



Superior Court of California County of San Benito

Tentative Decisions for October 16, 2024

Courtroom #1: Judge J. Omar Rodriguez

10:30 a.m.

CU-22-00248 Fiel v. BMC WP, LLC, et al.

The Order to Show Cause is DISMISSED. No appearances are necessary.

CU-24-00008 Stateline Farms, Inc. v. Berry People, LLC, et al.

A party propounding discovery may move for an order to compel further responses if an answer is evasive or incomplete; or if objections to a particular form of inquiry are without merit or are too general. (Cal. Civ. Proc. §§ 2030.300(a), 2031.310.) This is applicable with respect to interrogatories and requests for production of documents. A party is entitled to obtain discovery regarding any non-privileged matters that are relevant to the subject matter of the pending action, if the matter is itself admissible in evidence or appears to be reasonably calculated to lead to the discovery of admissible evidence. (Cal. Civ. Proc. §2017.010.) Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter. . . . (*Ibid.*) All discovery requests must be relevant to the subject matter of the pending action. (Cal. Civ. Proc. §2019.010(b).)

Relevancy in the context of discovery is broadly construed, but to counterbalance the broad definition of relevancy found at California Code of Civil Procedure section 2017.010, the court has broad discretion to limit the scope of discovery. The legislature sought to remove the gamesmanship from trial preparation by assisting the parties in obtaining the facts

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and evidence necessary to reach an expeditious resolution to their disputes. (*Greyhound Corp. v. Sup. Ct.* (1961) 56 Cal. 3rd 355, 376.) While admissibility is not the benchmark for discoverability, the information sought must have a reasonable possibility to lead to the discovery of admissible evidence or be helpful in preparing for trial. (*Digital Music News, LLC. v. Sup. Ct.* (2014) 226 Cal. App. 4th 216, 224.) In determining relevance, the court must look to the allegations of the pleadings. (*John B. v. Sup. Ct.* (2006) 38 Cal. 4th 1177, 1185.) The rules posed by the legislature thus favor discoverability, and conflicts should generally be resolved in favor of permitting discovery (*Williams v. Sup. Ct.* (2017) 3 Cal. 5th 531, 542.)

The statutes uniformly allow motions for further response when the answers to discovery inquiries are incomplete or evasive, or where frivolous objections have been interposed. Generally, objections as to vagueness are disfavored unless the phrasing of the inquiry is so ambiguous as to be unintelligible. For example, an interrogatory must be answered “if the nature of the information sought is apparent.” (*Deyo v. Kilbourne* (1978) 84 Cal. App. 3rd 771, 783.) Objections based on overbreadth are valid only if the allegation is that the breadth of the inquiry imposes an undue burden on the answering party, or that it is irrelevant to the subject matter. (CCP§2017.010, see e.g. *Perkins v. Sup. Ct.* (1981) 118 Cal. App. 3rd 761, 764-765.) This is also so with regard to requests for production of documents.

Special Interrogatories

Plaintiff’s Motion for Further Responses as to Special Interrogatories is GRANTED. Defendant shall provide further, code compliant, response to Specially Prepared Interrogatories, Set One, item 1 within 20 calendar days. Defendant’s objections as to relevance, ambiguity, overbreadth, burdensomeness, and privacy are overruled.

To prevail on its fraud claims, Plaintiff must prove the falsity of these alleged statements. (*See Engalla v. Permanente Medical Group, Inc.* (1997) 15 Cal.4th 951, 974.) To investigate this claim, Plaintiff issued Special Interrogatory No. 1, designed to obtain contact information for potential witnesses, “a routine and essential part of pretrial discovery.” (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1249-50.) The purpose of the interrogatory, as put forth by Plaintiff, is to allow Plaintiff to question identified witnesses on, among other things, their knowledge of Defendant’s purposed efforts to obtain SBA funding, the timeline for Defendant’s application for funding and the approval process, and whether

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Defendant ever received SBA funding. As a result, the discovery is relevant. It is neither overboard or burdensome. Objections relating to the purported overbreadth (or relatedly, alleged unduly burdensome and/or oppressive discovery requests) must be supported by “evidence showing the quantum of work required, while to support an objection of oppression there must be some showing either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought.” (*West Pico Furniture Co. of Los Angeles v. Superior Court* (1961) 56 Cal.2d 407, 417-18.) Here, Defendant offers no such showing, only a conclusory statement to that effect.

Finally, privacy objections in discovery are measured under the *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1 framework. “The party asserting a privacy right must establish a legally protected privacy interest, an objectively reasonable expectation of privacy in the given circumstances, and a threatened intrusion that is serious. The party seeking information may raise in response whatever legitimate and important countervailing interests disclosure serves, while the party seeking protection may identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy. A court must then balance these competing considerations.” (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 552-53.)

Here, Defendant is making this claim based upon the fact that the names of witnesses sought may relate to Defendant’s private financial information and interests. While this is a valid privacy interest, in light of the relevance of the information sought and the necessity of obtaining this information and the lack of any other reasonable way to obtain it, Plaintiff has recited sufficient countervailing interests to warrant a full response.

Requests for Production of Documents

Plaintiff’s Motion for Further Responses as to Requests for Production of Documents is GRANTED. Defendant shall provide proper code compliant responses to Request for Production of Documents, Set One, Nos. 1 to 3, inclusive, specifying which of the 93 pages of documents produced are responsive to which of the aforementioned requests. Defendant shall also provide proper code compliant responses to Request for Production of Documents, Set One, items 4 through 10, inclusive. Defendant’s objections as to relevance, overbreadth,

ambiguity, burdensomeness, and privacy are overruled. Defendant shall serve the responses within 20 calendar days of this order.

Regarding Request for Production of Documents, Set One, Nos. 1 to 3, under California Code of Civil Procedure section §2031.280(a), “[a]ny documents or category of documents produced in response to a demand for inspection...shall be identified with the specific request number to which the documents respond.” (Cal. Code Civ. Proc. §2031.280(a).) Here, Defendant’s responses to Plaintiff’s RFP Nos. 1-3 indicated that BP would produce responsive documents and Defendant ultimately did produce 93 pages of documents, but did not identify which of the requests the 93 pages of documents were responsive to a specific request.

Regarding Request for Production of Documents, Set One, Nos.4 through 10, inclusive, the requests are relevant in that Plaintiff has drafted them to investigate its fraud claims. The requests seek documents reflecting Defendant’s communications with the SBA, documents relating to the written approval of funding Defendant obtained from the SBA, documents that relate to SBA funding received by Defendant’s, and documents that support Downs believe (if so held) that the SBA would provide Defendant with funding in 2023. As previously stated, Plaintiff must establish certain facts to prove its fraud claims. The discovery requests are relevant and tailored to prove its claims. For the same reasons, Defendant’s objection as to privacy also fails.

Form Interrogatories

Plaintiff’s Motion for Further Responses to Form Interrogatories. Defendant shall provide further responses to Form Interrogatories 15.1, 17.1, 50.5, and 50.6 as requested, within 20 calendar days. The responses shall be code compliant, and Defendant’s objections based on ambiguity, relevance, overbreadth, burdensomeness, and privacy protection are overruled.

Plaintiff provided sufficient factual support warranting further response in light of the relevance of the information sought to the subject matter of this lawsuit, and the necessity of this information to analyze and prepare for this case, as well as the likelihood that this information will lead to admissible evidence. The requests are sufficiently narrow in temporal scope and the specificity of the underlying information provided.

Fees

The court rules that Plaintiff's meet and confer efforts were sufficient, Defendant's were not. The court however finds that Plaintiff's request for attorney's fees to be excessive in light of the complexity of the matters presented to the court, and the nature of this dispute. Plaintiff's counsel is awarded \$5,000.00 for each motion totaling \$15,000.00 to be paid from Defendant's counsel within 30 calendar days.

Case Management Conference

The Case Management Conference is continued to December 18, 2024 at 10:30 a.m.

CU-24-00167 Del Carlo v. Del Carlo, et al.

Defendant has not presented new law or facts in the Motion for Reconsideration. As a result, the Motion is DENIED. In light of the dictates of the California Rules of Court and this County's local rules regarding tentative rulings the court notes that Defendant was provided with constitutional notice of the proceedings and the opportunity to be heard. Defendant failed to provide notice to the court that he wished to present oral argument. Defendant's Counsel's failure to review the local rules with regard to this court's tentative rulings procedure is a matter of that Counsel's preparedness and not a deprivation of due process of law.

PR-21-00060 Conservatorship of Maria Carmen Molina Yerena

The hearing is continued to December 18, 2024 at 10:30 a.m. to allow for the court to provide notice.

PR-23-00082 Estate of Jack Frusetta

After reviewing Petitioner's Status Report on Administration of Estate, the Status Conference is continued to April 16, 2025 at 10:30 a.m.

PR-23-00086 Guardianship of Isaiah Andrew Martinez

The Petition for Authority to Access Funds for the Support and Maintenance of Minor is APPROVED as requested.

PR-24-00034 Estate of Julie Nona Kato

The Petition for Final Distribution and for Allowance of Compensation to Attorneys for Ordinary Services is APPROVED as requested.

PR-24-00087 Estate of Marion Jaimes Feist aka Jim Feist

The Petition is APPROVED as requested. Bond is fixed at \$200,000.00. Lucia Areias is appointed as referee. Full authority is granted to administer the estate under the Independent Administration of Estates Act. Petitioner is to file an Inventory and Appraisal within four months of issuance of letters (Prob. Code section 8800(b)) and either a petition for an order for final distribution of the estate or a report of status of administration within the timeframe set out in Probate Code section 12200.

The matter is set for hearing on April 16, 2025 at 10:30 a.m. for status of estate or final account and distribution. No appearances at the hearing will be required if the court determines that administration of the estate is timely proceeding, or good cause is shown why more time is required.

3:30 p.m.

CU-19-00059 Deluna v. Aramark Uniforms & Careers Apparel, LLC

In light of the parties' Case Management Conference Statements, the Case Management Conference is continued to February 5, 2025 at 10:30 a.m.

CU-23-00183 Natmar, L.P. et al. v. City of Hollister, et al.

Plaintiffs' Motion for Leave to File Proposed Third Amended Petition for Ordinary Mandamus is GRANTED despite the procedural deficiencies regarding California Rule of Court Rule 3.1324. As a result, Respondents' Demurrer, which was directed to the Second Amended Complaint, is rendered moot.

The court has discretion to allow the amendment of any pleading in the furtherance of justice and on such terms as may be proper. (Cal. Civ. Proc. §473(a).) Leave to amend a

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pleading should be liberally granted as long as there is no timeliness problem under a statute of limitations or prejudice to the opposing party. (*Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 240.) Plaintiff's were permitted to file a Second Amended Petition, which was filed on July 26, 2024 and then filed this Motion 14 days later on August 9, 2024. It does not appear as though there are timeliness issues or prejudice to the opposing party.

CU-24-00138 Patricia Castro, et al. v. City of Hollister, et al.

Defendants' Demurrer is SUSTAINED WITH LEAVE TO AMEND as to the First, Second, Third, Fourth and Fifth Causes of Action in the First Amended Complaint ("FAC"). Plaintiffs have until November 15, 2024 to file an amended pleading in alignment with this ruling. The Case Management Conference is continued to December 18, 2024 at 10:30 a.m.

First Cause of Action

The City's demurrer as to the First Cause of Action against the City is sustained. FAC alleges that the City is vicariously liable for the negligent hiring, supervision, or retention of Fire Marshal Bedolla (Bedolla) pursuant to Government Code section 815.2(a). California courts have consistently rejected claims that a municipal defendant can be vicariously liable under Government Code section 815.2, subdivision (a) for negligent hiring, supervision, or retention because such a theory sounds in direct liability as a matter of law.

(*Delfino v. Agilent Techs., Inc.* (2006) 145 Cal.App.4th 790, 815.) The FAC fails to allege any facts that show a special relationship between the City and/or the Hollister Fire Department on the one hand, and Plaintiffs on the other. (See *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861 requiring a special relationship.)

In *C.A. v. William S. Hart School District*, the crux of the finding was that given the mandatory nature of school attendance, and the scope of authority held by the school's administration to act in loco parentis, the special relationship was found to exist. In *Williams v. State of California*, the court notes that recovery has been denied for the failure to investigate properly, or at all, where the agency had not induced reliance on a promise, express or implied that would promise protection. (*Williams v. State of California* (1983) 34 Cal.3d 18, 25.) While promise and reliance are not indispensable elements, as special relationship requires more than the generalized obligation owed to all members of the public.

Here, nothing differentiates the duty owed to the Plaintiffs from the duty owed to all members of the public, nor do the allegations made in the First Amended Complaint indicate any promise or other conduct which would induce reliance that would give rise to a special relationship.

Second Cause of Action

The Demurrer as to the Second Cause of Action alleging Negligence against Defendant Bedolla (“Bedolla”) is sustained. The elements of negligence are: 1) a legal duty to use due care; 2) breach of such legal duty; and 3) that the breach is the proximate or legal cause of the resulting injury. (*Evan F. v. Hughson United Methodist Church* (1992) 8 Cal. App. 4th 828 834.) The allegation is that Bedolla breached a duty when he allegedly failed to perform a complete and impartial investigation into the fire at the property. (FAC ¶39.) The FAC alleges that the injury was the amount of attorneys’ fees and costs expended in investigating the fire, which they assert was not properly investigated at the first instance and concludes that these damages are caused by Bedolla’s alleged failure to perform a complete and impartial investigation. (FAC ¶¶40, 41.)

As Bedolla notes, and Plaintiff does not refute, there are no factual allegations that frame a causal connection between Bedolla’s fire investigation and Plaintiff’s incurring attorney’s fees and costs. Nor is there a claim that Bedolla contacted Allstate in relation to the subject fire, or their claims against Allstate arising from that fire. There is no claim that Allstate’s denial resulted in the Plaintiff’s incurring attorney fees pursuing their claims. Absent a causal connection between the alleged defective investigation and the harm asserted, Plaintiff has failed to state sufficient facts to support a cause of action.

Third and Fourth Causes of Action

The Third and Fourth Causes of action both seek damages against Bedolla for loss of an economic relationship. Both causes of action require the following elements: 1) the existence of an economic relationship between the plaintiff and a third party with the probability of future economic benefit to the plaintiff; 2) the defendant’s knowledge of that relationship; 3) the defendant’s knowledge, actual or construed, that the relationship would be disrupted if the defendant failed to act with reasonable care, 4) the defendant’s intentional or negligent failure to act with reasonable care; 5) actual disruption of the relationship; and 6)

economic harm which is proximately caused by Defendant's negligence or intentional action. (*Redfearn v. Trader Joe's Co.* (2018) 20 Cal. App. 5th 989, 1005.)

Plaintiffs allege that Bedolla, a principal in the Bishop Lusink agency, was aware of the suit by Sanchez against the agency and refused to lead an impartial and complete investigation of the fire. More specifically, the FAC alleges that Plaintiffs were in an economic relationship with Sanchez, the owner of the building, and would have had an economic gain from that relationship, which was known to Defendants. As a result, Defendants conspired to conceal evidence, including Bedolla's failure to lead an impartial or complete investigation, which was intended to, and did, disrupt the economic relationship between Sanchez and Allstate, resulting in the refusal of the Plaintiffs' claims, causing them harm that occurred substantially because of Bedolla's actions.

The FAC does not allege the nature of the economic relationship between the Plaintiff's and Allstate, or how Defendant knew of that relationship. Plaintiffs do not state that they had a relationship to Allstate, as first party insured, or paid premiums to them for coverage and that Bedolla was aware of such payments, or that Allstate insured that particular property, the scope of that insurance, or that Allstate relied upon the investigation report Bedolla prepared in the denial of benefits to Plaintiffs.

Fifth Cause of Action

The FAC's Fifth Cause of Action is premised on Government Code §87100, which states in relevant part that no "public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

"A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of the official's immediate family, or on any of the following:...(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management." (Cal. Gov. Code, § 87103.) "A public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official, or the official's

immediate family, or on any financial interest.” (2 Cal Code Regs §18700(a).) “A public official means every member or employee of a state or local government agency.” (2 Cal Code Regs §18700(c).) “A governmental decision means any action taken by a government agency that has a financial effect on any person other than the governmental agency making the decision.” (2 Cal Code Regs §18700(c)(4).) "Financial effect" means an effect that provides a benefit of monetary value or provides, prevents, or avoids a detriment of monetary value. (2 Cal Code Regs §18700(c)(5).) “A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.” (2 Cal Code Regs §18704(b).)

Plaintiffs’ position is that, as a principal in the Bishop-Lusnik agency, the decision at issue was the decision not to conduct an impartial and complete investigation, as result of Bedolla’s conflict of interest because of Bishop-Lusink’s “desire to maintain their economic relationships with (Sanchez and Sanchez’s insurance carrier Allstate).” (FAC ¶71.) This allegation fails to show whether it was reasonably foreseeable that the decision will have a material financial effect because there is no allegations regarding what kind of economic relationship Bedolla had with Sanchez and Sanchez’s insurance carrier Allstate. As a result, the Demurrer is sustained as to the Fifth Cause of Action.

CU-24-00198 Petition of Richard Perez

The Petition is DENIED without prejudice. Petitioner failed to submit a proof of publication as ordered.

PR-23-00045 In re Naveli Bueno Alcaraz

The hearing is continued to December 18, 2024 to allow for notice and completion of the investigation.

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PR-24-00106 Guardianship of Audryнна J. Avila

Due to Petitioner's late submission of information to the investigator, the hearing on the temporary guardianship is continued to November 20, 2024 at 3:30 p.m. to allow for the completion of the investigation.

END OF TENTATIVE DECISIONS

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