

TENTATIVE RULINGS FOR DEPARTMENT 5, OCTOBER 21, 2026

1. In Re McGinnes, Brittany Rose (PR12850)

This matter is before the court on petitioner, Brittany Rose McGinnes' Petition for Relief from Firearm Restriction pursuant to Welfare and Institutions Code 8103. The Court intends to appoint the court investigator to conduct a basic investigation, set new hearing for the substance of Petitioner's request, and give the Department of Justice an opportunity to respond.

2. Randell Campbell vs. McDonald's USA, LLC et al. (CV67027)

This matter is before the Court on two unopposed motions filed by Defendants: a Motion to Reclassify Action as Limited Jurisdiction, filed September 14, 2026, and a Motion for Leave to Obtain Mental Examination of Plaintiff, filed September 16, 2026. Defendants filed notices of non-opposition with declarations in support on October 14, 2026.

Motion to Reclassify Action as Limited Jurisdiction:

Defendants make this motion after the time to amend its initial pleading or respond to a complaint, cross-complaint, or other initial pleading. In such a case, the Court may only grant the motion if (1) the moving party shows good cause for not seeking reclassification earlier, and (2) the case is incorrectly classified. Code of Civil Procedure § 403.040.

Defendant claims, and Plaintiff does not contest, that Plaintiff's claimed damages consist of (1) special damages amount to approximately \$5,268, (2) medical specials and property damages totaling approximately \$4,741. Together, Defendants argue, these damages "do not support an award of general damages sufficient to exceed the \$35,000 jurisdictional limit." On this basis, the Court intends to find good cause to conclude that the case is incorrectly classified as an unlimited civil action and grant Defendant's motion.

Request for Mental Examination of Plaintiff:

Code of Civil Procedure §§ 2032.010 et seq. provide that "[w]henver the mental or physical condition of a party is in controversy, the other party may, on a showing of good cause, seek a court order for such an examination. CCP §2032.010 et seq.; see also, CCP § 2019.010 ("any party may obtain discovery by ... physical and mental examinations.") The mental examination shall only be performed by a licensed medical provider as specified in Code of Civil Procedure §§ 2032.020(c)(1). Defendants propose to have the evaluation conducted by a licensed psychiatrist who meets this requirement. The Court, having reviewed Defendants' unopposed Request and supporting Points and Authorities and other documentation, intends to find that the mental condition of Plaintiff is in controversy and that Defendants have established good cause to conduct a mental examination of Plaintiff.

Based on the above, the Court intends to find that Defendants have established good cause and grant both motions.

3. Jane Doe 7033 vs. Sonora Union High School District et al. (CV64763)

Three unopposed motions are before the Court in this matter: (1) Defendant/Cross-Complainant County of Tuolumne's Motion to Seal Defendant/Cross Complainant County of

Tuolumne's Motion for Summary Judgment, or in the Alternative, Motion for Summary Adjudication and Attached Exhibits; (2) Plaintiff's Amended Motion for Continuation of Action Against Deceased Defendant; and (3) Plaintiff's Application for Pro Hac Vice Admission of David C. Kiebler. The following are the Court's tentative rulings on these motions:

- a. Defendant/Cross-Complainant County of Tuolumne's Motion to Seal Defendant/Cross Complainant County of Tuolumne's Motion for Summary Judgment, or in the Alternative, Motion for Summary Adjudication and Attached Exhibits, filed August 27, 2026:

Defendant County of Tuolumne filed its Motion to Seal, with Points and Authorities, Declaration in support, and Index of Exhibits on August 27, 2026. The Notice and Points and Authorities in support of this motion indicate that Defendants request only an order designating as filed under seal Exhibits C-E to the Index of Exhibits in Support of Defendant/Cross-Complainant's Motion for Summary Judgment, or in the alternative, Summary Adjudication (all filed concurrently with the instant motion). In support, Defendant/Cross-Complainant County of Tuolumne argues that all criteria for sealing under Rules of Court, Rule 2.550(d) are met (citing *NBC Subsidiary (KNBC-TV), Inc. v. Sup. Ct.* (1999) 20 Cal. 4th 1178, 1217-18, and Rule 2.550(d)). That is, Plaintiff has demonstrated a desire for anonymity by filing her complaint (alleging child sexual abuse) under a pseudonym, and Plaintiff's interest in preserving that anonymity overrides the public's right to access judicial record because the request meets all five criteria listed in rule 2.550(d). This motion is unopposed.

The Court intends to rule as follows, pursuant to Rules of Court, rule 2.550(d):

- (1) There exists an overriding interest that overcomes the public's right to access the record, i.e. Plaintiff's right to preserve her anonymity as an alleged victim of childhood sexual abuse. The Court finds that, in light of the sensitive allegations in the Complaint, Plaintiff's interest in anonymity overrides the public's right to information about Plaintiff's identifying information.
- (2) The Court finds therefore that Plaintiff's overriding interest in protecting the privacy of her personal identifying information supports sealing the record.
- (3) The Court further finds that there is a substantial probability that Plaintiff's overriding interest in maintaining the confidentiality of her identity will be prejudiced if the documents are not sealed; once that information is released, potential measures to protect Plaintiff's identity would come too late to provide meaningful protection.
- (4) The Court finds that the requested relief, i.e., sealing only the Motion for Summary Judgment (filed concurrently with the instant motion) and Exhibits C-E, all of which reveal Plaintiff's identifying information, is narrowly tailored enough to protect Plaintiff's right to privacy of her personal information while allowing for public access to the remaining documents on file in this case.

- (5) Defendant/Cross-Complainant identifies no other means of protecting personal identifying information from disclosure and asserts that the proposed limited sealing is the least restrictive protective measure to be taken. The Court finds that there is no practicable, less restrictive means of protecting Plaintiff's information than the limited sealing requested by Defendant/Cross-Complainant.

For the reasons stated above, the Court intends to grant Defendant/Cross-Complainant County of Tuolumne's Motion to Seal Defendant/Cross Complainant County of Tuolumne's Motion for Summary Judgment, or in the Alternative, Motion for Summary Adjudication and Attached Exhibits, as to the Motion for Summary Judgment (or, in the alternative, Motion for Summary Adjudication) and the Index of Exhibits as to Exhibits C (Plaintiff's Responses to County's Form Interrogatories, Set One), D (Plaintiff's responses to Defendant/Cross-Complainant Sonora Union High School District's Form Interrogatories Set One) and E (Plaintiff's responses to Enki's Form Interrogatories, Set One).

B. Plaintiff's Amended Motion for Continuation of Action Against Deceased Defendant, filed October 5, 2026.

Plaintiff moves to continue this action against Defendant Travis Bussey (erroneously sued as Travis Jones) and requests the Court to find that this pending action survives his death and to allow it to proceed against his successor in interest or probate estate. Code Civ. Proc. §§ 377.41 and 128, Probate code §§ 550-555. Defendant joined in this request. Pursuant to Code of Civil Procedure section 377.41, the Court intends to grant Defendant's motion and order as follows:

- (1) Plaintiff's pending action against deceased Defendant Travis Bussey (erroneously sued herein as Travis Jones) ("Defendant Busey") survives his death and shall continue;
- (2) This action shall continue against Defendant Busey's successor(s) in interest, with each such successor in interest to be substituted as a defendant by name upon identification;
- (3) Counsel of record shall identify in writing to Plaintiff's counsel, within ten days, each successor in interest, heir, or personal representative of defendant Bussey known to counsel or those on whose behalf counsel appear, together with the identity of each insurer or other entity providing Defendant Busey's defense in this action, or confirm in writing that such insurer or entity will accept service pursuant to Probate code section 552, pursuant to Code of Civil Procedure section 187 and 128, subdivision (a)(4);
- (4) In the alternative, the Court directs that the action proceed against "Estate of Travis Bussey, Deceased" pursuant to Probate code sections 550 through 555, with the action to be defended in the name of the estate by Defendant Bussey's insurer(s), and Plaintiff shall serve the summons, a copy of the operative second Amended

complaint, and a copy of the court's order on the insurer(s) in the manner provided by Probate code section 552, subdivision (a); and

- (5) Defendant Bussey's Answer to the Second Amended Complaint, filed December 6, 2023, shall remain on file as the operative answer of the Estate of Travis Bussey, Deceased, without any prejudice to any right of the insurer(s) to answer or otherwise respond as provided by Probate Code section 552.

C. Plaintiff's Application for Pro Hac Vice Admission of David C. Kiebler.

Finally, Plaintiff moves for pro hac vice admission of David C. Kiebler in this matter pursuant to rule 9.40 of the California Rules of Court. Rule 9.40 sets out the conditions under which the Court may grant pro hac vice admission of an attorney in good standing who is not already licensed to practice law in California but desires to be admitted to appear here in a specific case: (1) the applicant must be associated with an active licensee of the State Bar; (2) the application must be filed with proof of service by mail of a copy of the application and the notice of hearing on the application on all parties who have appeared in the cause and on the State Bar at its San Francisco office; and the application must state (a) the applicant's residence and office address; (b) the courts to which the applicant has been admitted to practice and the dates of admission; (c) that the applicant is a licensee in good standing in those courts; (d) that the applicant is not currently suspended or disbarred in any court; (e) the title of each court and cause in which the applicant has filed an application to appear as counsel *pro hac vice* in this state in the preceding two years, the date of each application, and whether or not it was granted; and (f) the name, address, and telephone number of the active licensee of the State Bar who is attorney of record.

Having reviewed Plaintiff's Verified Application filed September 9, 2026, and the accompanying Memorandum of Points and Authorities and Supplemental Declaration of Emily N. Malloch in support, the Court intends to find that applicant David C. Kiebler's Application meets the qualifications of Rule 9.40 of the Rules of Court and grant his application.

4. Andrew McGuire v. Amber Manning (FL17909)

This matter is set for pre-trial conference and court trial on Mr. McGuire's motion filed April 24, 2026, seeking to modify the parties' Stipulation and Order regarding custody and visitation filed March 24, 2025, but never signed by the Court. Mr. McGuire seeks further custody and visitation orders, additional parenting time (alternating week schedule), a school that is "between" the parents' respective homes, and a defined holiday schedule. Parties were ordered to file and serve witness lists, exhibit lists, and a trial brief by October 12, 2026.

The Court has reviewed the file and found only Petitioner's witness list, filed October 16, 2026. Respondent has not filed a witness or exhibit list, and neither party has submitted a

trial brief. The Court plans to conduct trial in this matter as scheduled.