

**Judge Benson – Law & Motion – Wednesday October 9, 2024, @ 9:00 AM  
TENTATIVE RULINGS**

**\*\*\*If you are requesting oral argument, please call 530-532-7125\*\*\***

**1. 23CV03472 UBEO West, LLC v. Astra Space Operations, Inc.**

*EVENT: Application for Writ of Possession*

Petition for Approval of Minor's Compromise is GRANTED. The Court will sign the proposed order.

**2. 22CV01269 Andreozzi, Jason v. Eastwood Court LP et al.**

*EVENT: Petition for Approval of Minor's Compromise*

Petition for Approval of Minor's Compromise is GRANTED. The Court will sign the proposed order.

**3. 24CV00757 Modern-Sundt, a Joint Venture v. Oroville Hospital**

*EVENT: Modern-Sundt's Motion For an Order Temporarily Staying Enforcement of the Order After Hearing on Oroville Hospital's Motion to Remove Mechanic's Lien*

Modern-Sundt's Motion For an Order Temporarily Staying Enforcement of the Order After Hearing on Oroville Hospital's Motion to Remove Mechanic's Lien is GRANTED. Regarding Oroville Hospital's contention that CCP § 921 requires an undertaking, the Court disagrees. The Court finds a mechanic's lien is not an "attachment" for purposes of CCP § 921. Further, the Court agrees with Modern-Sundt that *Bulmash v. Davis* (1979) 24 Cal.3d 691 is dictum to the extent it addresses CCP § 921 and does not consider the specific issue presented here. Civil Code § 8468 makes clear the Legislature considers mechanic's liens and attachments completely separate and distinct remedies.

Because no undertaking is required, the 10-day rule articulated in CCP § 918(b) is inapplicable.

Modern-Sundt shall prepare and submit a form of order consistent with this ruling within 2 weeks.

**4. 23CV02789 Newport Federal et al v. Vina Groundwater Sustainability Agency**

*EVENT: Defendant Vina Groundwater Sustainability Agency's Ex Parte Application for Dismissal as to Newport Federal; M.C. Horning Jr.; Ronald R. Titus, Trustee of the 2005 Titus Trust; Vicki M. Garner, Trustee of the Garner Revocable Trust; Barbara G. Alden, Trustee of the Barbara Garner Alden Living Trust; and Roney Land and Cattle Company*

Defendant Vina Groundwater Sustainability Agency's Ex Parte Application for Dismissal as to Newport Federal; M.C. Horning Jr.; Ronald R. Titus, Trustee of the 2005 Titus Trust; Vicki M. Garner, Trustee of the Garner Revocable Trust; Barbara G. Alden, Trustee of the Barbara Garner Alden Living Trust; and Roney Land and Cattle Company is GRANTED in PART and DENIED in PART. The Court is in receipt of the substitutions of attorney filed. Two of the substitutions concerned interested parties, and one substitution pertained to Plaintiff Ronald R. Titus, Trustee of the 2005 Titus Trust. Defendant's motion is denied as to Plaintiff Ronald R. Titus, Trustee of the 2005 Titus Trust. The motion is granted as to all other Plaintiffs identified in the motion.

An amended pleading adding Plaintiff Ronald R. Titus, Trustee of the 2005 Titus Trust shall be filed within 20 days of notice of this order.

The proposed order seeks an award of "costs and fees." The Court agrees Defendant is entitled to costs. However, it is unclear what "fees" means. To the extent fees means something other than costs, Defendant will need to file a noticed motion in support of the request.

Defendant shall prepare and submit a form of order consistent with this ruling within 2 weeks.

**5. 23CV01381 Kravica, James v. Novak, Larissa**

*EVENT: Defendant's Motion for Order to Expunge Notice of Pendency of Action, To Confirm Abandonment of Personal Property, and For Attorney Fees and Costs in the Amount of \$12,516.82*

*(Continued from 9/25/24)*

The Court is in receipt of counsel's notice of unavailability. The motion is continued to October 30, 2024 at 9:00am.

6. **24CV02290 In re: Ion, Anna P Maria**

*EVENT: Petition for Change of name (Adult) (Continued from 9/25/24)*

There is no proof of publication on file. If there is no proof of publication on file at the time of the hearing and there are no appearances, the petition will be dismissed without prejudice.

7. **24CV02513 In re: Josephson, Kristoffer Allen**

*EVENT: Change of name (adult) (Continued from 9/25/24)*

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

8. **24CV03042 Baugher Ranch Organics, Inc. v. Arjun Farms, Inc. et al.**

*EVENT: OSC re: Preliminary Injunction*

The Court is in receipt of Defendant Arjun Farm's Notice of Bankruptcy. As a result, the OSC re: preliminary injunction is vacated.