

TENTATIVE RULINGS for LAW and MOTION
March 13, 2026

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted on Yolo Court's Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Two	(530) 406-6787
Telephone number for the clerk in Department Eight	(530) 406-6927
Telephone number for the clerk in Department Eleven	(530) 406-6843

TENTATIVE RULING

Case: **Creekside Davis LP v. Baldizon**
Case No. CV2026-0465

Hearing Date: **March 13, 2026** **Department Two** **1:30 p.m.**

Defendants Daniel Baldizon and Bonnie Starr Baldizon’s request for judicial notice is **GRANTED**. (Evid. Code, §§ 451, subd. (b), 452, subd. (c).)

Plaintiff Creekside Davis LP’s request for judicial notice is **GRANTED IN PART**. (Evid. Code, §§ 451, 452, 453.) The Court takes judicial notice of Exhibits 1, 2, and 3. However, plaintiff does not articulate the specific legal basis for this Court to take judicial notice of Exhibits 4, 5, and 6 and therefore, the Court declines to take judicial notice of these documents.

Defendants’ demurrer to plaintiff’s complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The Court finds that the issue raised by the demurrer is a mixed question of law and fact and therefore, not proper for disposal on demurrer. (*Bath v. State of California* (2024) 105 Cal.App.5th 1184, 1201 [“Questions of fact cannot be decided on demurrer”]; 24 C.F.R. § 5.2005, subds. (a)(1)(i), (a)(2)(iii); Complaint, ¶ 9(e), Exhibit 2; Defendants’ RJN, Exhibits A & B; Plaintiff’s RJN, Exhibits 1, 2, & 3.)

Defendants are ordered to file their answer by **March 18, 2026**. (Cal. Rules of Court, rule 3.1320(g).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Creekside Davis LP v. Mauvais
Case No. CV2026-0461

Hearing Date: March 13, 2026 Department Two 1:30 p.m.

Defendants Elizabeth Mauvais and William Mauvais’ request for judicial notice is **GRANTED**. (Evid. Code, §§ 451, subd. (b), 452, subd. (c).)

Plaintiff Creekside Davis LP’s request for judicial notice is **GRANTED IN PART**. (Evid. Code, §§ 451, 452, 453.) The Court takes judicial notice of Exhibits 1, 2, and 3. However, plaintiff does not articulate the specific legal basis for this Court to take judicial notice of Exhibits 4, 5, and 6 and therefore, the Court declines to take judicial notice of these documents.

Defendants’ demurrer to plaintiff’s complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The Court finds that the issue raised by the demurrer is a mixed question of law and fact and therefore, not proper for disposal on demurrer. (*Bath v. State of California* (2024) 105 Cal.App.5th 1184, 1201 [“Questions of fact cannot be decided on demurrer”]; 24 C.F.R. § 5.2005, subds. (a)(1)(i), (a)(2)(iii); Complaint, ¶ 9(e), Exhibit 2; Defendants’ RJN, Exhibits A & B; Plaintiff’s RJN, Exhibits 1, 2, & 3.)

Defendants are ordered to file their answer by **March 18, 2026**. (Cal. Rules of Court, rule 3.1320(g).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Mitchell v. Langston
Case No. CV2025-3055

Hearing Date: March 13, 2026 Department Eleven 9:00 a.m.

Plaintiff Frederick Mitchell’s motion to strike the materially false and improper matter is **DROPPED FROM CALENDAR AS MOOT.** (Code Civ. Proc., §§ 436, subd. (a), 2015.5.) On March 5, 2026, this Court sustained without leave to amend defendant Theresa Langston’s demurrer. (See *In re S.P.* (2020) 53 Cal.App.5th 13, 16 [“Courts do not decide issues that can provide no effective relief for the parties or will have no impact on their future rights”]; see also *Hagan Engineering, Inc. v. Mills* (2003) 115 Cal.App.4th 1004, 1007-1008.)

TENTATIVE RULING

Case: **Rae v. State of California et al.**
Case No. CV2023-2113

Hearing Date: **March 13, 2026** **Department Eight** **9:00 a.m.**

Motion for relief:

The Court rules on plaintiff Matthew Rae’s motion for order granting plaintiff relief as follows:

- The motion for relief as to the Court’s August 20, 2024, Order, is **DENIED**. (Code Civ. Proc., § 473, subd. (b).) The motion as to this Order is untimely. (*Ibid.*)
- The motion for relief as to the Judgment of Dismissal entered on October 24, 2025, is **DENIED**. (Code Civ. Proc., § 473, subd. (b).) Plaintiff fails to show that the entry of the Judgment of Dismissal was the result of his mistake, inadvertence, surprise or excusable neglect. (*Baratti v. Baratti* (1952) 109 Cal.App.2d 917, 921 – 922; see generally Rae Decl.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Motion for joinder:

Plaintiff Matthew Rae’s motion for compulsory joinder and leave to amend is **DENIED**. (Code Civ. Proc., §§ 389, 472a, 473, 576.) Given the Judgment of Dismissal entered on October 24, 2025, and the Court’s ruling on plaintiff’s motion for relief, the Court lacks subject matter jurisdiction to determine this motion. (See *Hagan Engineering, Inc. v. Mills* (2003) 115 Cal.App.4th 1004, 1008.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Sierra Northern Railway v. State of California, by and through the Department of Water Resources et al.**
Case No. CV2022-0479

Hearing Date: **March 13, 2026** **Department Eleven** **9:00 a.m.**

Defendants’ motion for summary judgment, or alternatively, summary adjudication:

Defendants State of California, acting by and through the Department of Water Resources (“DWR”), Central Valley Flood Protection Board (“CVFPB”), and Sacramento and San Joaquin Drainage District’s (“SJDD”) (collectively, “State defendants”) filed an untimely reply brief and supporting documents. (Code Civ. Proc., § 437c, subd. (b)(4) [a reply to the opposition must be served and filed “not less than 11 days preceding the hearing”]; see also *Steele v. Bartlett* (1941) 18 Cal.2d 573, 574.) Despite being untimely, the Court will consider State defendants’ reply. (Cal. Rules of Court, rule 3.1300(d); *Rancho Mirage Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262 [stating that “a trial court has broad discretion to accept or reject late-filed papers.”].)

Plaintiff Sierra Northern Railway’s (“Sierra Northern”) request for judicial notice of exhibits E, G, P, R, T, X, AA, and HH is **GRANTED**. (Evid. Code, §§ 451, subd. (a).) Sierra Northern’s request for judicial notice of exhibits A, B, F, H, J, K, L, N, O, Q, S, U, V, W, Y, Z, BB, DD, EE, FF, GG, II, JJ, and LL is **DENIED**. (Evid. Code, §§ 452, subd. (c), (d), (h), 453.) The proffered documents are not relevant to the Court’s determination of this motion. (*People v. Rowland* (1992) 4 Cal.4th 238, 268, fn. 6; see *Malek Media Group LLC v. AXQG Corp.* (2020) 58 Cal.App.5th 817, 825; *People ex rel. Lockyer v. Shamrock Foods Co.* (2000) 24 Cal.4th 415, 422 [a precondition to the taking of judicial notice in either its mandatory or permissive form must be relevant to a material issue].)

The Court declines to rule on Sierra Northern’s objections to evidence as the evidence objected to is not relevant to deciding this motion. (Code Civ. Proc., § 437c, subd. (q).)

The Court declines to rule on State defendants’ objections to evidence as the evidence objected to is not relevant to deciding this motion. (Code Civ. Proc., § 437c, subd. (q).)

State defendants’ motion for summary adjudication as to the first and second causes of action (quiet title and declaratory relief) is **DENIED**. (Code Civ. Proc., § 437c, subsd. (f)(1), (p)(2).) The Court finds that State defendants have not met their burden of showing that:

- (1) Sierra Northern fails to state a cause of action for quiet title or declaratory relief. (Code Civ. Proc., § 761.020.) The necessary elements for a quiet title cause of action are: (1) a description of the property; (2) the plaintiff’s title or interest and the basis; (3) the defendant is asserting an adverse claim or antagonistic property interest; (4) the date as of which the determination is sought; and (5) a prayer for determination of title. (*Ibid.*) The Court finds that Sierra Northern’s complaint contains all allegations required for a quiet title cause of action. (Complaint ¶¶ 40-45.) The Court further finds that State defendants’ answer admits and establishes that it has a claim that is adverse to Sierra Northern’s property interest. (*Pinewood Investors v. City of Oxnard* (1982) 133 Cal.App.3d 1030,

1035 [“t]he judicial admission is not merely evidence of a fact; it is a conclusive concession of the truth of a matter which has the effect of removing it from the issues”]; Answer ¶ 43.)

(2) Sierra Northern’s quiet title and declaratory relief causes of action are barred by the statute of limitations applicable to inverse condemnation. Sierra Northern’s complaint pleads two causes of action: (1) quiet title; and (2) declaratory relief. Sierra Northern does not plead a cause of action in this case for inverse condemnation. “[T]he burden of a defendant moving for summary judgment only requires that he or she negate plaintiff’s theories of liability *as alleged in the complaint*.” (*Hutton v. Fidelity National Title Co.* (2013) 213 Cal.App.4th 486, 493, emphasis original, [“[t]he materiality of a disputed fact is measured by the pleadings [citations], which ‘set the boundaries of the issues to be resolved at summary judgment’”].) This Court finds that State defendants do not meet their burden to show that the statute of limitations bars Sierra Northern’s causes of action actually pled.

(3) State defendants acquired a common law dedication, both implied-in-fact and implied-in-law, for flood control purposes across Sierra Northern’s property. This Court finds that State defendants do not provide clear and unequivocal evidence that Sierra Northern’s predecessors consented to or acquiesced to its property being used for floodwater projects. (*Friends of the Trails v. Blasius* (2000) 78 Cal.App.4th at pp. 820-821; *Friends of Hastain Trail v. Coldwater Development LLC* (2016) 1 Cal.App.5th 1013, 1027; *Cherokee Valley Farms, Inc. v. Summerville Elementary School Dist.* (1973) 30 Cal.App.3d 579, 584-585; *County of Inyo v. Given* (1920) 183 Cal. 415, 418-419; UMF 35-39.)

(4) Sierra Northern’s quiet title and declaratory relief causes of action are barred by the doctrine of laches. “A defendant must demonstrate three elements to successfully assert a laches defense: (1) delay in asserting a right or a claim; (2) the delay was not reasonable or excusable; and (3) prejudice to the party against whom laches is asserted.” (*Magic Kitchen LLC v. Good Things Internat., Ltd.* (2007) 153 Cal.App.4th 1144, 1157.) The Court finds that State defendants fail to provide evidence of prejudice. (*Id.*, at p. 1161; *Mercury Ins. Co. v. Lara* (2019) 35 Cal.App.5th 82, 111[“the element of prejudice requires a change of position that would not have occurred absent the delay”].)

Accordingly, defendants’ motion for summary judgment is **DENIED**. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Sierra Northern’s motion for summary adjudication

The Court declines to rule on State defendants’ objection to evidence as the evidence objected to is not relevant to deciding this motion. (Code Civ. Proc., § 437c, subd. (q).)

The Court declines to rule on Sierra Northern's objections to evidence as the evidence objected to is not relevant to deciding this motion. (Code Civ. Proc., § 437c, subd. (q).)

Sierra Northern's motion for summary adjudication of State defendants' third and fourth implied dedication affirmative defenses is **DENIED**. (Code Civ. Proc., § 437c, subds. (f)(1), (p)(1).) When moving for summary adjudication of an affirmative defense, the moving party must show "that there is no merit to an affirmative defense as to any cause of action." (Code Civ. Proc., § 437c, subd. (f)(1).) Further, "[a] motion for summary adjudication shall be granted only if it completely disposes of...an affirmative defense." (*Ibid.*) The Court finds that Sierra Northern has not met its burden of negating essential elements of State defendants' implied dedication affirmative defenses. (*See's Candy Shops, Inc. v. Superior Court* (2012) 210 Cal.App.4th 889, 900; *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843.) Specifically, Sierra Northern has not shown that it is categorically immune from implied dedication under common law and Civil Code section 1007. (*Oakland v. Burns* (1956) 46 Cal.2d 401; *Los Angeles v. San Fernando* (1975) 14 Cal.3d 199; *Wright v. Goleta Water Dist.* (1985) 174 Cal.App.3d 74.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: State of California, by and through the Department of Water Resources v. Sierra Northern Railway et al.
Case No. CV2022-1546

Hearing Date: March 13, 2026 Department Eleven 9:00 a.m.

Cross-defendants State of California, acting by and through the Department of Water Resources (“DWR”), Central Valley Flood Protection Board (“CVFPB”), and Sacramento and San Joaquin Drainage District’s (“SJDD”) (collectively, “State defendants”) filed an untimely reply brief and supporting documents. (Code Civ. Proc., § 437c, subd. (b)(4) [a reply to the opposition must be served and filed “not less than 11 days preceding the hearing”]; see also *Steele v. Bartlett* (1941) 18 Cal.2d 573, 574.) Despite being untimely, the Court will consider State defendants’ reply. (Cal. Rules of Court, rule 3.1300(d); *Rancho Mirage Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262 [stating that “a trial court has broad discretion to accept or reject late-filed papers.”].)

Cross-complainant Sierra Northern Railway’s (“Sierra Northern”) request for judicial notice of exhibits E, G, P, R, T, X, AA, and HH is **GRANTED**. (Evid. Code, §§ 451, subd. (a).) Sierra Northern’s request for judicial notice of exhibits H, J, K, L, N, O, Q, S, U, V, W, Y, Z, BB, CC, DD, EE, FF, GG, II, JJ is **DENIED**. (Evid. Code, §§ 452, subd. (c), (d), (h), 453.) The proffered documents are not relevant to the Court’s determination of this motion. (*People v. Rowland* (1992) 4 Cal.4th 238, 268, fn. 6; see *Malek Media Group LLC v. AXQG Corp.* (2020) 58 Cal.App.5th 817, 825; *People ex rel. Lockyer v. Shamrock Foods Co.* (2000) 24 Cal.4th 415, 422 [a precondition to the taking of judicial notice in either its mandatory or permissive form must be relevant to a material issue].)

The Court declines to rule on Sierra Northern’s objections to evidence nos. 1 through 18 as the evidence objected to is not relevant to deciding this motion. (Code Civ. Proc., § 437c, subd. (q).) The Court **SUSTAINS** Sierra Northern’s objections to evidence nos. 19 through 21 as to the financial account numbers only. (Cal. Rules of Court, rule 1.201(a)(2).)

The Court declines to rule on State defendants’ objections to evidence as the evidence objected to is not relevant to deciding this motion. (Code Civ. Proc., § 437c, subd. (q).)

State defendants’ motion for summary adjudication as to the fourth and fifth causes of action (inverse condemnation) is **DENIED**. (Code Civ. Proc., § 437c, subds. (f)(1), (p)(2).) The Court finds that State defendants have met their burden of showing that: (1) the statute of limitations applies to Sierra Northern’s inverse condemnation causes of action; and (2) that Sierra Northern is not immune from the statute of limitations. (Code Civ. Proc., §§ 318, 338; *Cobb v. City of Stockton* (2011) 192 Cal.App.4th 65, 70.) However, the Court further finds that State defendants have not met their burden as to when the statute of limitations on Sierra Northern’s inverse condemnation causes of action began to accrue under the stabilization doctrine. (*Pacific Shores Property Owners Assn. v. Department of Fish & Wildlife* (2016) 244 Cal.App.4th 12, 34-37 [“[T]he touchstone for any stabilization analysis is determining when the environmental damage has made such substantial inroads into the property that the permanent nature of the taking is evident and the extent of the damage is foreseeable”]; Evid. Code, § 500; *D’Amico v. Board of Med. Examiners* (1974) 11 Cal.3d 1, 21 [moving party’s evidence must be construed strictly];

Copp v. Paxton (1996) 45 Cal.App.4th 829, 836 [any doubts as to propriety of granting the motion should be resolved in favor of party opposing the motion]; SACC, ¶¶ 31-36, 52-57, 59, 62-65, 67; UMF 4-15.)

State defendants' motion for summary adjudication as to the sixth, seventh, eighth, and ninth causes of action (continuing and permanent trespass and nuisance) is **DENIED**. (Code Civ. Proc., § 437c, subds. (f)(1), (p)(2).) The Court finds that State defendants have not met their burden as to when Sierra Northern's trespass and nuisance causes of action accrued for purposes of filing a claim within the statutory deadline as required by the Government Claims Act. (Gov. Code, §§ 901, 911.2, 945.4; see *Lee v. Los Angeles County Metropolitan Transportation Authority* (2003) 107 Cal.App.4th 848, 855-859 [applying stabilization doctrine to tort claims]; *D'Amico, supra*, 11 Cal.3d at p. 21 SACC, ¶¶ 37, 38, 68-75, 79-83, 87-94, 98-102; UMF 16-30.)

Accordingly, State defendants' motion for summary judgment is **DENIED**. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: UCD J Street Owner LLC v. Walker
Case No. CV2026-0308

Hearing Date: March 13, 2026 **Department Two** **1:30 p.m.**

Request for production:

Defendant Doris Walker’s request for production is **DENIED**. (Code Civ. Proc., § 95.) First, defendant failed to file a proof of service at least five court days before the hearing, showing that her request was timely served on plaintiff UCD J Street Owner LLC. (Cal. Rules of Court, rules 3.1300(c), 3.1347(a); Code Civ. Proc., § 1170.8.) Second, defendant did not provide any information as to whether she has: (1) “used all applicable discovery in good faith”; and (2) “attempted to secure the additional discovery by stipulation or by means other than formal discovery.” (Code Civ. Proc., § 95, subd. (a).)

The notice of motion does not provide notice of this Court’s tentative ruling system as required by Local Rule 11.2(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Demurrer:

Defendant Doris Walker’s amended demurrer is **OVERRULED**. (Code Civ. Proc., § 430.10.) First, this hearing is less than five court days after defendant filed her notice of demurrer. (Code Civ. Proc., § 1170, subd. (b)(1).) Second, defendant failed to file a proof of service at least five court days before the hearing, showing that her request was timely served on plaintiff UCD J Street Owner LLC. (Cal. Rules of Court, rule 3.1300(c); Code Civ. Proc., § 1170, subd. (b).) Finally, defendant filed her answer on February 10, 2026, and her amended demurrer on March 9, 2026. While a defendant may file a demurrer and answer at the same time, a defendant cannot file a demurrer after an answer has been filed. (Code Civ. Proc., §§ 430.30, subd. (c), 1170, subd. (a).)

The notice of demurrer does not provide notice of this Court’s tentative ruling system as required by Local Rule 11.2(b). Counsel for demurring party, or the demurring party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Trial:

Parties are **DIRECTED TO APPEAR** for a court trial.

TENTATIVE RULING

Case: **Zhou v. Hotel Winters, LLC**
Case No. CV2022-1963
Hearing Date: **March 13, 2026** **Department Eight** **9:00 a.m.**

Defendant Michael Steven Olivas’ motion to strike:

Defendant Michael Steven Olivas’ request for judicial notice is **DENIED**. (Evid. Code, §§ 452, 453.) Defendant did not make his request for judicial notice in a separate document. (Cal. Rules of Court, rule 3.1113(l) [“Any request for judicial notice must be made in a separate document...”].) Further, defendant made this request in the reply, not his moving papers. (See *Jay v. Mahaffey* (2013) 218 Cal.App.4th 1522, 1537 [“The general rule of motion practice...is that new evidence is not permitted with reply papers”].)

The Court proposes to take judicial notice of the following records in its own file:

1. The Court’s January 25, 2023, minute order;
2. The Court’s May 8, 2025, minute order;
3. The Court’s August 14, 2025, minute order; and
4. Plaintiff Xinyao Zhou’s complaint, filed November 10, 2022.

(Evid. Code, §§ 452, subd. (d), 455, subd. (a).) The Court shall afford each party reasonable opportunity before the cause is submitted for decision by the Court to present to the Court information relevant to: (1) the propriety of taking judicial notice of the matter; and (2) the tenor of the matter to be noticed. (Evid. Code, § 455, subd. (a).)

Defendant’s motion to strike plaintiff’s third amended complaint is **GRANTED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., §§ 435, 436, subd. (b).) “It is the rule that when a trial court sustains a demurrer with leave to amend, the scope of the grant of leave is ordinarily a limited one. It gives the pleader an opportunity to cure the defects in the particular causes of action to which the demurrer was sustained, but that is all.” (*Community Water Coalition v. Santa Cruz County Local Agency Formation Com.* (2011) 200 Cal.App.4th 1317, 1329.) On January 25, 2023, the Court granted plaintiff leave to amend as to defendant Michael Steven Olivas and the following causes of action: breach of contract (second); false promise (seventh); concealment (eighth); conspiracy (ninth); and intentional misrepresentation (eleventh).

However, plaintiff’s third amended complaint (“TAC”) asserts existing causes of actions against defendants not previously named as to those causes of action and adds allegations as to causes of action which the Court did not permit leave to amend. (See, e.g., Complaint, pp. 16, 18-21, 24, & 26; TAC, pp. 11-13, 16-23, 34-36, & 39-41; *Community Water Coalition, supra*, 200 Cal.App.4th at p. 1329; see also *Gross v. Dep’t of Transp.* (1986) 180 Cal.App.3d 1102, 1106 [a plaintiff may not amend a complaint to add a new party without leave of court after the sustaining of a demurrer].) Plaintiff did not obtain leave of court to amend her complaint outside of the Court’s January 25, 2023, May 8, 2025, and August 14, 2025, orders. (See Code Civ. Proc., § 473, subd. (a)(1).)

As plaintiff improperly amended her complaint, plaintiff's TAC, filed on September 8, 2025, is **STRICKEN**, in its entirety. (Code Civ. Proc., § 436.) The Court does not grant plaintiff leave to amend. (*Heritage Pacific Financial, LLC v. Monroy* (2013) 215 Cal.App.4th 972, 994.) This Court struck plaintiff's previous two amended complaints, based on plaintiff's failure to comply with the January 25, 2023, order, and each time permitted plaintiff to amend her complaint. (*Ibid.*) Despite these opportunities, plaintiff continues to not comply with this Court's order. (See *Angie M. v. Superior Court* (1995) 37 Cal.App.4th 1217, 1227 ["Liberality in permitting amendment is the rule, if a fair opportunity to correct any defect has not been given"]; see also Code Civ. Proc., § 436, subd. (b).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Defendant Michael Steven Olivas' demurrer, defendant David Fischbach's demurrer, and defendant Ashok Patel's demurrer and motion to strike:

Defendant Michael Steven Olivas' demurrer to third amended complaint, defendant David Fischbach's demurrer to third amended complaint, and defendant Ashok Patel's demurrer to plaintiff's third amended complaint and motion to strike portions of plaintiff's third amended complaint are **DROPPED FROM CALENDAR AS MOOT** because the Court is striking the pleading to which these motions are directed. (*Wilson v. L. A. County Civil Service Com.* (1952) 112 Cal.App.2d 450, 452-453.)

Plaintiff's motion to vacate:

Plaintiff Xinyao Zhou's request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, 453.)

The Court proposes to take judicial notice of the following records in its own file:

1. Plaintiff's motion to vacate attorney's fee orders, filed May 20, 2025; and
2. The Court's July 28, 2025, order after hearing (motion to vacate attorney's fees orders).

(Evid. Code, §§ 452, subd. (d), 455, subd. (a).) The Court shall afford each party reasonable opportunity before the cause is submitted for decision by the Court to present to the Court information relevant to: (1) the propriety of taking judicial notice of the matter; and (2) the tenor of the matter to be noticed. (Evid. Code, § 455, subd. (a).)

Plaintiff's motion to vacate attorney fee award and charging order based on extrinsic fraud is **DENIED**. (Code Civ. Proc., § 473, subd. (d).) Plaintiff filed a previous motion to vacate attorney fee award, pursuant to Code of Civil Procedure section 473(d). On July 28, 2025, the Court denied plaintiff's previous motion to vacate. Therefore, this Court construes plaintiff's motion as a renewed motion to vacate. (*Sole Energy Co. v. Petrominerals Corp.* (2005) 128 Cal.App.4th 187, 193; see also *Deauville Restaurant, Inc. v. Superior Court* (2001) 90 Cal.App.4th 843, 848-849; Code Civ. Proc., § 1008, subd. (b).) With her motion, plaintiff did not submit a declaration stating to what judge the previous application was made. (Code Civ. Proc., § 1008, subd. (b); see Zhou decl.) Further, even plaintiff's declaration contained the required information, plaintiff has not shown that her former attorney's actions created a

fraudulent order such that it should be set aside under section 473(d). (*Falahati v. Kondo* (2005) 127 Cal.App.4th 823, 833; see also *Hood v. Gonzales* (2019) 43 Cal.App.5th 57, 73-74.)

The notice of motion provides notice of this Court's tentative ruling system. However, the notice does not contain the required language pursuant to Local Rule 11.2(b) (as amended, eff. Jan. 1, 2023). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Hotel Winters' motion to foreclose charging order:

Defendant and judgment creditor Hotel Winters, LLC's ("Hotel Winters") objections to plaintiff Xinyao Zhou's supplemental opposition and second supplemental opposition are **SUSTAINED**. The Court does not consider plaintiff's supplemental opposition, filed on February 4, 2026, and second supplemental opposition, filed on February 24, 2025. (See Code Civ. Proc., § 1005, subd. (b).)

Plaintiff Xinyao Zhou's request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, 453.)

Hotel Winters' motion to foreclose charging order is **GRANTED**. (Corp. Code, § 17705.03; Code Civ. Proc., §§ 708.310, 708.320.) Hotel Winters has shown that distributions under its charging order will not pay the judgment debt within a reasonable time. (Corp. Code, § 17705.03, subd. (b)(3); Mehta decl., ¶¶ 5-9; Exhibits A & B; Barmaper decl., ¶¶ 1-8; see also Zhou decl., ¶ 48, Exhibit A, p. 5.)

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.2(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Zhou v. Hotel Winters, LLC**
Case No. CV2023-0312
Hearing Date: **March 13, 2026** **Department Eight** **9:00 a.m.**

Plaintiff Xinyao Zhou’s motion for relief from order denying motion to compel and imposing sanction is **DENIED**. (Code Civ. Proc., § 473, subd. (b).) First, as to plaintiff’s request for relief under section 473(b), plaintiff has failed to establish that this Court may relieve her of its January 20, 2026, order based on her misunderstanding of the law as a self-represented litigant. (*Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543 [“Pro. per. litigants are held to the same standards as attorneys”]; see also *McClain v. Kissler* (2019) 39 Cal.App.5th 399, 416; Zhou decl., ¶¶ 19-23 & 27, Exhibit B.) Second, as to plaintiff’s argument that the imposed sanction is disproportionate and unjust, plaintiff does not provide legal authority for the proposition that this Court has the power to vacate or reduce these sanctions. (See *Hood v. Gonzales* (2019) 43 Cal.App.5th 57, 73-74.) Finally, as to plaintiff’s request for relief under section 1008(a), plaintiff’s declaration does not contain the required information. (Code Civ. Proc., § 1008, subd. (a).) Specifically, plaintiff’s declaration does not state: (1) to what judge the previous application was made; and (2) what new or different facts, circumstances, or law are claimed to be shown. (*Ibid.*; see generally Zhou decl.)

The notice of motion does not provide notice of this Court’s tentative ruling system as required by Local Rule 11.2(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.