

**Superior Court of the State of California  
County of Orange**

**DEPT C16 TENTATIVE RULINGS**

**The Honorable Nico A. Dourbetas**

**Civil Court Reporters:** The Court does not provide court reporters for law and motion hearings. Please see the Court's website for rules and procedures for court reporters obtained by the Parties.

**Tentative Rulings:** The Court will endeavor to post tentative rulings on the Court's website by 4 p.m. on the day before the motion is set to be heard. Do NOT call the Department for a tentative ruling if none is posted. **The Court will NOT entertain a request for continuance or the filing of further documents once a tentative ruling has been posted.**

**Submitting on the Tentative Ruling:** If ALL counsel intend to submit on the tentative ruling and do not wish oral argument, please advise the Court's clerk or courtroom attendant by calling (657) 622-5216. If all sides submit on the tentative ruling and so advise the Court, the tentative ruling shall become the Court's final ruling and the prevailing party shall give Notice of Ruling and prepare an Order for the Court's signature if appropriate under CRC 3.1312. **Please do not call the Department unless ALL parties submit on the tentative ruling.**

**Non-Appearances:** If no one appears for the hearing and the Court has not been notified that all parties submit on the tentative ruling, the Court shall determine whether the matter is taken off calendar or whether the tentative ruling shall become the final ruling.

**Appearances:** Counsel may appear by video on Zoom.

1. Visit <https://www.occourts.org/media-relations/aci.html>

**Date:** June 26, 2025

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| <b>1</b> | <b>Ragland vs. Wells<br/>Fargo, N.A.</b><br><br>2020-01137118 | <b>Motion for Summary Judgment and/or<br/>Adjudication</b><br><br>***Continued to August 8, 2025 at 9:30 AM by minute<br>order dated 06/20/2025 (ROA 1965)*** |

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| <b>2</b> | <b>Bakhshaei vs. Perez</b><br><br>2023-01353623                   | <b>Motion to Compel Deposition (Oral or Written)</b><br><br>Plaintiffs Malakeh Bakhshaei, Fred Bakhshaei and Rafat Bakhshaei's motion to compel Defendant Celso Rodriguez Perez to appear for deposition is GRANTED.<br><br>Defendant Perez shall appear for deposition on July 28, 2025 at 2:00 p.m. Said deposition will be taken via ZOOM before a notary public authorized to administer oaths in the State of California who will be present at the specified date and time. The information regarding ZOOM will be provided by plaintiff prior to the deposition. The date, time and/or manner of deposition may be changed only upon written stipulation of all parties.<br><br>Plaintiffs are awarded sanctions against defendant in the amount of \$1,350.00.<br><br>Plaintiffs shall give notice. |
| <b>3</b> | <b>Anais Enterprises, Inc. vs. Tiritilli</b><br><br>2024-01400496 | <b>Motion to Strike – Anti SLAPP</b><br><br>***Continued to August 15, 2025 at 9:30 AM by Stipulation and Order (ROA 62)***   |
| <b>4</b> | <b>King vs. Alt Financial Network Inc.</b><br><br>2024-01397085   | <b>Motion to Set Aside/Vacate Judgment</b><br><br>***Continued to November 14, 2025 at 9:30 AM by minute order (ROA 221)***   |
| <b>5</b> | <b>Kinney vs. CVS Pharmacy, Inc.</b><br><br>2024-01431390         | <b>Motion to Strike Portions of Complaint</b><br><br>***Off calendar as moot. Refer to minute order dated June 20, 2025 (ROA 59)***   |

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| 6 | <p><b>Egan vs. B.C. Doering Company</b></p> <p>2024-01400799</p> | <p><b>1. Demurrer to Cross-Complaint</b><br/> <b>2. Case Management Conference</b></p> <p>Cross-defendants Matthew Egan and Tobias Wolfe's demurrer to the 1st through 7th causes of action in the cross-complaint of James Doering, an individual and as Trustee of the Beauford Doering Trust; Denise Doering is SUSTAINED in part and OVERRULED in part as follows:</p> <p>First cause of action for violation of Welfare and Institutions Code section 15610.57</p> <p>The demurrer to this cause of action is overruled. Responding Parties have stated all the necessary facts to state the claim. See paragraphs 167 to 177; Carter v. Prime Healthcare Paradise Valley LLC (2011) 198 Cal.App.4th 396.</p> <p>2nd and 4th causes of action for intentional and negligent misrepresentation</p> <p>The demurrer to these causes of action are sustained with leave to amend. Responding Parties have not alleged the fraud with the required specificity. A claim for both negligent and intentional misrepresentation must be alleged with specificity. Each element of the claim must be pleaded with particularity to apprise the defendant of the specific grounds for the charge and enable the court to determine whether there is any basis for the cause of action. Daniels v. Select Portfolio Servicing, Inc. (2016) 246 Cal.App.4th 1150; Chapman v. Skype Inc. (2013) 220 Cal.App.4th 217.</p> <p>3rd cause of action for Negligence</p> <p>The demurrer to this cause of action is overruled. The claim has properly been stated. See paragraphs 204 to 218; Century Surety Co. v. Crosby Insurance, Inc. (2004) 124 Cal.App.4th 116; Coleman v. Medtronic, Inc. (2014) 223 Cal.App.4th 413;</p> <p>5th cause of action for breach of contract</p> <p>The demurrer to this cause of action is overruled. The claim has properly been stated. See paragraphs 240-254.</p> |
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|  |  | <p>6th causes of action for breach of the covenant of good faith and fair dealing</p> <p>The demurrer to this cause of action is sustained. A claim for breach of the implied covenant of good faith and fair dealing must go beyond the mere statement of a contract breach. If the allegations rely on the same acts and seek the same damages or relief as a breach of contract claim, they may be disregarded as superfluous. <i>Careau &amp; Co v. Security Pacific Business Credit, Inc.</i> (1990) 222 Cal.App.3d 1371. Therefore, the plaintiff must demonstrate conduct that unfairly frustrates the agreed common purposes and disappoints the reasonable expectations of the other party, thereby depriving that party of the benefits of the agreement. <i>Careau, id.</i> However, Responding Parties have not alleged any action on the part of MPs that go beyond the mere statement of the breaches of the alleged contract. The allegations of the 6th cause of action simply mirror those of the 5th cause of action.</p> <p>7th cause of action for intrusion into private affairs</p> <p>The demurrer to this cause of action is overruled. The claim has properly been stated. See paragraphs 279-282; <i>Nelson v. Tucker Ellis, LLP</i> (2020) 48 Cal.App.5th 827. Cross-defendants' argument that Responding Parties knew about the recording devices goes to whether or not Responding Parties can prevail at trial on the matter, not whether the claim is properly stated.</p> <p>Leave to amend</p> <p>Responding Parties are granted 30 days leave to amend.</p> <p>***Case Management Conference is continued to April 20, 2026 at 9 AM.</p> <p>Cross-defendants shall give notice of all the above.</p> |
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| 7 | <p><b>Femtometrix, Inc vs. Sheikh</b></p> <p>2024-01377022</p> | <p><b>1. Motion to Compel Deposition (Oral or Written)</b><br/> <b>2. Motion to Compel Further Responses to Special Interrogatories</b><br/> <b>3. Motion to Compel Production</b><br/> <b>4. Case Management Conference</b></p> <p>Motion No. 1</p> <p>Plaintiff Femtometrix, Inc.'s motion to compel the deposition of Defendant Scott A. Sheikh is GRANTED in part. (Code Civ. Proc. [CCP], § 2025.450.)</p> <p>As an initial matter, the Court notes that the opposition was filed two court days too late under CCP section 1005(c). The court, in its discretion, may refuse to consider a late-filed brief in ruling on the motion. (See Cal. Rules of Court, rule 3.1300(d) [also requiring the minute order to so indicate].) However, in support of "the strong policy of the law favoring disposition of cases on the merits," the Court exercises its discretion to consider the late-filed brief given that it was only two court days late. (See <i>Juarez v. Wash Depot Holdings, Inc.</i> (2018) 24 Cal.App.5th 1197, 1202 [no abuse of discretion to consider filing that was "a mere two days late and the hearing occurred 10 days later"].)</p> <p>Defendant Sheikh is ORDERED to appear for deposition at a mutually convenient date and time by no later than July 25, 2025.</p> <p>Sanctions in the amount of \$1,305 are GRANTED in favor of Plaintiff and against Defendant Sheikh, payable to Plaintiff's counsel within 30 days of notice.</p> <p>Motion No. 2</p> <p>Plaintiff Femtometrix, Inc.'s motion to compel further responses to its 2nd set of special interrogatories from Defendants Scott A. Sheikh and The Sheikh Law Firm APC is GRANTED. (Code Civ. Proc. [CCP], § 2030.300; <i>Coy v. Super. Ct.</i> (1962) 58 Cal.2d 210, 220-221 [responding party bears burden of justifying objections and failure to answer]; see also CCP §§ 2017.010 [permissible scope of discovery], 2030.220 [standard for interrogatory responses], 2030.010, subd. (b) [expressly permitting contention interrogatories];</p> |
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|  |  | <p>Burke v. Super. Ct. (1961) 71 Cal.2d 276, 281 [same]; Deyo v. Kilbourne (1978) 84 Cal.App.3d 771, 783 [appropriate responses required even if question is somewhat ambiguous so long as nature of information sought is apparent]; Hernandez v. Super. Ct. (2003) 112 Cal.App.4th 285, 293 [privilege assertion in appropriate to interrogatory seeking identification of documents as existence of privileged document is not privileged]; Bunnell v. Super. Ct. (1967) 254 Cal.App.2d 720, 723-724 ["equally available" in context of CCP § 2030.220 refers to amount of research or labor, and responding party may exercise option under CCP section 2030.230 to make relevant records available to propounding party to do the research].)</p> <p>As an initial matter, the Court notes that the opposition was filed two court days too late under CCP section 1005(c). The Court, in its discretion, may refuse to consider a late-filed brief in ruling on the motion. (See Cal. Rules of Court, rule 3.1300(d) [also requiring the minute order to so indicate].) However, in support of "the strong policy of the law favoring disposition of cases on the merits," the Court exercises its discretion to consider the late-filed brief given that it was only two court days late. (See Juarez v. Wash Depot Holdings, Inc. (2018) 24 Cal.App.5th 1197, 1202 [no abuse of discretion to consider filing that was "a mere two days late and the hearing occurred 10 days later"].)</p> <p>Defendants have not satisfied their burden of justifying their objections to or failure fully to answer the interrogatories. In fact, Defendants' opposition (1) only attempted to specifically address 10 interrogatories in their opposition (allegedly nos. 27-36) but did not address the remaining interrogatories nos. 37-74, and (2) for interrogatories nos. 27-36, Defendant did not even address the correct interrogatories given the variance in text between what Defendants included in its opposition and what was included in Plaintiff's separate statement and in the actually served interrogatories. (Compare Opp at pp. 4-6 with Sep. St. at pp. 2-14 and with Freedman Decl. Exh. 2.)</p> <p>Defendants' opposition also cites no legal authorities except for "Tire Recapping Co. v. Superior Court (1974) 39 Cal.App.3d 881," which Defendants claim stands for the proposition that contention interrogatories are disfavored before the close of discovery. (Opp. at p. 5.) However, 39 Cal.App.3d at</p> |
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|  | <p>p. 881 is a page that appears the middle of an opinion titled People v. Dean and does not stand for the proposition that Defendants claim. (Badie v. Bank of America (1998) 67 Cal.App.4th 779, 784-785 [when a party “fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority,” the point is forfeited]; see also Cal. Rules of Court, rule 3.1113(b) [a memorandum of points and authorities “must contain . . . a concise statement of the law . . . and a discussion of the statutes, cases and textbooks cited in support of the position advanced”]; Craddock v. Kmart Corp. (2001) 89 Cal.App.4th 1300, 1307 [court need not consider poorly articulated argument without citation to relevant authority]; Niko v. Foreman (2006) 144 Cal.App.4th 344, 368 [court is not required to furnish argument for a party].) Accordingly, Defendants are ORDERED to serve verified, non-evasive, and complete responses to all the interrogatories in Plaintiff’s 2nd set of special interrogatories within 21 days of notice.</p> <p>Sanctions in the amount of \$1,110.00 are GRANTED in favor of Plaintiff and against Defendants Scott A. Sheikh and The Sheikh Law Firm APC, jointly and severally, payable to Plaintiff’s counsel within 30 days of notice.</p> <p>Motion No. 3</p> <p>Plaintiff Femtometrix, Inc.’s motion to compel relating to its 2nd set of requests for production of documents served on Defendants Scott A. Sheikh and The Sheikh Law Firm APC is GRANTED.</p> <p>As an initial matter, the Court notes that the opposition was filed two court days too late under CCP section 1005(c). The court, in its discretion, may refuse to consider a late-filed brief in ruling on the motion. (See Cal. Rules of Court, rule 3.1300(d) [also requiring the minute order to so indicate].) However, in support of “the strong policy of the law favoring disposition of cases on the merits,” the Court exercises its discretion to consider the late-filed brief given that it was only two court days late. (See Juarez v. Wash Depot Holdings, Inc. (2018) 24 Cal.App.5th 1197, 1202 [no abuse of discretion to consider filing that was</p> |
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|  |  | <p>"a mere two days late and the hearing occurred 10 days later"[.])</p> <p>The Court finds that Defendants have never responded to the requests numbered 36-52 on pp. 10-12 of the subject set of document requests. Therefore, the Court GRANTS Plaintiff's motion to compel responses to these requests under Code of Civil Procedure section 2031.300, subdivision (b).</p> <p>Defendants are ORDERED to serve verified, non-evasive responses without objection to requests numbered 36-52 on pp. 10-12 of the subject set of document requests within 30 days of notice of this ruling. To be clear, any response to the requests for production shall include the production of all responsive documents.</p> <p>The Court also GRANTS Plaintiff's motion to compel further responses to requests nos. 27-38, 40-43, 45-56, and 58-60, as well as request no. 44, all on pp. 6-10 of the subject set of document requests under Code of Civil Procedure section 2031.310, subdivision (a). The Court finds that Defendants' supplemental responses served on 11/19/2024 do not comply with CCP sections 2031.210, subdivision (a), 2031.220, 2031.230, 2031.240, or 2031.280, subdivision (a).</p> <p>Simply stating "Defendants will produce or has previously produced responsive, non-privileged documents in [their] possession, custody or control" is hopelessly confusing and not code-complaint. Although Defendants' opposition to the instant motion provide more specific information as to its position on each request, this information was not formally provided to Plaintiff in response to the subject set of discovery.</p> <p>Defendants' objections to request no. 44 are also all OVERRULED. (See, e.g., <i>Kirkland v. Super. Ct.</i> (2002) 95 Cal.App.4th 92, 98 [burden on responding party to justify objections]; CCP § 2017.010 [permissible scope of discovery]; <i>Deyo v. Kilbourne</i> (1978) 84 Cal.App.3d 771, 783 [appropriate responses required even if question is somewhat ambiguous so long as nature of information sought is apparent]; <i>Williams v. Super. Ct.</i> (2017) 3 Cal.5th 531, 549 [objection based upon burden must be sustained by evidence showing quantum of work required].)</p> |
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|   |   | <p>Accordingly, the Court ORDERS Defendants to serve, within 30 days of notice of this ruling, verified and code-complaint supplemental responses to requests nos. 27-38, 40-43, 45-56, and 58-60, as well as request no. 44, all on pp. 6-10 of the subject set of document requests. To be clear, any response to the requests for production shall include the production of all responsive documents.</p> <p>To the extent Defendants contend that they have already produced documents responsive to requests nos. 27-38, 40-43, 45-56, and 58-60, as well as request no. 44, all on pp. 6-10 of the subject set of document requests, Defendants are ORDERED to provide Plaintiff with a document, spreadsheet or chart identifying which specific documents correspond to which specific requests for production in compliance with CCP section 2031.280 within 30 days of notice of this ruling.</p> <p>To the extent Defendants have withheld any responsive documents on the basis of any asserted privilege, Defendants are ORDERED to serve a privilege log as required under CCP section 2031.240 within 30 days of notice of this ruling.</p> <p>Sanctions in the amount of \$1,110.00 are GRANTED in favor of Plaintiff and against Defendants Scott A. Sheikh and The Sheikh Law Firm APC, jointly and severally, payable to Plaintiff's counsel within 30 days of notice. (CCP §§ 2031.300, subd. (c), 2031.310, subd. (h); see also CCP § 2023.030, subd. (a).)</p> <p>***Case Management Conference is continued to April 20. 2026 at 9 AM.</p> <p>Moving Party shall give notice of all of the above.</p> |
| 8 | <p><b>Salvador C. Martinez LLC vs. GM Properties, Inc.</b></p> <p>2024-01400494</p> | <p><b>1. Motion for Change of Venue (Transfer)</b><br/> <b>2. Demurrer to Amended Complaint</b><br/> <b>3. Demurrer to Amended Complaint</b><br/> <b>4. Motion to Strike Complaint</b><br/> <b>5. Case Management Conference</b></p> <p>MOTION TO TRANSFER VENUE</p>  |

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|  | <p>Defendant Orange Countywide Oversight Board's motion to transfer venue is GRANTED. (Code Civ. Proc. [CCP], § 396b, subd. (a); Health &amp; Safety [H&amp;S] Code § 34189.3.)</p> <p>As Plaintiff Salvador C. Martinez LLC acknowledges in its operative First Amended Complaint (FAC), under H&amp;S Code section 31477, subdivision (e), successor agencies must "[d]ispose of assets and properties of the former redevelopment agency as directed by the oversight board," and "[t]he disposal is to be done expeditiously and in a manner aimed at maximizing value." (See also H&amp;S Code §§ 34179, subd. (a) ["[e]ach successor agency shall have an oversight board"], 34181, subd. (a)(1) ["[t]he oversight board shall direct the successor agency to . . . [d]ispose of all assets and properties of the former redevelopment agency. . . .".])</p> <p>Plaintiff's FAC alleges that the subject property is owned by Defendant Successor Agency of the Redevelopment Agency of the City of La Habra, and that Defendant Board oversaw Defendant Successor Agency. (FAC ¶¶ 2, 11.) Plaintiff also alleges that Defendant Board adopted resolutions pertaining to the sale of the subject property, which the Successor Agency violated in the unfair way that it conducted the auction for sale of the property, including by not awarding Plaintiff the sale of the property after Plaintiff submitted the highest bid. (See generally id. at ¶¶ 1-7, 15-55, Exhs. C-D [board resolutions].)</p> <p>Therefore, Plaintiff's action is one contesting any act taken or determinations or determinations made pursuant to the Dissolution Law, and under H&amp;S Code section 34189.3, this action must be filed in the County of Sacramento.</p> <p>The Court ORDERS this action transferred to Sacramento County Superior Court in accordance with the provisions of CCP section 399.</p> <p>Plaintiff to pay transfer fee no later than September 8, 2025.</p> <p>PENDING DEMURRERS AND MOTION TO STRIKE</p> |
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|  | <p>The above order granting transfer of venue divests this Court of jurisdiction except to dismiss the case if the transfer fees are not paid in accordance with CCP section 399. (London v. Morrison (1950) 99 Cal.App.2d 876, 879.) Thus, further proceedings should take place in the transferee court after it receives the file.</p> <p>Accordingly, the Court VACATES the hearing in this Court on Defendant Board's demurrer to the FAC and Defendants GM Properties, Inc. and Successor Agency's demurrer to and motion to strike portions of the FAC, as these matters should be heard by the transferee court once it receives the file.</p> <p>Moving party shall give notice of all of the above.</p> |
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