

**Judge Mosbarger – Law & Motion – Wednesday, February 26, 2025 @ 9:00 AM
TENTATIVE RULINGS**

1. 24CV00441 MADEWELL, JASEN ALLEN CODY V. L&R DISTRIBUTION, INC ET AL

EVENT: Defendant FedEx’s Application to Appear Pro Hac Vice

The application to be admitted pro hac vice is granted. John C. Snyder is permitted to appear as counsel pro hac vice on behalf of Defendant Federal Express Corporation in this matter. The Court will sign the form of order submitted by counsel.

2. 24CV00795 STIEFVATER, RYAN J ET AL V. STIEFVATER, GARY G ET AL

EVENT: Plaintiff’s Motion to Compel Further Deposition Testimony of Trent Stiefvater and Request for Sanctions

Defendants’ Request for Judicial Notice is granted. The Court grants the Motion to the extent that Trent Stiefvater is ordered to return for the resumption of his deposition within 30 days of this Order. The remainder of the Motion is denied, and counsel is directed to refer to Trent Stiefvater as “Mr. Trent Stiefvater” or “Trent Stiefvater” for the duration of the deposition. The parties’ respective requests for sanctions are denied.

3. 24CV02514 JANE CDE DOE ET AL V. CHICO UNIFIED SCHOOL DISTRICT ET AL

EVENT: Defendant Felix DeLuna’s Motion for Summary Judgment/Adjudication

The Court overrules Plaintiffs’ Jane CDE Doe, by and through her Guardian ad litem, John CDM Doe and Jane CLM Doe, by and through her Guardian ad litem, John CLM Doe (collectively “Plaintiffs” herein) Objections to Evidence. In regard to Defendant Felix De Luna’s (“Defendant” herein) Objections to Evidence, the Court sustain No. 11 (lacks foundation) and No. 19 (lacks foundation) and overrules the remainder.

The Court will address each issue raised in the Summary Adjudication Motion as presented by the Defendant.

First Issue – Defendant De Luna had no hiring, supervision or retention obligations regarding Grant Oliver in the 2022/2023 school year and is entitled to Summary Judgment on the First, Second, Third and Fifth Causes of Action.

The Motion is granted in part and denied in part as to this issue. The Motion is granted as to the Second Cause of Action – Negligent Supervision and Third Cause of Action – Negligent Retention, the Court finding that there is no triable issue of material fact as to whether Defendant De Luna had any role in hiring, supervising, or retaining any teacher during the 2022/2023 school year [See Defendant’s UMF Nos. 1.4, 1.5, 1.8; and Plaintiffs’ Additional UMF Nos. 1.18, 1.19, 1.20 ,1.21, 1.22, 1.24, 1.25]. The Motion for Summary Adjudication is denied as to the First Cause of Action – Negligence and Fifth Cause of Action – Intentional Infliction of Emotional Distress, the Court finding that a triable issue of material fact exists as it relates to both of these Causes of Action [Plaintiffs’ Additional UMF Nos. 1.31, 1.32, 1.33, 1.41, 1.42, 1.43].

Second Issue – Defendant De Luna had no supervisory obligations to Plaintiffs during their social studies class when they claimed they were harassed by Grant Oliver and he is entitled to summary judgment on the First, Second and Fifth Causes of Action.

The Motion is granted in part and denied in part as to this issue. The Motion is granted as to the Second Cause of Action – Negligent Supervision, the Court finding that there is no triable issue of material fact as to whether Defendant De Luna had any supervisory obligations to Plaintiffs during their social studies class when they claimed they were harassed by Grant Oliver [See Defendant’s UMF Nos. 2.4, 2.6, 2.9; and Plaintiffs’ Additional UMF Nos. 2.18, 2.19, 2.20, 2.21, 2.22, 2.24, 2.25]. The Motion is denied as to the First Cause of Action – Negligence and Fifth Cause of Action – Intentional Infliction of Emotional Distress, the Court finding that there a triable issue of material fact exists as it relates to both of these causes of action [Plaintiffs’ Additional UMF Nos. 2.31, 2.32, 2.33, 2.41, 2.42, 2.43].

Third Issue – Defendant De Luna did not have curriculum or policy making duties on sexual abuse/harassment education, training or warning signs in the 2022/2023 school year and is entitled to summary judgment on the Fourth Cause of Action.

The Motion is granted as to this issue. The Motion is granted as to the Fourth Cause of Action – Negligent Failure to Warn Train or Educate, the Court finding that there is no triable issue of material fact as to whether Defendant De Luna had curriculum or policy making duties on sexual abuse/harassment education, training or warning signs in the 2022/2023 school year [See Defendant’s UMF Nos. 3.6, 3.7].

Fourth Issue – Defendant De Luna is not liable to Plaintiffs for allegedly failing to make a mandated report and he is entitled to summary judgment as to the First and Fifth Causes of Action.

The Motion is denied as to this issue. The Motion is denied as to the First Cause of Action – Negligence and Fifth Cause of Action – Intentional Infliction of Emotional Distress, the Court finding that there a triable issue of material fact exists as it relates to both of these causes of action [See Defendant’s UMF Nos. 4.1, 4.2, 4.3]; Plaintiffs’ Additional UMF Nos. 4.8, 4.22, 4.23, 4.24, 4.26, 4.27, 4.28, 4.31, 4.32, 4.41, 4.42, 4.43].

Fifth Issue – Defendant De Luna did not engage in any conduct causing injury to Plaintiffs and is, therefore, not liable for either the Fifth Cause of Action or Prayer Item 7 – Punitive Damages.

The Motion is denied as to this issue. The Motion is denied as to the Fifth Cause of Action – Intentional Infliction of Emotional Distress and the Prayer for Punitive Damages, the Court finding a triable issue of material facts exists as to the IIED Cause of Action and the recoverability of punitive damages in this action. [See Defendant’s UMF Nos. 4.1, 4.2, 4.3]; Plaintiffs’ Additional UMF Nos. [Plaintiffs’ Additional UMF Nos. 1.31, 1.32, 1.33, 1.41, 1.42, 1.43, 2.31, 2.32, 2.33, 2.41, 2.42, 2.43, 4.8, 4.22, 4.23, 4.24, 4.26, 4.27, 4.28, 4.31, 4.32, 4.41, 4.42, 4.43].

In summary, the Motion for Summary Adjudication is granted as to the Second Cause of Action – Negligent Supervision, Third Cause of Action – Negligent Retention, and Fourth

Cause of Action – Negligent Failure to Warn, and denied as to the First Cause of Action – Negligence, Fifth Cause of Action – Intentional Infliction of Emotional Distress, and Prayer for Punitive Damages. Counsel for the Defendant shall submit a revised form of order consistent with this ruling within two weeks.