

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/10/26 TIME: 1:30 P.M. DEPT: L CASE NO: CIV1901779

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: MIDLAND FUNDING LLC	
vs.	
DEFENDANT: REINER CACACE	

NATURE OF PROCEEDINGS: MOTION – ATTORNEY’S FEES

RULING

Plaintiff Midland Funding filed a Motion to Set Aside Judgment on June 6, 2026.

An Acknowledgement of Satisfaction of Judgment was entered on November 17, 2025. Default Judgment was taken on November 6, 2019.

The alleged Defendant never made an appearance and there was no opposition filed. The failure to oppose is considered consent to the granting of the motion. (Cal. Rules of Court, rule 8.54(c); Local Rule Marin, Civil 2.8G.1.)

Plaintiff’s motion is GRANTED in it’s entirely.

If any party wishes to contest the tentative, the matter will be heard on July 17, 2026, at 1:30 p.m. in this department.

Parties must comply with Marin County Superior Court Local Rules, Rule 2.10(A), (B), 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 2.10(B), 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. Kindly turn your camera on when your case is called and make sure the party or lawyer making the appearance is properly identified on the screen.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing while using the virtual remote courtroom. If the connection is inadequate, the Court may proceed with the hearing in the party’s absence. If it is determined that you are driving your car during the hearing, you will be removed from the virtual courtroom. (Yes, this happens).

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/10/26 TIME: 1:30 P.M. DEPT: L CASE NO: CIV2301658

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: JEAN COYSTON, ET AL

vs.

DEFENDANT: BARBARA BOUCKE

NATURE OF PROCEEDINGS: MOTION – ATTORNEY’S FEES

RULING

The court issued a tentative ruling on February 19, 2026. The tentative invites the Defendant to request a continuance to pursue discovery on the attorney fees claimed by Plaintiff’s counsel, who seeks fees pursuant to Code of Civil Procedure § 2033.420. The matter was called as regularly scheduled in this department on February 20, 2026, and Defendant requested a continuance to pursue discovery on the fee issue. The court also opened the inquiry into the reasonableness of Plaintiff counsel’s requested compensable hourly rate of \$800.00.

The hearing was set for May 26, 2026, with the parties filing supplemental briefing on the fee issue. Plaintiff filed papers on April 17, and Defendant filed an opposition on May 4. The plaintiff’s filing triggered the court clerk to assign a new date for hearing on the fee motion. This was a clerical error.

The court entered an order on Plaintiff’s fee request on June 22, 2026.

The matter is dropped.

Should any party wish with contest the tentative, the matter will be heard on July 17, 2026, at 130 pm in this department.

Parties must comply with Marin County Superior Court Local Rules, Rule 2.10(A), (B), 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 2.10(B), 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. Kindly turn your camera on when your case is called and make sure the party or lawyer making the appearance is properly identified on the screen.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing while using the virtual remote courtroom. If the connection is inadequate, the Court may proceed with the hearing in the party's absence. If it is determined that you are driving your car during the hearing, you will be removed from the virtual courtroom. (Yes, this happens).

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/10/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0006872

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: KATHERINE O.
LAUGHLIN

vs.

DEFENDANT: STATE FARM GENERAL
INSURANCE COMPANY

NATURE OF PROCEEDINGS: 1) MOTION –COMPEL – DISCOVERY FACILITATOR PROGRAM

2) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

3) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

4) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

5) MOTION – COMPEL – ANSWERS TO INTERROGATORIES - DISCOVERY FACILITATOR PROGRAM

6) MOTION –COMPEL – ANSWERS TO INTERROGATORIES - DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiff Katherine O’Laughlin filed a series of motions to compel paper discovery. Here’s what was filed:

1. Motion to Compel Production of Subpoenaed Business Records from Genevieve Kreter;
2. Motion to Compel Production of Subpoenaed Business Records from Monica Stassip;
3. Motion to Compel Production of Subpoenaed Business Records from Eric Fifer;
4. Motion to Compel Further Responses to Plaintiff’s Request for Production of Documents, set one;
5. Motion to Compel Further Responses to Plaintiff’s Request for Interrogatories, set one;

Pursuant to Marin County Rule, Civil 2.13B, on February 17, 2026, Adrian James Sawyer was appointed to preside as Discovery Facilitator and attempt to assist the parties to resolve the motions at bar. The Court has not received a Declaration of Non-Resolution from either party, in particular *the moving party*, within five court days prior to the hearing on the motion, as required by MCR Civ 2.13H. The declaration was due on July 2, 2026.

The Court reminds the parties that compliance with MCR Civ 2.13H not only includes the timely filing of the Declaration of Non-Resolution by each party five court days prior to the hearing, but also

requires that “[t]he Declaration shall not exceed three pages and ***shall briefly summarize the remaining disputed issues and each party’s contentions.***” (MCR Civ 2.13H(1), emphasis added.)

The Court would normally conclude that this discovery matter was, or is being, resolved by the facilitator. However, both parties have filed opposition and reply briefs.

Appearances are required to discuss the status of the Discovery facilitator process, with the matter being heard on July 17, 2026, at 1:30 p.m. in this department.

Parties must comply with Marin County Superior Court Local Rules, Rule 2.10(A), (B), 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 2.10(B), 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. Kindly turn your camera on when your case is called and make sure the party or lawyer making the appearance is properly identified on the screen.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing while using the virtual remote courtroom. If the connection is inadequate, the Court may proceed with the hearing in the party’s absence. If it is determined that you are diving your car during the hearing, you will be removed from the virtual courtroom. (Yes, this happens).

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/10/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0008457

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: BLUE SKY FOREVER	
vs.	
DEFENDANT: JCONCEPTS, INC.	

NATURE OF PROCEEDINGS: MOTION – OTHER: TO APPROVE PROPOSITION 65
SETTLEMENT AND CONSENT JUDGMENT

RULING

Plaintiff Blue Sky Forever filed a motion to approve a Proposition 65 settlement and consent judgment. Plaintiff seeks approval of a settlement reached in this action involving alleged violations of Health and Safety Code § 25249.6 et seq. (“Proposition 65”), and requests the Court approve the “Consent Judgment,” setting forth the terms and conditions of the parties’ settlement.

Defendant has not filed a response, nor was an opposition to the motion for approval filed. The failure to oppose is considered consent to the granting of the motion. (Cal. Rules of Court, rule 8.54(c); Local Rule Marin, Civil 2.8G.1.) Plaintiff’s motion is therefore GRANTED in it’s entirety.

Should either party wish to contest this tentative ruling, it shall be heard on Friday, July 17, 2026, at 1:30 pm.

Plaintiff to lodge the order.

Parties must comply with Marin County Superior Court Local Rules, Rule 2.10(A), (B), 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 2.10(B), 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. Kindly turn your camera on when your case is called and make sure the party or lawyer making the appearance is properly identified on the screen.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing while using the virtual remote courtroom. If the connection is inadequate, the Court may proceed with the hearing in the party's absence. If it is determined that you are diving your car during the hearing, you will be removed from the virtual courtroom. (Yes, this happens).

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/10/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0009430

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: M. GIL

PLAINTIFF: MICHAEL PARTOW	
vs.	
DEFENDANT: JUSTIN HILTON, ET AL	

NATURE OF PROCEEDINGS: DEMURRER

RULING

Defendants' demurrer to the Second and Third Causes of Action is sustained, with leave to amend, on the limited grounds noted below. The demurrer is overruled in all other respects.

Allegations in Plaintiff's Complaint

Plaintiff Michael Partow filed his Complaint against Defendants Justin Hilton and Debra Evans on March 16, 2026, alleging that Defendants damaged his property at 55 Wildomar in Mill Valley while they were tenants. Plaintiff further alleges that Defendants owe \$1,075.94 more than what Plaintiff holds as a security deposit and also owe at least \$28,600 to cover the cost of the balance of required repairs. Plaintiff asserts causes of action for breach of the lease, negligence, and intentional misrepresentation.

Procedural Deficiency

The Court draws Defendants' attention to Local Rule 2.8(C)2, which requires attachment of the operative pleading as an exhibit to the demurrer.

Standard

"The function of a demurrer is to test the sufficiency of the complaint as a matter of law, and it raises only a question of law." (*Holiday Matinee, Inc. v. Rambus, Inc.* (2004) 118 Cal.App.4th 1413, 1420.) A complaint "ordinarily is sufficient if it alleges ultimate rather than evidentiary facts" (*Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 550), but the plaintiff must set forth the essential facts of his or her case "with reasonable precision and with particularity sufficient to acquaint [the] defendant with the nature, source and extent" of the plaintiff's claim. (*Doheny Park Terrace Homeowners Assn., Inc. v. Truck Ins. Exchange* (2005) 132 Cal.App.4th 1076, 1099 [citation and internal quotations omitted].) Legal conclusions are insufficient. (*Id.* at

1098–1099; *Doe*, 42 Cal.4th at 551, fn. 5.) The court “assume[s] the truth of the allegations in the complaint, but do[es] not assume the truth of contentions, deductions, or conclusions of law.” (*California Logistics, Inc. v. State of California* (2008) 161 Cal.App.4th 242, 247.)

Discussion

Subject Matter Jurisdiction/Uncertainty

Defendants argue that the Court lacks subject matter jurisdiction over the Complaint, and/or the Complaint is ambiguous, because the Complaint is filed as limited jurisdiction but Plaintiff potentially seeks relief in excess of the \$35,000 limited jurisdiction ceiling. (See Code Civ. Proc. § 85(a).) Defendants point out that Plaintiffs allege a “minimum \$28,600” in repair damages and also seek punitive damages and attorney’s fees. The demurrer is not sustained on this basis. First, under Section 85(a), “attorneys’ fees, interest, and costs” are excluded from the cap. Second, the total amount of the relief sought is not clear from the allegations on the face of the Complaint. In order for a demurrer to be sustained, it is not enough that an action might be barred; it must *necessarily* be barred. (See *CrossTalk Productions, Inc. v. Jacobson* (1998) 65 Cal.App.4th 631, 635.)

Uncertainty

Defendants contend that the Complaint is ambiguous because the last cause of action does not actually state it is the Third Cause of Action, paragraphs 25-27 are more appropriate for a misrepresentation claim rather than a negligence claim, the damages alleged are internally inconsistent because Plaintiff alleges both a \$1,075 deficit beyond his security deposit and an additional minimum \$28,600, and the pleading uses “WHEREFORE, Plaintiff prays for judgement [sic] as hereinafter set forth” in the middle of substantive causes of action.

“Demurrers for uncertainty under Code of Civil Procedure section 430.10, subdivision (e) are disfavored. A demurrer for uncertainty is strictly construed, even where a complaint is in some respects uncertain, because ambiguities can be clarified under modern discovery procedures. A demurrer for uncertainty should be overruled when the facts as to which the complaint is uncertain are presumptively within the defendant’s knowledge.” (*Chen v. Berenjian* (2019) 33 Cal.App.5th 811, 822 [citations and internal quotations omitted].)

The demurrer is not sustained on the ground of uncertainty. Two of the issues raised by Defendants (leaving out the word “Third” in the last cause of action and the location of the prayers for relief) are formatting issues only and do not prevent Defendants from responding to the claims asserted against them. Further, Plaintiff’s damages allegations are not inconsistent and the challenge to the allegations in paragraphs 25-27 should be made to the cause of action itself rather than the Complaint as a whole.

First Cause of Action

Defendants demur to the First Cause of Action, which they recognize as a cause of action for breach of contract (despite being titled “Property Damages”), on the ground that Plaintiff does

not plead his own performance or excuse for nonperformance, the specific provisions of the lease that Plaintiff alleges were breached, or resulting damages.

The demurrer to the First Cause of Action is overruled. “To state a cause of action for breach of contract, [a plaintiff] must plead the contract, his performance of the contract or excuse for nonperformance, [the defendant’s] breach and the resulting damage. Further, the complaint must indicate on its face whether the contract is written, oral, or implied by conduct. If the action is based on an alleged breach of a written contract, the terms must be set out verbatim in the body of the complaint or a copy of the written instrument must be attached and incorporated by reference.” (*Otworth v. Southern Pac. Transportation Co.* (1985) 166 Cal.App.3d 452, 458-459 [citations, internal quotations, and footnote omitted].)

Plaintiff has satisfied the requirement of pleading the contract by attaching a copy of the lease as Exhibit A to the Complaint, alleges performance or excuse for performance in paragraph 20, and alleges resulting damages in paragraph 21. This is all that is required to withstand a demurrer.

Second Cause of Action

Defendants demur to the Second Cause of Action for negligence on the ground that it is barred by the economic loss rule as Plaintiff alleges only damages resulting from an alleged breach of the lease. As currently pled, Plaintiff alleges conduct that falls within the scope of the parties’ contractual relationship and he does not allege duties owed by Defendants outside of this relationship.

The demurrer to this cause of action is therefore sustained, with leave to amend. (See *Rattagan v. Uber Technologies, Inc.* (2024) 17 Cal.5th 1, 20-21.)

Third Cause of Action

Defendants demur to the Third Cause of Action for intentional misrepresentation on the ground that Plaintiff does not allege how, when, where, to whom and by what means the alleged representation was made. (See *Lazar v. Superior Court* (1996) 12 Cal.4th 631, 645.) The demurrer on this ground is overruled as Plaintiff alleges who (Defendant Hilton, as Plaintiff assumes to use the pronoun “he”)), when (June 1, 2025), where (the property), how or what means (during a meeting), and what (that he will remedy the property damages). (Complaint, ¶29.)

Defendants also demur on the ground that the representation was about future conduct, which requires an allegation that Defendants did not intend to perform. Where a fraud cause of action is based on a false promise, “the necessary averment is the general statement the promise was made without any intention to perform it, or that the defendant did not intend to perform it. The absence of any such a general allegation is ordinarily a fatal defect.” (*Roberts v. Los Angeles County Bar Assn.* (2003) 105 Cal.App.4th 604, 619 [citation and internal quotations omitted].)

Plaintiff does not allege that Defendant did not have an intent to perform when he stated he would repair the damages. The demurrer to this cause of action is sustained on this basis, with leave to amend.

Defendant to submit the order for entry.

Should any party wish to contest the tentative, they must provide proper notice to the court and opposing party. Hearing on the demurrer is continued to July 17, 2026, at 1:30 pm in this department.

Parties must comply with Marin County Superior Court Local Rules, Rule 2.10(A), (B), 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 2.10(B), 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. Kindly turn your camera on when your case is called and make sure the party or lawyer making the appearance is properly identified on the screen.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing while using the virtual remote courtroom. If the connection is inadequate, the Court may proceed with the hearing in the party's absence. If it is determined that you are diving your car during the hearing, you will be removed from the virtual courtroom. (Yes, this happens).