

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV2101246

PRESIDING: HON. SHEILA S. LICTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: ELIZABETH VARGAS

vs.

DEFENDANT: ANAHIT
GHANBARZADEH, ET AL

NATURE OF PROCEEDINGS: HEARING; OTHER – DISTRIBUTION OF
INTERPLEADED FUNDS

RULING

Appearances required.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for March, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjEOSHnzEGafG.1>

Meeting ID: 161 548 7764

Passcode: 502070

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV2203747

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: STEPHEN ROULAC

vs.

DEFENDANT: PROMORTGAGE, INC., ET
AL

NATURE OF PROCEEDINGS: 1) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM
2) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM
3) MOTION – COMPEL ANSWERS TO INTERROGATORIES - DISCOVERY FACILITATOR PROGRAM

RULING

The parties in this matter appeared on March 4, 2026 and agreed to continue the motions to compel discovery to March 18, 2026 to allow for responses to be served. No update has been provided to the court. Accordingly, the court re-issues the following tentative ruling:

Defendant Promortgage, Inc. filed three motions to compel discovery responses from Plaintiff regarding Form Interrogatories, Set Two, Requests for Documents, Set Three, and Special Interrogatories, Set Two. Additionally, Defendant seeks sanctions in the total amount of \$2,295, inclusive of filing fees, for fees and costs incurred to bring these three motions.

A notice of these hearings was served on Plaintiff, and no opposition was filed to any of the motions. A failure to oppose a motion may be deemed a consent to the granting of the motion. (Cal. Rules of Court, rule 8.54, subd. (c).) Failure to oppose a motion may also lead to the presumption that [cross-complainant] has no meritorious arguments. (See *Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal. App. 3d 481, 489, disapproved of by *Garcia v. McCutchen* (1997) 16 Cal.4th 469, on other grounds.)

In light of the above, Defendant's Motion to Compel Responses to Form Interrogatories, Set Two is GRANTED. Defendant's Motion to Compel Responses to Requests for Documents Set Three is GRANTED. Defendant's Motion to Compel Responses to Special Interrogatories, Set Two is GRANTED. Responses must be served within twenty days of service of this order. Sanctions in the total amount of \$2,295 for all three motions is GRANTED. Sanctions are

awarded in favor of Defendant and against Plaintiff and counsel, to be paid within twenty days of service of this order.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0000673

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: ASHLEY SHAH

vs.

DEFENDANT: NITIN SHAH, ET AL

NATURE OF PROCEEDINGS: MOTION – LEAVE

RULING

This case concerns the alleged failure to pay back loans. Plaintiff, Ashley Shah, Trustee of the Manendra J. and Aida R. Shah 2010 trust (“Plaintiff”) brings this action against Nitin Shah, Fareed Himati, and 15 Turtle Roack Court, LLC, (“Defendants”) asserting breach of written contract related claims. In essence, Plaintiff asserts that Defendants solicited and thereafter received loans from Mahendra Shah, which they have failed to pay back. Mahendra Shah is now deceased. Plaintiff’s motion seeks leave to amend the complaint to add a cause of action for financial elder abuse against Defendant Nitin Shah. Defendant Nitin Shah opposes this request.

LEGAL STANDARD

Under Code of Civil Procedure section 473, subdivision (a)(1), the Court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding. As judicial policy favors resolution of all disputed matters in the same lawsuit, courts liberally permit amendments of the pleadings. (*Nestle v. Santa Monica* (1972) 6 Cal.3d 920, 939.)

Generally, arguments attacking the merits of the proposed amendments do not justify denial of the motion. Courts allow the amendment and then let the parties test the legal sufficiency in other appropriate proceedings such as a demurrer. (*See Kittredge Sports Co. v. Superior Court* (1989) 213 Cal.App.3d 1045, 1048, and *Atkinson v. Elk Corp.* (2003) 109 Cal.App.4th 739, 760.)

A party requesting leave to amend must also comply with California Rules of Court, rule 3.1324. Compliance with the Rules of Court is satisfied by including a copy of the proposed amended pleading, detailing what changes will be made from the previous pleading by stating what allegations are to be deleted or added as compared to the previous pleading including page,

paragraph and line number, and attaching a declaration by plaintiff's counsel, as to: (1) the effect of the amendment; (2) why the amendment is necessary and proper; (3) when the facts giving rise to the amended allegations were discovered; and (4) why the request was not made earlier. (Cal. Rules of Court, rule 3.1324(a)-(b).)

DISCUSSION

Plaintiff has fulfilled the requirements per California Rules of Court. While it appears to be a bare bones explanation, Plaintiff has proffered adequate reason as to why the amendment is necessary and proper which includes facts learned during discovery, including bank records received in November 2025. Plaintiff has also given an adequate explanation as to why the request was not made earlier in that facts were not discovery until November 2025 and the motion was filed within several weeks thereafter. Given that the trial was recently continued, the court does not believe the amended complaint will unduly prejudice Defendant.

Accordingly, the motion requesting leave to amend is granted. Plaintiff shall file the amended complaint within ten days of this order.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0001349

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: LEE HENRY GREENBERG

vs.

DEFENDANT: RONNIE BAKER, ET AL

NATURE OF PROCEEDINGS: MOTION – DISCOVERY- DISCOVERY FACILITATOR PROGRAM

RULING

On September 2, 2025, Defendant Schreiber (“Schreiber”) filed a motion against Cross-Defendant Ronnie Baker (“Baker”) to deem Requests for Admissions admitted and to compel responses to written discovery to Form Interrogatories and Requests for Production of Documents. Although Baker has counsel, no opposition was filed. Nor has there been a request by counsel for Baker to be relieved. Plaintiff Greenberg (“Greenberg”) opposes the motion to the extent that any such admissions would be binding on parties other than the party making the admission.

Legal Standard

A failure to oppose a motion may be deemed a consent to the granting of the motion. (Cal. Rules of Court, rule 8.54, subd. (c).) Failure to oppose a motion may also lead to the presumption that [cross-complainant] has no meritorious arguments. (See *Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal. App. 3d 481, 489, disapproved of by *Garcia v. McCutchen* (1997) 16 Cal.4th 469, on other grounds.)

When a party fails to respond to requests for admission, the requesting party may move for an order that the truth of any of the matters specified in the requests be deemed admitted. (Code of Civ. Proc. §2033.280(b).) However, any admission made by a party is binding only as to that party and it is not an admission by that party for any other purpose. (Code of Civ. Proc. §2033.410(b).) (See also *Inzunza v. Naranjo* (2023) 94 Cal.App.5th 736, 746, (holding that an agent’s deemed admissions do not bind the principal codefendant, even in cases involving vicarious liability).)

Analysis

Although Baker’s counsel and Greenberg have suggested that the court stay discovery considering that Baker was in custody or facing criminal charges, after continuing this matter twice with no opposition or discovery from Baker, the court finds these excuses to be an inadequate basis to delay further granting of this motion.

Accordingly, Schreiber's motion to compel further responses to Form Interrogatories and responses to Requests for Production of Documents, and for the truth of the matters specified in the Requests for Admission to be deemed admitted is granted. Any admission attributable to Baker is binding only as to Baker and is not an admission for any other purpose.

Responses to Form Interrogatories and Requests for Production of Documents shall be served within 15 days of service of this order. Sanctions are ordered against Baker and in favor of Schreiber in the amount of \$2,135, payable within 30 days of service of this order.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0003207

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: ALEC HERNANDEZ

vs.

DEFENDANT: RAYMOND VILLASENOR

NATURE OF PROCEEDINGS MOTION – COMPEL ANSWERS TO INTERROGATORIES
- DISCOVERY FACILITATOR PROGRAM

RULING

On December 17, 2025, Plaintiff filed a motion to compel Defendant Kathryn Villasenor to serve responses to form interrogatories, Sets One and Two, Requests for Production of Documents, Set One, and Request for Admissions, Set One, and for sanctions in the amount of \$750. On February 6, 2026, Discovery Facilitator Alan Mayer was appointed to assist the parties. Neither party filed a Declaration of Non-Resolution as required in local rule MCR Civ. 2.13H. The court shall assume the parties have resolved the matter. If this is incorrect, either party may place the matter back on calendar by appearing ex parte following the filing of a Declaration of Non-Resolution.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0004420

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: ADAM BLOCK, AN
INDIVIDUAL AND AS TRUSTEE OF THE
BLOCK FAMILY TRUST AND BLOCK &
ASSOCIATES, LLC

vs.

DEFENDANT: FARMSHOP, LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY, ET AL

NATURE OF PROCEEDINGS: 1) MOTION – PROTECTIVE ORDER - DISCOVERY
FACILITATOR PROGRAM
2) MOTION – COMPEL -DISCOVERY FACILITATOR PROGRAM

RULING

Defendant and Cross Complainant Jefferey Cerciello’s (“Cerciello”) motion to compel witness Adam Block’s (“Block”) compliance with a deposition notice is denied as moot. Cerciello’s request for sanctions is denied. Block’s motion for protective order is granted in part. Block’s request for sanctions is granted in part.

FACTUAL AND PROCEDURAL BACKGROUND

These motions concern the depositions of Cerciello and Block. Pursuant to a stipulation and court order, the deposition of Cerciello was set for October 28, 2025 and the deposition of Block was set for October 30, 2025. After the Cerciello’s deposition ended in disruption at 6:37 pm, Cerciello’s counsel sent a “corrected” deposition notice, changing the location of Block’s deposition. Block’s counsel responded that given the conduct of counsel Cerciello at the October 28, 2025 deposition, she would not agree to a different location without security or alternatively, the use of Discovery Facilitator Larry Strick to preside as a neutral referee. Cerciello’s counsel also informed Block’s counsel that she reserved all rights to complete Cerciello’s deposition.

On November 3, 2025, Cerciello filed a motion to compel witness Block’s compliance with a deposition notice and for monetary sanctions in the amount of \$13,050. On December 12, 2025, Block filed a motion for protective order and for sanctions against Cerciello and his counsel in the amount of \$20,343.

On February 11, 2026, the Court ordered the parties to meet and confer regarding the rescheduling of Cerciello's deposition for completion, including the date and additional time proposed. The Court also ordered the parties to submit a joint declaration detailing the points of disagreement.

On February 9, 2026, the parties submitted their joint declaration in which they agreed that the deposition of Cerciello would be scheduled for an additional three hours on March 24, 2026 and the deposition of Block would proceed on March 25, 2026. The parties further agreed to use Larry Strick as a referee during these depositions, subject to allocation of Mr. Strick's fees. Block also requests that as part of its motion for protective order, that the court issue guidelines for conduct at future depositions. Each party requests sanctions although Cerciello has agreed to withdraw sanctions if Block withdraws sanctions.

LEGAL STANDARD

If a witness fails to appear at his deposition, the deposing party may move to compel attendance and testimony. (Code Civ. Proc. §2025.450(a).) If the motion to compel is granted, the court shall impose a monetary sanction unless the party subject to the sanction acted with substantial justification. (Code Civ. Proc. §2025.450(g)(1).) However, "[b]efore, during or after a deposition, any party...may promptly move for a protective order." (Code Civ. Proc. §2025.420(a).) If granted, the court shall impose a monetary sanction, unless the opposing party acted with substantial justification, or other circumstances render the imposition of sanctions as unjust.

As to an attorney's conduct during a deposition, counsel may make objections as to privilege, attorney work product, or to the form of a question. However, objections to the relevancy, materiality or admissibility at trial are unnecessary. (*Stewart v. Colonial Western Agency, Inc.* (2001) 87 Cal.App.4th 1006.)

Marin County Local Rule, Rule 7.2 addresses the conduct of attorneys practicing in Marin Superior Court:

Attorneys are expected, at a minimum, to conduct themselves in accordance with the requirements of the State Bar Act and the State Bar mandated Rules of Professional Conduct. In addition, the Court encourages all attorneys to abide by the standard set forth in the Code of Civility which have been approved by the Board of Directors of the Marin County Bar Association. [...] The Court may consider the Code of Civility and the standards contained therein when making rulings regarding sanctions.

The Marin County Bar Association Code of Civility reminds attorneys that they should not "orally or in writing degrade or disparage any judicial officer, the opposing party, counsel or witness(es) unless such matters are specifically at issue in the proceeding." (Section 5a.) Additionally, the Code prohibits the use of discovery in a manner that harasses opposing counsel, and it reminds attorneys that they should avoid, through objections or otherwise, "coaching of the deponent or suggesting answers." (Section 6.c.)

LEGAL ANALYSIS AND ORDER

In light of the parties' stipulation, Cerciello's motion to compel deposition is resolved and the Court, therefore, denies Cerciello's motion for sanctions as against Block. As to Block's motion for protective order, however, the issue is not resolved.

Having reviewed the positions of the parties, and the transcript of the Cerciello deposition, the court agrees with Block that counsel for Cerciello improperly instructed his client not to answer, aggressively sought to control the deposition by rephrasing Block's counsel's questions, unilaterally taking breaks, interposing speeches, and sparring with counsel. Counsel did not conduct himself in a manner that comports with the standards of civility. This behavior is also apparent in correspondence sent by Cerciello's counsel to Block's counsel, calling her "lazy" and "slow." While attorneys are expected to zealously advocate for their clients, this type of behavior risks placing a stain on the legal practice.

The court, therefore, grants Block's motion for protective order in part, and orders that both sides adhere to the following conduct for all future depositions including the remaining depositions of Cerciello and Block:

1. Objections shall be concise (i.e. "Objection" "Object to the form" "Objection, speculation.") Neither party shall engage in speaking objections.
2. Neither attorney shall coach their witness, rephrase questions that were asked by the deposing attorney, argue with, or disparage counsel, or engage in commentary as to documents shown to the witness, or how an attorney shall phrase a question (but counsel can make concise objections).
3. The parties shall meet and confer and agree upon the number of breaks prior to the deposition. Neither party or their counsel shall unilaterally take spontaneous breaks so as to interrupt the flow of questions or leave while questions are pending.

As to the cost for use of a discovery referee for the depositions of Block and Cerciello, the court orders that the cost be borne by Cerciello, given that the need for a discovery referee was brought about by the conduct of Cerciello's counsel. To the extent that a party believes the use of a discovery referee is appropriate for future witnesses, the requesting party shall pay for the costs of the referee, unless by court order, future conduct warrants a different allocation of such costs.

The court grants Block's motion for sanctions, in part, and orders that Cerciello and his counsel pay \$5,192.50 for attorneys' fees expended in bringing this motion. The court declines to award further sanctions such as payment of the deposition transcript and video, and attorney's fees for deposition time.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0004518

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: TOM DELACY

vs.

DEFENDANT: DNG TRADING INC

NATURE OF PROCEEDINGS: MOTION – RELIEVE COUNSEL

RULING

On March 4, 2026, this Court issued a ruling continuing the request by counsel for DNG Trading Inc. to be relieved as counsel. The court ordered counsel for DNG to file a declaration confirming that he had advised DNG of the repercussions of DNG Trading Inc. not having representation and also confirming that counsel had transferred a full and complete copy of the file to DNG Trading, Inc. Counsel has filed such a declaration. Accordingly, the Court grants the request by counsel for DNG Trading, Inc. to be relieved as counsel.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/18/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0006399

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: RONALD MALLET

vs.

DEFENDANT: LYDIA J. SARKISSIAN, ET
AL

NATURE OF PROCEEDINGS: 1) MOTION – DISCOVERY FACILITATOR PROGRAM
2) MOTION – ADMISSIONS – DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiff Ronald Mallet’s (“Mallet”) motion to compel Defendant Peter Mason (“Mason”) to provide further responses to Special Interrogatory Nos. 3 and 4 is GRANTED IN PART. Sanctions are denied.

This discovery matter was initially scheduled to be heard on February 11, 2026. In advance of that time, the parties had met with the Discovery Facilitator and it appeared that the issues had been narrowed to Special Interrogatories, Nos. 3 and 4. According to Mallet, Mason’s objections that the interrogatory is “overbroad as to time” or “ambiguous” are improper.

While the court tends to agree with Mason that the interrogatories seem to request a whole host of information, there is no reason why Mason should not have attempted a response while preserving his objections. Accordingly, the motion to compel is granted in part in that Mason must provide substantive answers to the interrogatories, but may maintain his objections. Responses shall be due within 15 days of service of this order. As Mason had substantial justification for lodging his objections, any request for sanctions is denied.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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