

**Judge Mosbarger – Law & Motion – Wednesday, January 22, 2025 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV01169 RODRIGUEZ, EFRAIN V. HOISINGTON, TERILYN S. ET AL

EVENT: Order to Show Cause (Efrain Rodriguez)

Unless there is an appearance by the deceased Plaintiff, Efrain Rodriguez’s successor-in-interest, personal representative, or other individual acting on his behalf, the Court is inclined to dismiss this action under its inherent authority in *Code of Civil Procedure* §583.410 *et seq.* See, *Massey v Bank of America* (1976) 56 Cal.App.3d 29. The dismissal will be without prejudice.

2. 24CV00332 TACALO, ALEXANDRA V. LARA, ANTHONY ET AL

EVENT: Defendant City of Gridley’s Demurrer to Plaintiff Alexandra Tacalo’s First Amended Complaint

Plaintiff has again failed to sufficiently allege ratification, alleging only conclusory statements of the elements of the cause of action without sufficient allegation of underlying facts. *Segura v. City of La Mesa* (S.D. Cal. 2022) 647 F.Supp.3d 926, 939. The Demurrer to the Second Cause of Action – Ratification Causing Constitutional Violations – *Monell* is sustained with leave to amend. Likewise, Plaintiff has again failed to plead the elements with the required specificity, to sustain a cause of action for municipal liability for failure to train. *Merritt v. Cnty. of Los Angeles* (9th Cir. 1989) 875 F.2d 765, 770. There are no facts regarding the City’s alleged defective training nor any facts that give rise to a causal link between the alleged inadequacy of the training and Plaintiff’s excessive force or failure to render medical aid claim. The Demurrer to the Third Cause of Action for Municipality Liability for Failure to Train is sustained with leave to amend. Any further amended Complaint shall be filed within 20 days’ notice of this ruling. Defendant shall submit a form of order consistent with this ruling within two weeks.

3. 24CV00795 STIEFVATER, RYAN J ET AL V. STIEFVATER, GARY G ET AL

EVENT: Motion to Deem Facts Admitted, or, in the Alternative, to Compel Further Responses

Plaintiff’s Motion is seeking two alternative forms of relief: (1) deeming the matters admitted (because timely responses were not provided); and (2) compelling further responses (should the Court consider the untimely responses). Ultimately, this portion of the Motion has been rendered moot due the Court’s recent Ruling on Motion for Relief from Waiver of Objections due to Service Ninety-Seven Minutes Late, filed on January 8, 2025. The Court ruled therein that:

“Defendant is entitled to a hearing on the instant Motion and has considered the Motion on its merits. The Court finds that a party may be granted relief from their waiver of objections if that party can demonstrate that both of the following conditions are satisfied:

(1) the party has subsequently served a response that is in substantial compliance with the Code of Civil Procedure, and (2) the party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect. See, Code of Civil Procedure §2030.290, 2031.300, 2033.280. Here, Defendant has met both of these prerequisites, and the Motion is granted.”

Thus, the Court has already ruled on this issue and the Motion is denied in this regard.

Turning then to the alternate request that the Court compel Defendants to provide further responses, as an initial matter the Court recognizes that Plaintiff has failed to include a Separate Statement in compliance with California Rules of Court Rule 3.1345(a); however, in its discretion, the Court has considered the merits of the Plaintiff’s argument, even in light of such deficiency.

As to Request Nos. 1-16, 20, 21, 28-31, 33-34, Defendants object to each of the Requests “on the grounds that the request for admission is compound, conjunctive, and disjunctive” because one or more party definitions included that party in all of their capacities and all agents acting on their behalf. The Court finds that this response is in violation of CCP §§2033.220(a), (b) and orders Defendants to provide further code-compliant and verified responses without objection.

As to Request No. 32, the Court overrules Defendants’ objection and finds that the Request is relevant and reasonably calculated to lead to the discovery of admissible evidence. Defendants shall provide a further code-compliant and verified response without objection.

Further responses are to be provided within 15 days’ notice of this order.

The Court awards sanctions in the amount of \$3,500 to Plaintiff Ryan J. Stiefvater against Defendants Gary G. Stiefvater and Debby J. Stiefvater, and their counsel of record Raymond Sandelman, which are to be paid within 30 days’ notice of this order. Defendants’ request for sanctions is denied. Counsel for the Plaintiff shall submit a revised form of order within two weeks.

4. 24CV01006 PARRIS, LORI V. ISAKSON, BENJAMIN, MD ET AL

EVENT: Defendant, Grzegorz Cieslewicz, M.D.’s Demurrer to Plaintiff’s First Amended Complaint

The Court finds that the First Amended Complaint is not so incomprehensible that Defendant cannot reasonably respond. See, *Lickiss v Financial Indus. Regulatory Auth.* (2012) 208 Cal.App.4th 1125, 1135. Plaintiff has sufficiently plead a cause of action for medical negligence [First Amended Complaint at ¶¶1, 5-10], and the Demurrer is overruled. Defendant Grzegorz Cieslewicz, M.D. shall file his Answer within 10 days. Counsel for the Plaintiff shall submit a form of order consistent with this ruling within two weeks.