

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

1 CV68039

Petition in re: 16760 Woodside Wy Sonora, CA 95370

01/27/2026

16760 Woodside Wy Sonora, CA 95370 Attorney: Yet Not Entered

Ronald Handel

Dorothy Handel

Case Management Conference

FURTHER - POS?

01/27/2026 Petition

File Tracking

03/05/2026 High Density

This is a petition to deposit surplus funds and release the trustee from a nonjudicial foreclosure sale. The matter is on calendar as a case management conference, rather than the actual hearing on the petition itself. However, it appears from the petition that there may be a “dispute as to the priority” of the claims and a “conflict between potential claimants” (see Civil Code §2924j(c)) justifying an order for deposit of the surplus funds here because this Court has been unable to identify any probate petition for the Estate of Dorothy Handel. In other words, it does not appear to this Court that the daughter (Dianna) or the son (Ralph) have petitioned for appointment as a personal representative. Since notice has not yet been given to Dianna, the petition cannot be summarily granted at this time, and will be set for hearing on notice.

On 05/06/2026, counsel for petition was directed to serve notice on both prospective claimants on this hearing date. The Court file does not yet include proof of that notice, but if proof is provided to the satisfaction of the Court, the surplus funds can be deposited here and the trustee discharged.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026

8:30 am

DA Case #

Date Filed

2 CV66458

Veronica Aguayo vs. BestNest Management LLC

09/20/2024

Veronica Aguayo

Attorney: Larry Lee

BestNest Management LLC

Attorney: Matthew  
Soleimanpour

BestNest Management LLC

Attorney: Bradley Beherns

Motion Hearing - Attorney Withdrawal

09/20/2024 Complaint

File Tracking

08/08/2025 High Density

This is a wage/hour dispute. The Commissioner just recently denied (without prejudice) a motion to withdraw the dispute from arbitration, with certain appropriate conditions. In the meanwhile, defense counsel has run a motion to withdraw.

An attorney may withdraw as counsel of record if the client breaches the agreement to pay fees, insists on pursuing invalid claims or an illegal course of conduct, or when other conduct by the client renders it unreasonably difficult for the attorney to do his job, including when there is a breakdown in the attorney-client relationship. If the attorney does not have the client's consent, he or she must proceed by way of noticed motion consistent with CCP §§ 284, 1005, and CRC 3.1362. Assuming proper service and notice, relief turns on whether there are reasonable grounds for granting the request, and if doing so will prejudice the client. Courts have a duty of inquiry regarding the grounds for the motion. Counsel has a corresponding duty to respond and to describe the general nature of the issue, within the confines of any privilege. The degree of detail is on a sliding scale against counsel's candor and trustworthiness. See *Flake v. Neumiller & Beardslee* (2017) 9 Cal.App.5th 223, 230; *Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1134-1136; *Aceves v. Superior Court* (1996) 51 Cal.App.4th 584, 592-593. An otherwise proper motion to withdraw may be denied when it is reasonably foreseeable that the client would suffer prejudice, such as when the unrepresented client would be unable to fairly respond to dispositive motions. See *Mossanen v. Monfared* (2000) 77 Cal.App.4th 1402, 1409.

It is unclear from the moving papers whether the client has been provided accurate information as to the date/time for when this motion to withdraw will be heard, but otherwise the motion is sufficiently framed provided that defense counsel first serve a corrected MC-053 on the client showing the due dates set forth in the Commissioner's 05/05/2025 ruling regarding the arbitral fees. The withdrawal will not be deemed effective until after proof of service on the client is complete, and the time period set forth in said ruling has passed. With that, defense counsel's motion to withdraw will be granted.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

3 CVL66996 Bank of America, N.A. vs. Maria M. Ramirez

02/25/2025

Bank of America, N.A.

Attorney: Donald Sherrill

Maria M. Ramirez

Motion Hearing - Other

for Order of Admissions of Truth Be Deemed Admitted

02/25/2025 Complaint

File Tracking

03/17/2025 High Density

This is a collections case. Before the Court this day is an unopposed motion to deem RFAs admitted. While the motion appears righteous on the surface, upon closer inspection it appears that a pervasive defect may explain the absence of response from defendant. The subject discovery was mail-served to the correct street address, but using the postal code "9536." The same anomaly is present with the motion to compel. Defendant's residential postal code is "95329," which is all over the credit card statements actually included within the RFAs themselves. This Court has no way of knowing for sure that the discovery, or the motion, actually reached defendant given the woefully incorrect zip code. Motion to deem admitted DENIED without prejudice.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

4 CV68350

Edward Bolitho vs. Roger Perkins

04/22/2026

Edward Bolitho

Attorney: Gary Dambacher

Roger Perkins

Petition Hearing - Other

Cancel and Release Mechanics Lien

04/22/2026 Petition

File Tracking

04/24/2026 High Density

This is a special proceeding to release a mechanics lien. Pursuant to Civil Code §8486, petitioner is required to serve both the verified petition and a notice of hearing “on the claimant at least 15 days before the hearing,” and the hearing shall be set “no more than 30 days after the filing of the petition.” In other words, petitioner had 15 days (give or take) to effectuate service of the petition – and at present there is no proof of service in the court file. Although it is customary to file the proof of service at least five court days before the date appointed for the hearing (see CRC 3.1300), the general rule is that proof of service “shall be to the satisfaction of the court at or before the hearing.” See CCP §684.210; Probate Code §1260(a). In these particular cases, “the issue of compliance with the service and date for hearing requirements are deemed controverted [and] the petitioner has the burden of proof as to the issue of compliance with the service and date for hearing requirements.” Civil Code §8488(b). As such, it is of no consequence that the proof of service was filed in advance of the hearing since it must be addressed substantively at the hearing either way.

If the claimant has not commenced an action to enforce the lien within 90 days after recordation, the claim of lien is unenforceable. Civil Code §8460(a).

If a continuance is necessary, the trial court is only authorized to permit a one-time 30-day continuance unless both parties expressly agree to waive time. Civil Code §8486(a).

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026

8:30 am

DA Case #

Date Filed

5 CVL66196 Capital One, N.A. vs. Debra A. Fox

06/07/2024

Capital One, N.A.

Attorney: Anthony DiPiero

Debra A. Fox

Claim of Exemption Hearing

Attorney for Plaintiff called to reserve on 4-29-26  
Phone 408 414 0400

06/07/2024 Complaint

File Tracking

12/27/2024 High Density

This is a collection case involving a debt of roughly \$12,000. Before the Court this day is the debtor's claim of exemption. Debtor has declined to offer any amount to satisfy the debt, claiming instead that her monthly wages are insufficient to cover her needs.

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) or 40% of the disposable income north of minimum wage. 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 number ranges between \$404 - \$900 each month. The statute requires the Court to select the bottom of the range (using \$16.90/hr).

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. This Court takes judicial notice of the Judgment in FL19326 in which debtor declined adult child support or spousal support, which would have assisted her in paying her debts and caring for the household. The debtor's claim of exemption does not include a summary or statement of necessities, but the financial statement here and in FL19326 differ.

Since creditor is unwilling to offer any payment plan, and has filed inconsistent sworn financial statements, this Court is left with little option but to conclude that debtor has the ability – but not the will – to pay this debt. The claim of discretionary exemption is denied.

**Creditor shall be entitled to \$202 each pay period.**

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2    June 3, 2026      8:30 am    DA Case #    Date Filed

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6    CV66070    Stefan Karl Cathrein vs. Cheryl R Johnson-Gonzales    04/05/2024

Stefan Karl Cathrein    Attorney: Stacy Tyler

Cheryl R Johnson-Gonzales    Attorney: J. Murrin

Cheryl R Johnson-Gonzales    Attorney: J. Murrin

Stefan Karl Cathrein

Motion Hearing - Other

Notice of Errata

05/06/2024    Cross Complaint

<b>File Tracking</b> 08/28/2025    High Density
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There is no motion on calendar. This appears to be error, as all previous motions have been resolved are remain under submission.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

7 CV61804

Anthony Collins vs. Michael Leonard, et al.

08/23/2018

Anthony Collins

Attorney: Denae Budde

Anthony Collins

Attorney: Michael Abbott

Michael Leonard

Attorney: Jill Cohoe

Michael Leonard

Attorney: Jill Cohoe

Anthony Collins

Attorney: Michael Abbott

Anthony Collins

Attorney: Denae Budde

Dept of Veterans Affairs for the  
State of California

Attorney: Jovanna Schmidt

Motion Hearing - Set Aside/Vacate

void judgment and enter amended judgment

08/08/2019 Complaint

File Tracking

12/28/2023 High Density

This is a boundary line dispute that has been hotly litigated for many years, before several (now retired) bench officers. During the course of that litigation, it was always assumed that the Court would cooperate with effectuating the needed lot line adjustment – but according to Leonard the County has no interest in helping make this Court’s judgment a reality. The problem with the motion, as explained by Collins, is that the motion fails to set forth just what the issue really is. This Court has no trouble issuing a citation to the Tuolumne County Community Resources Agency (CRA) and/or the Tuolumne County Surveyor’s Office to ascertain what the issues are, noting of course that if the issues relate to shortcomings on the part of Leonard (rather than the County), Leonard shall immediately bear the costs associated with the citation hearings, County employee time, and the like. It has been almost 3 years since the Judgment was entered, so there must be a fairly robust paper trail relating to the lot line adjustment.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

8 CV67873 CJ Doe, Jr a minor v Sonora Elementary School District et. al. 12/08/2025

CJ DOE Attorney: Christopher Wood

Sonora Elementary School District Attorney: Anthony DeMaria

Mary Winifred McGrew Attorney: Bruce Timm

CJ Doe Attorney: Christopher Wood

Sonora Elementary School District Attorney: Anthony DeMaria

Mary Winifred McGrew Attorney: Bruce Timm

Cheryl Griffiths Attorney: Yet Not Entered

Kristiane Quinn Attorney: Leonard Herr

Motion Hearing - Other

Petitioner For Relief from Claim Filing Requirements ;and Order Permitting Late Claim  
Case Management Conference

02/10/2026 Cross Complaint

<b>File Tracking</b> 12/24/2025 High Density
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This is a personal injury action involving a student with special needs, a paraprofessional speech therapist, and an alleged failure on the part of certain mandated reporters to pass along relevant information.

Continued hearing on opposed motion for relief from claim presentation requirement to TCSOS; parties were to have decided on stipulation to Commissioner.

Court intends to continue the CMC either way, and either take the stipulation so that the Commissioner can provide a ruling on the motion or have the case reassigned to a new department and have that motion re-set.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

9 CV65594 Darren Dolbeare vs. Charles McMahon 09/25/2023

**Darren Dolbeare**

Attorney: Lilian Sedaghat

**Charles McMahon**

**Motion Hearing - Attorney Withdrawal**

Reserved

Motion reserved by paralegal for Sedaghat Law Group (424) 777-0078.

Emanix

**Case Management Conference**

Final Zoom Approved.

09/25/2023 Complaint

File Tracking

07/11/2025 High Density

This is a personal injury action stemming from an automobile accident that occurred on Tuolumne Road on 09/24/2021. A lawsuit was filed, but little has occurred since then. The following represents the salient timeline of events:

- 09/25/2023: Lawsuit ostensibly filed (pleading not signed)
- 12/29/2023: Plaintiff/counsel fail to appear at CMC
- 02/06/2024: Counsel files declaration falling on sword and explaining that error was result of abrupt departure from firm of handling attorney; advises that a skip trace and service effort is out;
- 08/05/2024: Counsel files a motion to withdraw. Motion was denied for both procedural and substantive defects;
- 11/08/2024: Court sets OSC to strike the complaint, sura sponte, for failing to affix a required signature;
- 12/13/2024: Counsel fails to appear for OSC to strike complaint; second hearing is scheduled;
- 01/29/2025: Counsel files declaration attributing scheduling error to departure of attorney one year prior (despite recent appearances by other attorney in firm);
- 05/01/2025: Plaintiff/counsel file application for service via publication; application is denied for want of due diligence and exhaustion of other options;
- 07/28/2025: Counsel files second motion to withdraw, containing many of the same procedural and substantive defects. Hearing continued;
- 12/23/2025: Plaintiff/counsel files second application for service via publication; application is denied as Union Democrat not a paper likely to provide actual notice to defendant in South Dakota;
- 01/06/2026: Counsel files proof of service reflecting personal service upon defendant at a location in South Dakota.
- 05/01/2026: Counsel files third motion to withdraw. This motion does not contain any valid explanation for the need, nor does it establish an address confirmed within the past 30 days. Moreover, the POS shows an address in CA, not S.D. The motion must be denied, again.

Pursuant to CCP §583.250, if service of the summons is not made within three years from the filing of the complaint, "the action shall be dismissed by the court." This action is slated for dismissal in just under four months. This Court will not entertain a fourth motion to withdraw, particularly in light of the upcoming prejudice to the client. See CPRC 1.16(d), 3.2; in accord, *Mossanen v. Monfared* (2000) 77 Cal.App.4th 1402, 1409.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

10 CV66440

Fawn B Foster Harbour vs. FCA US, LLC

09/12/2024

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 - Summary Judgment

Trial Setting

09/12/2024 Complaint

File Tracking

07/09/2025 High Density

This is a lemon law case.

On 02/18/2026, the Commissioner granted plaintiff's motion to continue the hearing on a defense motion for summary adjudication so that plaintiff to conduct additional discovery needed to oppose the motion. According to plaintiff, defendant was "withholding critical information" needed in the case. A new briefing schedule was established. To date, nothing new has been filed except a terse notice from plaintiff's firm indicating that one of its former attorneys has left the firm. There is no word from either side as to whether (1) the parties will indeed stip to the Commissioner handling the law and motion, (2) the MSJ still required judicial action, or (3) if trial setting this date is even needed.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026

8:30 am

DA Case #

Date Filed

11 CV67357

Hugo Antonio Gomez vs. Moorefield Construction, INC

06/20/2025

Hugo Antonio Gomez

Attorney: Tanner Combs

Moorefield Construction, INC

Moorefield Construction, INC

Aaron Perez Construction

Attorney: Steven Clark

J Hart Plumbing, Inc

Attorney: Karen Jacobsen

Aaron Perez Construction

Attorney: Steven Clark

J Hart Plumbing, Inc

Attorney: Karen Jacobsen

J Hart Plumbing

Attorney: Karen Jacobsen

Aaron Perez Construction

Attorney: Steven Clark

Allen Ormonde

Ormonde Commercial & Personal  
Insurance Services

Case Management Conference

FURTHER special Set

04/14/2026 Cross Complaint

File Tracking

07/22/2025 High Density

This is a personal injury action. As alleged, plaintiff was working on a rolling scaffold as part of a fireproofing project when the scaffold rolled into a latent hole and tipped over. Plaintiff sued the general contractor on the project for negligence. Defendant cross-complained against plaintiff's direct employer for express contractual indemnity.

The proposed trial date of 02/08/2027 at 8:00 a.m. in Dept 3 is acceptable.

A TRC is set for 02/04/2027 at 3:30 p.m. in Dept 3. Parties shall be prepared to file, exchange and discuss witness lists, exhibits lists, trial exhibit binders, trial briefs, proposed jury instructions, and motions in limine.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026

8:30 am

DA Case #

Date Filed

13 CV67334

Thomas Knowlton vs. Henry Speeth

06/11/2025

Thomas Knowlton

Attorney: Colin Jones

Henry Speeth

Attorney: Marissa Vandersluys

Henry Speeth

Attorney: Marissa Vandersluys

Motion Hearing - Compel

Filed

Attorney for Defendant called to reserve on 4-22-26 TK

Case Management Conference

FURTHER

06/11/2025 Complaint

File Tracking

07/22/2025 High Density

This is a personal injury action, arising out of an automobile accident. Before the Court this day is defendant's motion to compel plaintiff's attendance at an independent medical examination with a neuropsychologist. The parties do not disagree regarding the propriety of an DME in the abstract; rather, they disagree over plaintiff's right to audiotape the examination and/or receive copies of testing material.

The right to audiotape the examination is a given. The Legislature has already made plain that plaintiff "shall have the right to record a mental examination by audio technology." CCP §2032.530(a); in accord, *Carpenter v. Superior Court* (2006) 141 Cal.App.4th 249, 271. Since plaintiff can bring in a device to record the examination, and leave with the device, plaintiff can obviously retain a recording thereof. The protective order keeps plaintiff and his attorney from sharing the recording with others. It hardly seems that different from a deposition.

The harder question is whether this Court should exercise its discretion to order the release of the raw testing materials and data. The decision in *Randy's Trucking, Inc. v. Superior Court* (2023) 91 Cal.App.5th 818, which both parties cite, holds only that neither CCP §2032.610 nor federal regulations impose any prohibitions against a trial court's presumed authority to order disclosure of these items. *Id.* at 848 ["Defendants and amici curiae urge us to create a bright-line rule limiting transmission of neuropsychological and psychological testing materials and raw test data, as well as audio recordings of examinations, to licensed neuropsychologists or psychologists ... The Legislature, however, has not codified the expert-to-expert limitation advocated by defendants and amici curiae. On this writ, our role is simply to determine whether, based on the rules of evidence, the trial court abused its discretion in ordering transmission of these materials to plaintiffs' attorney subject to a protective order."] As noted last year by the Iowa Supreme Court in *Burton v. West Bend Mutual Ins. Co.*, 17 N.W.3d 340, 345 (2025): "these cases allow disclosure based on a balancing of one party's need for the information against the ethical restraints imposed on licensed psychologists, the commercial interests of the testing companies, and the need to protect the scientific validity of the testing instruments – which could be impaired from wide disclosure of the testing material." However, the Nevada Supreme Court this year, citing *Randy's*, thought the concerns were overblown: "Just as the courts in *Randy's Trucking*, *Wright*, *Cook*, and *Glennon* found, (1) disclosure of data to those other than a neuropsychologist is proper, as plaintiffs should not be required to hire a neuropsychologist to attack the credibility of defense experts and effectively cross-examine the experts; (2) a protective order can effectively alleviate confidentiality concerns; and (3) speculative concerns about disclosure do not outweigh the right of the plaintiff to access the data." *Powers v. District Court County of Clark*, 142 Nev. Adv. Op. 35 at \*7 (2026).

Which brings this Court to the crux of the issue: what is the "good cause" offered by plaintiff for needing the raw data and testing materials? Surely plaintiff will have his answers, the expert's opinion as to what those answers mean, and a counter expert to offer a different opinion. Since counsel is not an expert, what does possession of the raw data do for counsel in preparing for the case? Plaintiff has not adequately explained the good cause for needing this, nor has defendant explained the lack of good cause for releasing it. Perhaps an in camera review is the only way to proceed.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026

8:30 am

DA Case #

Date Filed

14 CV64893

David Kuffler vs. North American Beverages, LLC et al

10/25/2022

David Kuffler

Attorney: Donald Murphy

North American Beverages, LLC

Oscar Gonzalez

New Bern Transportation Corp.

Attorney: Dale Allen, Jr

Motion Hearing - Summary Judgment

10/25/2022 Complaint

File Tracking

07/28/2025 Dept. 1 Calendar/Clerk

Other Cases  
PR12289

This is a personal injury action with a lengthy history here in this Court, and in Department 5 for a related limited conservatorship proceeding. The essence of the dispute is this: David Kuffler was reportedly struck by defendant’s commercial vehicle while he was “jaywalking” against traffic signals. In the early days of this litigation, the parties had been discussing a settlement, but it never came to formal fruition. Meanwhile, David disappeared, and has yet to be heard from. This Court issued an evidence sanction barred David from presenting any favorable evidence at trial due to his failure to participate in discovery, but in civil land that does not end the case because a plaintiff is not required to personally participate in the trial.

Plaintiff’s delay in filing opposition papers is harmless error since defendant has filed a sufficient reply to the opposition. The delay is unfortunate, but ostensibly understandable as a personal circumstance owing to the attorney. It is no grounds to strike the opposition and grant defendant a windfall.

Defendant has moved for summary judgment on the sole basis that without plaintiff’s *direct* evidence, no case could ever be established. Plaintiff counters that there are other sources of evidence, namely witnesses at the scene, law enforcement officers, treating physicians, etc. Plaintiff is correct that a case could in theory be presented without evidence from plaintiff, but the law in this state is that a party may not create a triable issue of fact for purposes of summary judgment by pointing solely to hearsay or other evidence that will be inadmissible at trial. See *Perry v. Bakewell Hawthorne, LLC* (2017) 2 Cal.5th 536, 543; *Murphy v. Pina* (2025) 115 Cal.App.5th 305, 314-319; *Sanchez v. Bezos* (2022) 80 Cal.App.5th 750, 775; *Forest Lawn Memorial-Park Assn. v. Superior Court* (2021) 70 Cal.App.5th 1, 8; *Fernandez v. Alexander* (2019) 31 Cal.App.5th 770, 779. This would ordinarily cover the police report and the deposition of Officer Kremsdorf, and would ordinarily be the death knell for plaintiff on a dispositive motion. However, the defense has (for reasons that remain a mystery) elected to use these items in support of the motion, thereby waiving any objection to *plaintiff’s* use in opposition to the motion. Since defendant still had a “duty to exercise due care for” plaintiff’s safety while running across the street outside a crosswalk (Veh. Code §21954(b), and plaintiff’s duty to yield only existed as to “vehicles upon the roadway so near as to constitute an immediate hazard,” reference to the deposition transcript and police report permits a triable issue of fact regarding breach, causation and damages. See, e.g., *Leo v. Dunham* (1953) 41 Cal.2d 712; *Kalfus v. Frazee* (1955) 136 Cal.App.2d 415; *Foti v. Morrissey* (1943) 57 Cal.App.2d 328; *Casalegno v. Leonard* (1940) 40 Cal.App.2d 575.

Motion denied. Any parties not yet served with summons are hereby dismissed with prejudice pursuant to CCP §583.250.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

16 CV67062 Tommy Nguyen et al vs. Vacasa, Inc 03/24/2025

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

FURTHER

03/24/2025 Complaint

File Tracking 04/22/2025 High Density

This is a toxic tort case involving allegations of carbon monoxide poisoning in a vacation rental. At the prior CMC the parties were directed to meet and confer and agree upon a trial date to occur in the early part of 2027. Based on the updated CMC statements, it does not appear as though any meet and confer has taken place. Due to the number of plaintiffs, this Court is willing to deem the matter provisionally complex in order to exempt the case from the fast track resolution requirements, but would prefer instead to see the parties expedite discovery/depositions and get this case on track for some kind of resolution.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

17 CV66705 Lee Pagni v City of Sonora et. al.

12/04/2024

Lee Pagni

Attorney: Terry Stark

City of Sonora

Attorney: Angela Shrimp de la Vergne

William Canning

Motion Hearing - Other

Request for Augmentation of Record

Motion Hearing - Amend

File 3rd Amended Petition

12/04/2024 Petition

File Tracking

03/17/2025 High Density

This is a citizen's dispute regarding approvals and zoning adjustments authorized for a mixed use commercial/residential project proposed for 956 Oregon Street. In addition to height and density concerns, plaintiff alleges that the approvals were made without the required public meetings and CEQA reviews. Plaintiff filed a petition for administrative mandamus, seeking an order compelling the planning commission and/or the city to revisit the project and fulfill obligations relating to pre-approval vetting.

Petitioner's request for leave to amend the operative petition appears to this Court to be reasonable. Contrary to Respondent's contention, this Court does not see the TAP as introducing "a standalone challenge to the City's 2017 General Plan revision," nor does it see the TAP as mounting a direct attack on Resolution 08-04-2025-A. Yes, the request for leave is procedurally defective, but since Petitioner's opening brief is already on file, the risk that the TAP adds novel legal theories (as alleged) is mitigated. There is no reason to advance further legal fees running (and defending) a new motion for leave when no prejudice exists.

As for the request to augment the record, this is more problematic because (1) the request is very late and (2) the request is ambiguous. Ordinarily, a party convinced that records are missing completes a CPRA request and proposes specific items to be included in the administrative record, not make a general category request and leave it to the Respondent and this Court to guess whether compliance has occurred. Petitioner will need to refine the request before this Court can make a meaningful analysis. However, tis Court notes that Petitioner has just recently lodged 1,500 pages of an "updated" administrative record which he presumably wishes to have treated as part of the official record. There are formal procedures that Petitioner needs to follow in this instance, and this Court is not going to permit Petitioner to freely balloon this case into more than it is.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026

8:30 am

DA Case #

Date Filed

18 CV67687

State Farm Mutual Automobile Insurance Company vs. Linda Mason et al

09/29/2025

State Farm Mutual Automobile  
Insurance Company

Attorney: Marissa  
Vandersluys

Linda Mason

Timothy Boling

OSC Hearing - Sanctions

Re: Dismissal

09/29/2025 Petition

File Tracking

09/30/2025 High Density

This is a UIM arbitration action commenced pursuant to CA Insurance Code §11580.2(f) for the presumptively singular purpose of establishing superior court jurisdiction. There is in fact no requirement to conduct case management conferences or similar hearings in a case such as this when the parties have already agreed to arbitrate the dispute since jurisdiction is only established to allow the parties to engage the discovery machinery as part of their contractual arbitration. However, it is necessary to determine when the need for superior court jurisdiction is concluded so that the action may properly be closed. As such, it is customary to set an OSC re dismissal every 4-6 months.

It appears to this Court that the first-party arbitration has yet to take place, so this OSC re dismissal will be continued once more as a courtesy.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Hallie Gorman Campbell

Department 2

June 3, 2026 8:30 am

DA Case #

Date Filed

19 CVL67608

Synchrony Bank vs. Barbara Falk

08/27/2025

**Synchrony Bank**

Attorney: Raymond  
Patenaude

**Barbara Falk**

Motion Hearing - Judgment on the Pleadings

RESERVED

08/27/2025 Complaint

File Tracking

09/08/2025 High Density

This is a collections case. Before the Court is a motion for judgment on the pleadings. Like a general demurrer, a MJOP challenges the sufficiency of the plaintiff's cause of action; it raises the legal issue of whether the complaint states a cause of action, and is not a challenge to the validity of the claim itself. See *Greif v. Sanin* (2022) 74 Cal.App.5th 412, 426. Because a MJOP by a plaintiff must show (1) that the complaint states facts sufficient to constitute a viable claim against the defendant and (2) that the answer does not state facts sufficient to constitute a defense thereto (see CCP §438(c)), the motion for judgment on the pleadings must address *both* the complaint *and* the answer, and very frequently the motion only addresses the complaint.

The answer in this case admits all charges and the defendant has asked for time to work out a settlement. The court has previously given the parties time to do so, and plaintiff has filed a declaration on attempts to meet and confer. The tentative ruling would be to grant the motion. However, the parties are reminded that a settlement is often a better way to resolve than simply a judgment and should considering coming to court with an offer.