

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

1-2. 19CV01362 BOWEN, AARON ET AL V. CITY OF CHICO ET AL

EVENTS: (1) Defendant and Respondent City of Chico's Motion to Dismiss Pursuant to Code of Civil Procedure Sections 583.310, Et Seq.

(2) Defendants Jack Danielson and Heidi Danielson's Motion to Dismiss for Plaintiffs' Failure to Bring Case to Trial Within Five (5) Years of Filing

On the Court's own motion, this matter is continued to April 2, 2025 at 9:00 a.m. No additional briefing or declarations will be considered.

3. 24CV02342 LOZADA, RACHEL ROMERO V. KEPLEY, DON ET AL

EVENT: Amended Motion Appealing Court Order

The proof of service shows that service of the Amended Motion Appealing Court Order having been served by U.S. Mail on March 4, 2025, which is only 16 Court days' notice. Pursuant to *Code of Civil Procedure* §1005, an additional 5 calendar days' notice is required. Notice is therefore insufficient. In addition, the motion is procedurally defective in that there is no notice of motion [Cal. Rules of Ct. Rule 3.1112(a)(1)], and no supporting declaration or other evidence. However, even if the Court were to consider the merits of the Motion, there has been no showing of new or different facts, circumstances, or law. CCP §1008(a), (b); *Rowan v. Kirkpatrick* (2020) 54 Cal.App.5th 289, 297; *Pazderka v. Caballeros Dimas Alang, Inc.* (1998) 62 Cal.App.4th 658, 670. Nor have Defendants presented a satisfactory explanation for failing to produce the evidence at an earlier time. *New York Times Co. v. Superior Court* (2005) 135 Cal.App.4th 206, 213. As such, the Motion is DENIED. Plaintiff's request for sanctions pursuant to *Code of Civil Procedure* §128.7 is denied because Plaintiff failed allow for the 21-day safe harbor provision as required under subsection (c)(1). Counsel for the Plaintiff shall prepare and submit a form of order consistent with this ruling within two weeks.

4. 25MH00002 BUTTE COUNTY SHERIFF'S OFFICE V. SEXTON, DAVID WAYNE

EVENT: Petition for Default and Order on Petition for Judicial Determination Re: Return of Firearms

The Petition for Order of Default for Judicial Determination Re: Return of Confiscated Firearms is granted. The Court will sign the form of order submitted by counsel and the Case Management Conference set for May 7, 2025 is vacated.