request for dismissal within 45 days after the dismissal date specified in the notice does not do so, the court must dismiss the entire case unless good cause is shown why the case should not be dismissed.” Emphasis added. There is also the issue with CRC 2.30, which gives not only the Court, but the parties the right to seek sanctions for a violation of this (and any) Rule of Court. To add insult to injury, CRC 2.30(d) includes within the scope of permissible sanctions “reasonable attorney's fees and costs, incurred in connection with the motion for sanctions.” Ouch. The parties really need to make sure that everyone involved in this is operating in good faith and moving this case toward dismissal as promptly as possible.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025	10:00 am	DA Case #	Date Filed
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31	CV66906	Grassy Sprain Group, Successor in Interest to		01/21/2025
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Grassy Sprain Group, Successor in Interest to Merchants Capital Access, LLC Attorney: Steven Booska

Grassy Sprain Group, Successor in Interest to Merchants Capital

Access, LLC

Sweet Water Farm & Ranch

Company LLC, a Limited Liability

Company

Joseph Santry

Review Hearing

Default Filed?

Review Hearing - Ex Parte

RESERVED by Attorney Jonathan Joannides from Digital Frontier Law Firm

Reserved by Attorney Jonathan Joannides from Digital Frontier Law Firm.

01/21/2025 Complaint

File Tracking

08/08/2025 High Density

#8 on the 8:30 calendar.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		November 12, 2025 10:00 am		DA Case #	Date Filed				
32	CVL65894	JPMorgan Chase Bank, N.A. vs. Carroll Manning			02/09/2024				
		JPMorgan Chase Bank, N.A.	Attorney: Linda Doan						
		Carroll Manning							
		Case Management Conference							
		Further - Case Settled?							
02/09/2024	Complaint								
			<table><tr><td colspan="2">File Tracking</td></tr><tr><td>07/09/2025</td><td>High Density</td></tr></table>			File Tracking		07/09/2025	High Density
File Tracking									
07/09/2025	High Density								

This is a collections case with a settlement reportedly in the works. Since the case has been at issue for over a year, the case will need to be set for trial if a Notice of Settlement is not filed forthwith.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025	10:00 am	DA Case #	Date Filed
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33	CVL67166	JPMorgan Chase Bank, N.A. vs. John R. Grant		04/15/2025
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JPMorgan Chase Bank, N.A.	Attorney: Matthew Keim
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John R. Grant

Lynda Grant

Case Management Conference

04/15/2025 Complaint

File Tracking 06/30/2025 High Density

This is a collections case. Since an answer was filed, the matter is presumably ready for trial setting unless the parties have other ideas.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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34 CVL67323	JPMorgan Chase Bank, N.A. vs. Kenneth M Venturi		06/05/2025
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JPMorgan Chase Bank, N.A.	Attorney: David Barnett
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Kenneth M Venturi	Pro Per
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Case Management Conference

06/05/2025 Complaint

File Tracking 06/06/2025 High Density

This is a collections case. Since an answer was filed, the matter is presumably ready for trial setting unless the parties have other ideas.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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35	CV67112	Maria Favela La De Herrera vs. Avila 194, Inc	04/01/2025
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Maria Favela La De Herrera Attorney: Marcus Bradley

Avila 194, Inc

Case Management Conference

04/01/2025 Complaint

File Tracking

04/02/2025 High Density

This is a wage/hour PAGA case. The complaint was filed on 04/01/2025, just prior to this plaintiff agreeing to sever off and arbitrate her individual claims in a related action.

There has been no genuine action on this case, despite the requirements of CRC 3.110 that proof of service of the summons be filed within 60 days of commencement. If plaintiff's counsel is banking on the stay in the related case as justification for putting a pin in this case, that is not the proper approach. The related case did not include a PAGA cause of action, so there is no stay in place for such a claim. However, before plaintiff starts prosecuting a PAGA claim here, she may wish to review the agreement reached in another related case to see if there is any daylight left for her own PAGA claim.

Related to:

- CV66721 (case stayed pending individual contractual arbitration)
- CV66073 (PAGA settled via different plaintiff on 10/29/2025)
- CV62035 (voluntarily dismissed in 2021 but still reads as "open")

Court will encourage counsel to dismiss this case and either intervene in the other related action or just focus on the stayed class claims post-arbitration. To that end, Counsel should be prepared to discuss whether the contractual arbitration agreement also includes an enforceable waiver of the right to bring class action claims, as that would obviate the need for any stay in the related case.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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36	CV66692	Lakeview Loan Servicing vs. Lisa Renee Romine	12/02/2024
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Lakeview Loan Servicing

Attorney: Melissa Robbins
Coutts

Lakeview Loan Servicing

Attorney: Megan Boyd

Lisa Renee Romine

Secretary of Housing and Urban
Development

Tuolumne County Community
Development Department Code
Compliance

Case Management Conference

FURTHER

12/02/2024 Complaint

File Tracking

07/09/2025 High Density

This is a foreclosure action, made needlessly complicated by *Secretary of Housing & Urban Development v. Sky Meadow Association*, 117 F. Supp. 2d 970, 978-982 (C.D. Cal. 2000). Because of HUD's interest in the subject property, only a judicial foreclosure will do – even though HUD routinely stipulates to a non-participant default judgment effectively protecting its subordinated interest in the property. That has indeed occurred here, which could in theory return this case to the land of nonjudicial foreclosure. With all interested parties now parties effectively in default, this Court shall now “take evidence as to the fair value of the real property as of the date of sale [and] render a money judgment against the defendant for the amount by which the amount of the indebtedness with interest and costs of levy and sale and of action exceeds the fair value of the real property.” CCP §726(b). Although this Court can “appoint one of the probate referees provided for by law to appraise the real property,” and would likely do so upon application of any party, on its own that is probably not necessary for an insular community such as this. *Id.*

Counsel advises that the proposed default prove-up package is almost complete. Court is amenable to another continuance, but notes that technically notice of the evidentiary hearing “shall be served upon all defendants who have appeared in the action and against whom a deficiency judgment is sought” (emphasis added) – so being in default does not remove the right to notice of the next hearing. However, the statute does not also require there to be an evidentiary hearing conducted in the presence of all parties against whom a deficiency judgment is sought if those parties are in default. Perhaps an anomaly in the statute, but resolved with a scheduled prove-up on calendar and a “non-appearance” by the plaintiff. Another gift from *Sky Meadow* and its progeny.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025 10:00 am

DA Case #

Date Filed

37 CV67306 Richard Lee Lasater vs. James Gianelli

05/29/2025

Richard Lee Lasater

Pro Per

James Gianelli

Kate Powell Segerstrom

Jefferey Kaufman

Case Management Conference

Motion Hearing - Change of Venue

Demurrer

by Defendant James Gianelli

05/29/2025 Complaint

File Tracking

07/22/2025 High Density

Related to CV59955 (dismissed) and CV59858 (judgment) and CVL59679 (judgment).

This lawsuit began as a transactional malpractice action involving a commercial real estate contract which included, apparently to the dismay of plaintiff, a favorable tenant option to buy. Plaintiff was originally represented by noted legal malpractice expert David Ostrove, who sub'd out. Plaintiff then filed a First Amended Complaint which, to put it mildly, is a bloated mess. An operative pleading shall contain "a statement of the facts constituting the cause of action, in ordinary and concise language." CCP §425.10(a)(1). It is only the ultimate facts needed to support each essential element that must be included, rather than every evidentiary fact that might ultimately be presented at trial. See *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 872; *Thomas v. Regents of Univ. of Calif.* (2023) 97 Cal.App.5th 587, 610-611; *Foster v. Sexton* (2021) 61 Cal.App.5th 998, 1027. The complaint is not the place for argument, case citation, or stream of consciousness. Brevity is the key in a complaint. The FAC adds: two (2) new defendants (Jeffrey Kaufman and Kate Powell Segerstrom); five (5) new causes of action; fifty-nine (59) additional pleading pages; one-hundred seventy-four (174) pages of exhibits, mostly medical records; an invalid verification (CCP §446); and an invalid prayer for personal injuries (CCP §425.10(b)). In addition to the substantive labyrinth created by plaintiff's pleading, there are quite a few Rule of Court violations, to wit: CRC 2.105 (font style), CRC 2.108 (line spacing), CRC 2.111 (first page format), and CRC 2.112 (separate causes of action).

Before the Court this day are two motions: defendant's demurrer to six of the seven causes of action within the First Amended Complaint on the grounds of failure to state (CCP §430.10(e)) and statute of limitations (CCP §340.6(a)); and plaintiff's motion to change venue to San Joaquin County on the stated basis that plaintiff cannot find an impartial jury here in Tuolumne County because the Segerstrom family enjoys a "unfair" degree of support in this "tight-knit" community. Only the venue motion has opposition. While this Court has no conflict resolving either motion, it has not yet prepared a proposed ruling on either motion. Even though all law & motion matters set for hearing in Department 5 have been assigned by order of the Presiding Judge to be heard and decided by the Commissioner serving as a Judge Pro Tem, parties retain the right under Cal. Const. art VI §21 to decline consent by clearing stating the declination at the hearing. It is for that reason that bench officers awaiting said stipulation do not ordinarily work up, let alone post, a substantive determination of the motion. With the appropriate stipulation, argument will be received and the matter will be decided in due course.

Court intends to continue the CMC either way to permit appearances by the other two defendants, as all defendants have a right to be heard on a venue challenge.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5 November 12, 2025 10:00 am DA Case # Date Filed

38 CV66858 Macobbie Justin MagallonStublefield vs. Dodge Ridge 01/17/2025

Macobbie Justin
MagallonStublefield

Attorney: Louis Abronson

Dodge Ridge Ski Resort

Invision Capitol

Karl Kapuscinski

Paul Vangorder

Pro Per

Case Management Conference

01/17/2025 Complaint

File Tracking

09/11/2025 High Density

This is a personal injury action involving an incident at a local ski resort, here for a continued case management conference. It is generally alleged that an employee failed to safely harness plaintiff in the chair lift, resulting in the injury-producing fall. The operative pleading is the Second Amended Complaint filed 07/17/2025.

➤ Δ1 (resort). Answer on file.

➤ Δ2 (employee). Answer of file.

The Court has CMC statements from all parties.

One anomaly must be cleared, and that representation of the employee. Paul filed an answer in pro per on 09/05/2025. On 10/10/2025, Fennemore filed an answer on behalf of both the resort and Paul. Setting aside for the moment the question of whether the amended pleading was of such substantive difference that another answer was required, Paul has already made a general appearance in pro per so a substitution of attorneys (or an order striking his original answer) will be needed to perfect representation.

Full CMC:

- o Is the case fully at issue?
- o Are all parties present or defaulted?
- o Any plans to add parties or amend/attack the pleadings?
- o Any related cases?
- o Amount in controversy?
- o Jury demanded?
- o Time estimate?

Trial: _____ (Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne**Consolidated Calendar****Hon: Steven Streger****Department 5****November 12, 2025 10:00 am****DA Case #****Date Filed****39 CV64803****Murray Moore vs. Roger Edwards et al**

09/14/2022

Murray Moore

Attorney: Scott Ward

Roger Edwards**Amy Clemens****Andy Bibber****Steve Shulte****Optec Solutions, LLC****Adventure Flight****Order of Examination Hearing**

Andy Bibber

Order of Examination Hearing

Steve Shulte

Order of Examination Hearing

Optec Solutions, LLC

Order of Examination Hearing

Amy Clemens

Order of Examination Hearing

Roger Edwards

09/14/2022 Complaint**File Tracking**

06/25/2025 High Density

This is a breach of contract action involving the restoration of a vintage airplane in exchange for ownership of other vintage airplanes. Judgment has already been entered. The parties seek a continuance of the debtor's examination set for this date. The Court has no skin in the game as to whether the parties want to conduct what amounts to a post-judgment deposition on a different day. However, on the day proposed (December 10) Department 5 will be dark due to mandatory bench officer training in San Francisco. The parties are free to use the Department 5 ante rooms, which should be accessible and will certainly be unused, so long as they can convince a clerk in another department to administer the oath. Otherwise, the parties are free to select any Weds/Thurs/Fri in the month of January that is convenient with their schedule and give this Department a reasonable head's up of their desire to utilize the ante room(s). In fact, because CCP §708.110(a) provides that the debtor appear "at a time and place specified in the order" rather than "at the courthouse" specifically, an argument can be made that §708.160 does not actually require the examination to occur inside the courthouse and that §708.200 allows the court to select a different location. As such, if the parties are still cooperating with one another, they can just as easily line up a court reporter and do the debtor's examination when and where it is most convenient to them. An order can be thereafter signed to ensure that creditor still receives the statutory §708.110(d) lien.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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40	CVL67296	Nationwide vs. Aviram Rahamim Makhluf; Et al.	05/27/2025
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Nationwide

Attorney: Christina Cicione

Aviram Rahamim Makhluf

Case Management Conference

05/27/2025 Complaint

File Tracking

05/28/2025 High Density

This is a “small claims” subrogation case for property loss stemming from an automobile accident. The case was commenced on 05/27/2025, and to date there is no record of the defendant having been served with the summons and complaint. Pursuant to CRC 3.110, plaintiff was supposed to have completed this task within 60 days. It has now been 169 days, and the CMC statement filed by plaintiff states only that plaintiff has been unable to find a good address for defendant (let alone attempt service).

“If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed.” CRC 3.110(f). Plaintiff has not obtained an order of extension, and has provided very little information to support diligence in the effort required to effectuate service since the case was filed almost six months ago. This Court is amenable to a continuance of the CMC, but that will come with an OSC re Tier I sanctions (\$500) which can only be avoided with completed service prior to the next hearing date.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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41	CV67062	Tommy Nguyen et al vs. Vacasa, Inc	03/24/2025
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Tommy Nguyen	Attorney: Ember Oparowski
Tommy Nguyen	Attorney: Seema Bhatt
Melissa Nguyen	Attorney: Ember Oparowski
Melissa Nguyen	Attorney: Seema Bhatt
Zephaniah Gandeza	
Vacasa, Inc	
Elias Muniz Rodriguez	Pro Per
Elizabeth Castro	Pro Per
Vacasa LLC	Pro Per
Theodor Naim	Attorney: Ember Oparowski
Theodor Naim	Attorney: Seema Bhatt
Amy Naim	Attorney: Ember Oparowski
Amy Naim	Attorney: Seema Bhatt
Elijah Gandeza	
Azariah Gandeza	
Jeremiah Gandeza	
Hezekiah Gandeza	
Davian Nguyen	Attorney: Ember Oparowski
Davian Nguyen	Attorney: Seema Bhatt
Case Management Conference	

03/24/2025 Complaint

File Tracking 04/22/2025 High Density

This is a personal injury action in which the plaintiffs (tenants) allege to have been unwittingly exposed to carbon monoxide during their occupancy, suffering ailments associated therewith. On calendar this day is the initial case management conference, but their a notable dearth of appearances. First, on the plaintiff side, there appear to be seven (7) children listed, none of whom are currently appearing via guardian ad litem (notwithstanding a representation to the contrary in the CMC statement). Then, on the defense side, there appear to be seven (7) defendants listed, some of whom have been served, but none of whom have made any appearance yet. The CMC statement indicates that all defendants have requested additional time to make an appearance, which suggests that perhaps there will be a joint defense. That would be surprising, but certainly welcome. Court intends to continue the CMC and will consider whether an OSC re sanction under CRC 3.110 is needed to make sure that all parties on both sides are properly in the case soon. To assist plaintiffs with the GAL issue, this Court would be amenable to a single GAL covering all of the children provided that the GAL is neutral. Perhaps the plaintiffs can nominate a competent adult to serve in that capacity.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5	November 12, 2025	10:00 am	DA Case #	Date Filed
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42	CVL66908	OPORTUN, INC. vs. Alejandro Ramirez Meza		01/22/2025
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OPORTUN, INC.

Attorney: Stephanie Boone

Alejandro Ramirez Meza

OSC Hearing - Sanctions

01/22/2025 Complaint

File Tracking

08/12/2025 High Density

This is a collections case.

- | | |
|---------------------------|--------------------|
| ➤ Complaint: | 01/22/2025 |
| ➤ POS w/in 180 days? | No |
| ➤ Judgment w/in 360 days? | n/a |
| ➤ OSC served? | Yes (CRC 3.740(e)) |
| ➤ Sanction imposed? | No |

Waive 3.740(e) sanction. Serve new OSC and set CRC 3.740(f) with Tier I sanctions (\$500) for judgment or dismissal beyond day 360.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		November 12, 2025 10:00 am		DA Case #	Date Filed
43	CV66056	Cheryl Lee Russo-Moore vs. William Lemas et al			03/26/2024
		Cheryl Lee Russo-Moore	Pro Per		
		William Lemas	Attorney: Bart Barringer		
		Jennifer Avery			
		Review Hearing			
		Dismissal filed?			
03/26/2024	Complaint	File Tracking 08/11/2025 High Density			

This is a quiet title action that has since been resolved by way of settlement. On 07/22/2025, plaintiff filed a Notice of Conditional Settlement with a due date of 11/07/2025. Pursuant to CRC 3.1385(c)(3), the trial court “may not set any hearing or other proceeding requiring the appearance of a party earlier than 45 days after the dismissal date specified in the notice, unless requested by a party.” It is unclear how this particular review date came to be on calendar, but if set by the Court, it is clearly premature. “If the plaintiff or other party required to serve and file a request for dismissal within 45 days after the dismissal date specified in the notice does not do so, the court must dismiss the entire case unless good cause is shown why the case should not be dismissed.” CRC 3.1385(c)(2). As such, it is only the 45 grace period expires that this Court should be asking questions. A review hearing and OSC re dismissal will be set for late January.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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44 CV66706	Tiffany Nicole Teifel vs. Kia America, Inc.		12/04/2024
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Tiffany Nicole Teifel

Attorney: Christopher Im

Kia America, Inc.

Attorney: Michael Sweeney

Jamestown Motor Corporation

Review Hearing

Dismissal

12/04/2024 Complaint

File Tracking

06/17/2025 High Density

This is a lemon law case that has since been resolved by way of settlement. On 08/21/2025, plaintiff filed a Notice of Conditional Settlement with a due date of 10/02/2025. Pursuant to CRC 3.1385(c)(2), “if the plaintiff or other party required to serve and file a request for dismissal within 45 days after the dismissal date specified in the notice does not do so, the court must dismiss the entire case unless good cause is shown why the case should not be dismissed.” CRC 3.1385(c)(2). Unfortunately, this hearing was set one week too soon. Bummer. A brief continuance will be required, and perhaps – with some luck – plaintiff will comply with her obligations and actually file the dismissal.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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45	CV67307	John Watts vs. Tracey Brian Vincent	05/29/2025
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John Watts	Attorney: Glenn Petersen
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John Watts	Attorney: Richard Watts
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Tracey Brian Vincent

Case Management Conference

05/29/2025 Complaint

File Tracking 07/22/2025 High Density

This is a personal injury action arising out of an alleged altercation between the parties. The case was commenced on 05/29/2025. According to the proof of service on file, defendant was reportedly served here in the halls of this Courthouse on 06/09/2025. Plaintiff secured entry of his default, but a few weeks later filed a request to have the default set aside: no explanation was provided, and no proposed order included. Plaintiff filed a CMC statement indicating that all parties have appeared (not so), and advised that the case would likely proceed via default (Para 15). This is all very confusing.

Pursuant to CRC 3.110(g) and (h), it is the plaintiff who shoulders the burden of having to “file a request for entry of default within 10 days after the time for [a responsive pleading] has elapsed” and then “obtain a default judgment against the defaulting party within 45 days after the default was entered.” Failing to accomplish either obligation exposes plaintiff to an OSC re sanctions. Plaintiff is well outside the period in which he would be expected to secure both the default and judgment, which begs the question why he wants the default set aside, thereby exposing himself to sanctions. As the old saying goes, enquiring minds really want to know.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		November 12, 2025 10:00 am		DA Case #	Date Filed
46	CVL66506	Wells Fargo Bank N.A. vs. Bev Rafferty			09/30/2024
		Wells Fargo Bank N.A.	Attorney: Matthew Quall		
		Bev Rafferty			
		Review Hearing			
		Default Judgment or Dismissal			
09/30/2024	Complaint	File Tracking 04/29/2025 High Density			

This is a collections case.
A default judgment has already been entered.
The matter can be closed.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5	November 12, 2025	10:00 am	DA Case #	Date Filed
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47	CVL66730	Wells Fargo Bank, N. A. vs. Chad P. Hockey		12/02/2024
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Wells Fargo Bank, N. A.

Attorney: Ashley Mulhorn

Chad P. Hockey

Review Hearing

Serve or Dismiss

12/02/2024 Complaint

File Tracking

08/08/2025 High Density

This is a collections case.

- | | |
|---------------------------|--------------------|
| ➤ Complaint: | 12/02/2024 |
| ➤ POS w/in 180 days? | No |
| ➤ Judgment w/in 360 days? | n/a |
| ➤ OSC served? | Yes (CRC 3.740(e)) |
| ➤ Sanction imposed? | No |

Waive 3.740(e) sanction. Serve new OSC and set CRC 3.740(f) with Tier I sanctions (\$500) for judgment or dismissal beyond day 360.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025 10:00 am

DA Case #

Date Filed

48 CVL66827 Wells Fargo Bank, N.A. vs. Sydney M. Owens

01/03/2025

Wells Fargo Bank, N.A.

Attorney: Harlan Reese

Sydney M. Owens

OSC Hearing - Sanctions

01/03/2025 Complaint

File Tracking

08/12/2025 High Density

This is a collections case.

- Complaint: 01/03/2025
- POS w/in 180 days? No
- Judgment w/in 360 days? n/a
- OSC served? Yes (CRC 3.740(e))
- Sanction imposed? No

Waive 3.740(e) sanction. Serve new OSC and set CRC 3.740(f) with Tier I sanctions (\$500) for judgment or dismissal beyond day 360.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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49	CVL67281	Wells Fargo Bank, NA vs. Steven A Goeken		05/16/2025
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Wells Fargo Bank, NA

Attorney: Tiffany Pack

Steven A Goeken

Attorney: Sulvanna Le

Case Management Conference

05/16/2025 Complaint

File Tracking

05/21/2025 High Density

This is a collections case, carried over into the Fast Track lane by virtue of defendant's answer to the complaint. This is the initial case management conference, though neither party has filed a CMC statement (CRC 3.725).

Court intends to set trial.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:00 am	DA Case #	Date Filed
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50 CVL66179	Westlake Services, LLC dba Westlake Financial		05/31/2024
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Westlake Services, LLC dba Westlake Financial Services Matthew David Myers	Attorney: Flint Zide
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Review Hearing - Sanctions

\$500 Sanctions Paid?

05/31/2024 Complaint

File Tracking

07/28/2025 Dept. 1 Calendar/Clerk

Other Cases
CV67689

This is a collections case.

➤ Complaint:	05/31/2024
➤ POS w/in 180 days?	Yes
➤ Judgment w/in 360 days?	No
➤ OSC served?	Yes
➤ Sanction imposed?	No

CRC 3.740(f) = \$500

Court intends to set second post-360 review date with Tier II sanction.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		November 12, 2025 10:00 am		DA Case #	Date Filed
51	CV66048	Zurich American Insurance Company vs. Michael			03/25/2024
		Zurich American Insurance Company	Attorney: James Sutherland		
		Michael Jones	Attorney: Beebe John		
		Review Hearing			
03/25/2024 Complaint		Dismissal			
		File Tracking 07/09/2025 High Density			

A full dismissal has been filed in this subrogation action.
This matter can now be closed.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025 10:03 am

DA Case #

Date Filed

52 CVL67024 Bank of America, N.A. vs. Robert Thomas McGee

03/04/2025

Bank of America, N.A.

Attorney: Robert Kennard

Robert Thomas McGee

Review Hearing - Collections Case CRC 3.740

03/04/2025 Complaint

File Tracking

03/17/2025 High Density

This is a collections case.

- Complaint: 03/04/2025
- POS w/in 180 days? Yes
- Judgment w/in 360 days? No
- OSC served? No
- Sanction imposed? n/a

Set hearing post Day 360 with OSC re CRC 3.740(f) and Tier I sanction (\$500)

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:03 am	DA Case #	Date Filed
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53	CVL67018	Crown Asset Management, LLC vs. Steven Milner	03/03/2025
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Crown Asset Management, LLC Attorney: Robert Kayvon

Steven Milner

Review Hearing - Collections Case CRC 3.740

03/03/2025 Complaint

File Tracking

05/23/2025 High Density

This is a collections case.

- | | |
|---------------------------|------------|
| ➤ Complaint: | 03/03/2025 |
| ➤ POS w/in 180 days? | Yes |
| ➤ Judgment w/in 360 days? | No |
| ➤ OSC served? | No |
| ➤ Sanction imposed? | n/a |

Set hearing post Day 360 with OSC re CRC 3.740(f) and Tier I sanction (\$500)

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025 10:03 am

DA Case #

Date Filed

54 CVL67009 JPMorgan Chase Bank, N.A. vs. Jason W. Wright

02/27/2025

JPMorgan Chase Bank, N.A.

Attorney: Harvey Moore

Jason W. Wright

Review Hearing - Collections Case CRC 3.740

02/27/2025 Complaint

File Tracking

03/17/2025 High Density

This is a collections case.

- Complaint: 02/27/2025
- POS w/in 180 days? No
- Judgment w/in 360 days? n/a
- OSC served? No
- Sanction imposed? n/a

Set hearing post Day 360 with OSC re CRC 3.740(f) and Tier I sanction (\$500)

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:03 am	DA Case #	Date Filed
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55	CVL67011	Midland Credit Management, Inc. vs. Richard Sanderson	02/27/2025
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Midland Credit Management, Inc. Attorney: Robert Hanna

Richard Sanderson

Review Hearing - Collections Case CRC 3.740

02/27/2025 Complaint

File Tracking

03/17/2025 High Density

This is a collections case.

- | | |
|---------------------------|------------|
| ➤ Complaint: | 02/27/2025 |
| ➤ POS w/in 180 days? | No |
| ➤ Judgment w/in 360 days? | n/a |
| ➤ OSC served? | No |
| ➤ Sanction imposed? | n/a |

Set hearing post Day 360 with OSC re CRC 3.740(f) and Tier I sanction (\$500)

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	November 12, 2025 10:03 am	DA Case #	Date Filed
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56	CVL67007	Velocity Investments LLC vs. Amy Cerny	02/18/2025
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Velocity Investments LLC

Attorney: Bryant Burnstad

Amy Cerny

Review Hearing - Collections Case CRC 3.740

02/18/2025 Complaint

File Tracking

03/17/2025 High Density

This is a collections case.

- | | |
|---------------------------|------------|
| ➤ Complaint: | 02/18/2025 |
| ➤ POS w/in 180 days? | Yes |
| ➤ Judgment w/in 360 days? | No |
| ➤ OSC served? | No |
| ➤ Sanction imposed? | n/a |

Set hearing post Day 360 with OSC re CRC 3.740(f) and Tier I sanction (\$500)

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

November 12, 2025

1:30 pm

DA Case #

Date Filed

57 CV66070

Stefan Karl Cathrein vs. Cheryl R Johnson-Gonzales

04/05/2024

Stefan Karl Cathrein

Attorney: Stacy Tyler

Cheryl R Johnson-Gonzales

Attorney: Yet Not Entered

Cheryl R Johnson-Gonzales

Attorney: Yet Not Entered

Stefan Karl Cathrein

Case Management Conference

Trial Date? Special set requested by Plaintiff

Atty Tyler unavail at 10AM CSSS sets at 1:30PM

Attorney for Plaintiff J Owen Murrin will be appearing via zoom. Emanix

Motion Hearing - Ex Parte

RESERVED

Attorney J. Owen, representing the DEF, called on 11/06/2025 to reserve an

Ex Parte hearing regarding discovery deadlines. - MB

05/06/2024 Cross Complaint

File Tracking

08/28/2025 High Density

This is a quiet title action involving a single parcel (APN 033-410-014-000) with two homes and two different street addresses on Bay Meadows Drive. There is a related action for a Civil Harassment Restraining Order (CV65515) which was fully resolved on 05/01/24 by way of a stipulated personal conduct order in Department 5. There was another related action stemming from a request for a domestic violence restraining order (FL18192), which was dismissed for lack of prosecution. The salient facts intertwined within these cases are these: Stefan (67) and Cheryl (57) were reportedly in a relationship that varied between “romantic” and “business” – culminating in an equal “50/50” joint tenancy ownership of said parcel with various encumbrances.

1. Cheryl’s motion to amend cross-complaint; ex parte app to advance from 01/21/26

- Motion is not entirely necessary; while it proposes new/different causes of action (mostly wage/hour) it remains in the same vein as before;
- On 05/16/2025, Cheryl’s motion for leave to amend was granted in part, allowing her to add causes of action against Stefan for quiet title, slander of title, conversion, elder abuse, fraud, defamation, IIED, interference with prospective economic advantage, and elder abuse. Cheryl was given 10 days to file;
- On 05/21/2025, Cheryl complied by filing what amounts to a First amended cross-complaint (albeit with a confused formatting as a motion).
- However, best to call it **second** amended cross-complaint

2. Cheryl’s motion for protective order re deposition; ex parte app to short set

- Stefan noticed Cheryl’s deposition for December 4, with 74 RPDs
- Cheryl says she is not available that day
- Cheryl wants to depose Stefan on December 11, but apparently Stefan is not interested in “coordinating” the depositions in sequence like that.
- There is no notice of deposition for Stefan, only talk of his deposition

Issue: Discovery has closed. Although the discovery deadlines tie to the initial trial date (CCP § 2024.020(a)), the trial here was vacated due to a bankruptcy filing. Thus, this is more akin to the reopening of discovery after a mistrial, new trial or reversal. See *Hirano v. Hirano* (2007) 158 Cal.App.4th 1, 6. Either way, good cause exists under CCP § 2024.050(b) to allow Cheryl to conduct the limited discovery she seeks.