

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/13/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV2301658

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: JEAN COYSTON, ET AL

vs.

DEFENDANT: BARBARA BOUCKE

NATURE OF PROCEEDINGS: MOTION – OTHER

RULING

Plaintiff filed a post-trial Motion for Costs of Proof Sanctions on October 28, 2025, seeking \$285,323.23 in discovery sanction based fees. Plaintiff filed an amendment to the motion on January 26, 2025, with the hearing set for February 20, 2026, and not February 13. The original motion remains calendared for hearing on February 13 and is continued in the interest of judicial economy to February 20. Defendant Estate of Barbara Boucke filed an opposition to the motion on February 5.

Defendant filed a Motion to Tax Costs on November 14, 2026.

The Motion for Costs filed by the Plaintiff will be also heard on February 20, 2026, at 1:30pm in this department.

Counsel seeks \$285k in fee related sanctions. The merits have been determined after trial. The parties are to meet and confer prior to the hearing to reach an agreement as to whether they anticipate the exchange of redacted compensable billing records, to determine the lodestar fee (hours reasonably spent by counsel x a reasonable hourly rate) requested by the motion.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provides that if a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that evidentiary hearings shall be in-person in Department L. For routine appearances, the parties may access Department L for video conference via a link on the court website. Litigants in the virtual courtroom are required to leave the video screen on and wait for your case to be called.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/13/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0001650

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: SHAWNA SIMS

vs.

DEFENDANT: MARIN GENERAL
HOSPITAL

NATURE OF PROCEEDINGS: MOTION – SEAL

RULING

On November 10, 2025, Defendants Marin Health Medical Center, et al., filed a motion to seal portions of Plaintiff's discovery reply to demands for production first set, 31, 34, 75, and special interrogatories 8 and 21.

Plaintiff did not file an opposition to the motion. The failure to oppose is treated as consent to the granting of the motion. (Cal. Rules of Court 8.54(c); Civ. Local Rule 2.8G.1.)

Good cause exists to seal the records at issue. If the confidential information is publicly disclosed, the hospital might suffer harm to its business, and it has an overriding interest to protect confidential business information. The court finds that the proposed sealing is narrowly tailored in that the hospital seeks to seal only Exhibits A, C, F, and G comprising the confidential information, and limited passages from Plaintiff's reply memorandum reciting the confidential information from those exhibits. There is no less restrictive means to protect this confidential information from public disclosure

The Motion to Seal confidential information is GRANTED.

Defendant to prepare the order.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provides that if a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 02/13/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0002210

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: LESTER PETRACCA

vs.

DEFENDANT: ELIZABETH THIERIOT,
ET AL

NATURE OF PROCEEDINGS: MOTION – SET ASIDE/VACATE

RULING

Defendant Elisabeth Thieriot filed a “Motion to Vacate Void Default” on November 12, 2025. Plaintiff Lester Petracca filed an Opposition to the motion on December 8 and filed an amended opposition on January 30, 2026. Defendant did not file a reply memorandum. However she did file a “supplemental notice of record clarification” on February 4.

As to Plaintiffs amended opposition, the court has discretion to accept papers which assist the court to better understand the case, without prejudicing any party, and thus accepts Plaintiff’s supplemental filing. [See, Cal. Rules of Court 3.1300(d). The court has discretion whether to consider late filed papers.]

The file is voluminous.

A first Amended Complaint was filed by the Plaintiff on July 25, 2025. Defendant did not file an answer and default judgment was entered against her on November 20, 2025.

On this record, this case is hotly contested due to, in large part, the conduct of the Defendant. Judge Andrew Sweet, on November 20, 2025, directed the clerk to enter default against the Defendant, and instructed the clerk's office to not accept any more filings from her, aside from a motion to set aside the default. The court’s orders apply equally to everyone, without exception. The Defendant’s filing titled “Supplemental Notice of Record Clarification” is struck from the record as it is in violation of the Court’s order and will not be considered for any purpose.

Unless an application to set aside default is accompanied by an “attorney affidavit of fault,” relief is discretionary and must be based on an affirmative showing of “mistake, inadvertence, surprise, or excusable neglect.” CCP § 473(b); see *Lorenz v. Commercial Accept. Ins. Co.*, 40 Cal. App. 4th 981, 989 (1995). The party moving seeking relief on the basis of “mistake, inadvertence, surprise, or excusable neglect” must show specific facts demonstrating that one of

these conditions was met. *Hopkins & Carley v. Gens*, 200 Cal. App. 4th 1401, 1410 (2011). The Defendant presents no specific facts in her moving papers to support her set aside request.

Defendant also argues that the Court should vacate the "VOID" default because the Court lacked jurisdiction while the case was "automatically stayed" under CCP § 916(a) upon her filing of an appeal in the Federal Action. That federal action is a lawsuit against a judicial officer from this court and has no import on the case at bar. Defendant's purported appeal in the Federal court has no effect on this Court's jurisdiction in this action and therefore provides no basis to vacate the default as "void."

Defendant cannot demonstrate mistake, inadvertence, surprise, or excusable neglect to warrant discretionary relief under CCP § 473(b). Her default arose from a long pattern of deliberate, repeated misconduct, not excusable neglect.

Lastly, the motion is procedurally defective because Defendant failed to attach a proposed Answer as required by CCP § 473(b),

The motion to set aside the judgment is DENIED. Plaintiff to prepare the order.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provides that if a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

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