

**Judge Mosbarger – Law & Motion – Wednesday, March 12, 2025 @ 9:00 AM
TENTATIVE RULINGS**

1-2. 23CV01130 NEHER, WYATT J V. ALAWAYS, GREG D ET AL

EVENTS: (1) Motion Compelling Discovery Responses (erroneously titled as a Motion for Judgment on the Pleadings)

*(2) Case Management Conference *Special Set*

The Motion is unopposed and is granted. Cross-Defendant shall provide responses to Form Interrogatories Set One, Requests for Admissions Set One, and Requests for Inspection of Documents Set One, within 20 days' notice of this Order. Sanctions are awarded in the amount of \$772.15. The Court will sign the form of order submitted by counsel. The Court will conduct a Case Management Conference, and the parties are to appear. However, this is not an invitation to present oral argument in regard to the discovery motion. If the parties wish to argue the tentative ruling, they must comply with Butte County Local Rule 2.9 and California Rules of Court Rule 3.1308(a)(1). In regard to the Case Management Conference, the Court will hear from parties as to whether they are ready to set the matter for a Court Trial, or if they wish to set the matter out for a further Case Management Conference. The Court notes that it has not received a Case Management Conference Statement from Cross-Defendant Wyatt Neher.

3-4. 23CV01517 ESTRADA, SUNNI V. RENEWABLE ENERGY LIVING, LLC ET AL

EVENTS: (1) Plaintiff's Motion to Reopen Case

(2) Plaintiff's Motion to Request Extension

There is no proof of service in the Court's file therefore the Court cannot confirm whether notice complies with *Code of Civil Procedure* §1005. The Motion is continued to April 16, 2025 at 9:00 a.m. to allow sufficient time for notice and filing of a proof of service.

5. 24CV03596 R, T v. COUNTY OF BUTTE

EVENT: Defendant's Motion to Strike First Amended Complaint

Defendant's Request for Judicial Notice is granted.

Plaintiff does not address in Opposition the arguments relating to CDSS Regulation No. 31-401 and *Health and Safety Code* §1522. The Court deems this an implicit concession and strikes the references to CDSS Regulation No. 31-401 and *Health and Safety Code* §1522 in Plaintiff's First Amended Complaint at Paragraphs 21, 64, 75, 84, and 89.

The Court finds that CDSS Regulation No. 31-501 did not take effect until November 19, 2012 - three years after the events alleged in the First Amended Complaint [See RJN – Exhibit A; Plaintiff's First Amended Complaint at Paragraph 31]. Therefore, this regulation is irrelevant to Plaintiff's first cause of action and the Court strikes the references to CDSS Regulation No. 31-501 at Paragraphs 21, 64, 75, 84, and 89.

The remainder of the Motion is denied, the Court finding that the allegations are not irrelevant to Plaintiff's claims. Counsel for the Defendant shall submit a form of order consistent with this ruling within two weeks.

6-7. 25UD00078 GIBBS, CAMERON V. NEHER, TIMOTHY

EVENTS: (1) Demurrer to Complaint

(2) Motion to Continue Demurrer & to Compel Responses to Special Interrogatories

The Court has already ruled on the issues raised herein in relation to the Defendant's previously filed Motion to Quash [See Order Denying Defendant Timothy Neher's Motion to Quash Complaint filed February 28, 2025], and the Demurrer is overruled on the same basis as stated in the Court's prior Ruling. Specifically, the Court finds that the Complaint is sufficient, and factual disputes are to be decided by the trier of fact at the time of trial. The Demurrer is overruled in its entirety. Pursuant to *Code of Civil Procedure* §1167.3, Defendant Timothy Neher has five days to file an answer to the complaint. The Motion to Continue Demurrer & to Compel Responses to Special Interrogatories is denied for failure to provide proper notice.