

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CIV2203747

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: STEPHEN ROULAC

vs.

DEFENDANT: PROMORTGAGE, INC., ET
AL

NATURE OF PROCEEDINGS: MOTION – SANCTIONS – DISCOVERY FACILITATOR
PROGRAM

RULING

Promortgage Inc. (“Promortgage”) filed a motion for evidentiary and monetary sanctions against Stephen Roulac (“Roulac”) related to Roulac’s failure to comply with this Court’s prior order granting Promortgage’s motion to compel responses to Form Interrogatories, Set Two and Special Interrogatories, Set Three.

Roulac filed a late opposition which essentially conceded that responses have not been served. Roulac agrees to serve responses before the hearing and has agreed to pay monetary sanctions. Roulac asserts there has been no prejudice to Promortgage, but this Court disagrees. Responses have been outstanding for several months, which has stymied the parties ability to consider depositions or resolution.

The Court agrees that monetary sanctions are warranted and orders sanctions against Promortgage and its counsel in the amount of \$765 to be paid within 20 days of this order. The parties shall appear for the hearing and confirm that such responses have been served. In the event they are still outstanding, the court will issue evidentiary sanctions.

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 July, 2026 is as follows:

<https://marin-courts-ca-qov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjiEOSHNgEGafG.1>

Meeting ID: 161 548 7764
Passcode: 502070

If you are unable to join by video, you may join by telephone by calling (669) 254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court's website: <https://www.marin.courts.ca.gov>

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0002364

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: STEPHAN WEIBEL, ET AL	
vs.	
DEFENDANT: OSHIORENOYA AGABI, ET AL	

NATURE OF PROCEEDINGS: MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiff Stephen Wiebel has filed a motion to compel third parties Arthur and Anna Manseau to comply with this Court’s December 31, 2025 order to turn over \$21,480 in funds received from the sale of abandoned personal property. The Manseaus assert that they should not have to turn over these funds because they needed to pay \$20,000 to clean the premises left behind by Defendant Oshiorenoya Agabi.

Section 1990.03 of the Civil Code requires that after a tenancy has terminated, a landlord must give written notice to the tenant of the sale of any abandoned property left behind and to any other person the landlord reasonably believes to be the owner of the property.

Wiebel’s counsel set forth a declaration asserting that he was in contact with the real estate brokers regarding the abandoned property and that they discussed the lien on the property. However, the property was sold without notice to Wiebel’s counsel. The Manseaus do not dispute that they were aware that Wiebel had an interest in the property.

Accordingly, the Manseaus are required to comply with the turnover order issued by this Court on December 31, 2025.

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: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0003631

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: CHRISTOPER J. EMGE, ET
AL

vs.

DEFENDANT: PHILIP BUNDSCHU, ET
AL

NATURE OF PROCEEDINGS: MOTION – OTHER: FOR AN ORDER TO DISCHARGE
GUARDIAN AD LITEM

RULING

Rebecca Guyette’s motion to be discharged as guardian ad litem is granted.

Procedural Background

Plaintiffs Christopher J. Emge and Kimberly Emge (the “Emges”) allege that they own real property adjoining the property at 421 The Alameda (the “Property”) owned by the Mary F. Bundschu Revocable Trust, dated March 21, 1989 (the “Trust”). Defendant Ellen B. McKnight (“Ellen”) has been the Trustee of the Trust for at least some of the relevant time period. Ellen’s brother, Defendant Philip Bundschu II (“Phil”), resides at the Property. The Emges allege that since Phil moved onto the Property in 2003, he has had outbursts that communicate violence, aggressiveness, hostility and anger, often when facing the Emges’ property. The Emges assert causes of action for private nuisance, public nuisance, and nuisance per se.

On April 8, 2025, the Court appointed Rebecca Guyette as guardian ad litem for Phil.

The Emges filed an Amendment to their Complaint on June 26, 2025.

On January 8, 2026, Ellen’s daughter filed a declaration advising that the Trustee was not competent and that a successor trustee would be appointed through the probate process. The status of that process as of the date of this ruling is unclear.

On November 19, 2025, Ms. Guyette filed a motion to recover attorney’s fees under Probate Code Section 1003(c). Ms. Guyette argued among other things that payment of her fees should be split equally between the Trust, which authorizes expenditures for Phil’s benefit, and by the Emges because they were the parties who asked for the appointment of a guardian ad litem. Both the Trust and the Emges opposed the motion. On March 2, 2026, the Court entered

an Order denying Ms. Guyette's motion on the ground that there was no authority for the Court to award the requested fees.

On May 14, 2026, Ms. Guyette filed an ex parte application to be discharged as guardian ad litem. On June 24, 2026, the Court continued the matter for a hearing on July 15, 2026.

The Emges have filed an Opposition to Ms. Guyette's request. The Trustee has not filed any response.

On July 2, 2026, Ms. Guyette filed a proof of service showing that copies of her moving papers were posted on Phil's property on June 28, 2026. Another proof of service shows that copies were also mailed to Phil at the property on June 24, 2026.

Request for Judicial Notice

Ms. Guyette's request for judicial notice of the Emges' opposition to her motion for payment of fees (Exhibit A), the Emge's ex parte application for appointment of guardian ad litem (Exhibit B), and Ms. Guyette's declaration in support of the ex parte application (Exhibit C) is granted. (Evid. Code §§ 452, 453.)

Discussion

Ms. Guyette seeks to be discharged as guardian ad litem because otherwise she will be forced to continue to provide services for free, without payment for her own time or for her attorney's time. She argues that it was the Emges who requested her appointment, and the declaration the Emges submitted to support their request – a request which was not opposed by the Trustee – stated her hourly rates for her services. As a result, the parties were aware of an expectation of compensation. Ms. Guyette also argues that there does not appear to be any presently available source of payment for Phil's ongoing legal representation as Phil does not actually own the property (but rather is authorized to live there under the Trust) and is not entitled to receive sale proceeds from the property. Further, the Trustee has expressly refused to use Trust assets to compensate Ms. Guyette or her counsel and has indicated that she does not intend to seek court authorization to terminate Phil's life estate, sell the property, reform the Trust, or otherwise pursue probate court relief that could allow for the use of Trust-related assets to pay Phil's legal expenses. The Emges have also refused to contribute to payment for Ms. Guyette's fees.

The Emges argue that the Court should deny Ms. Guyette's motion because if Ms. Guyette is allowed to withdraw, Phil would be left without representation only months before trial. The Emges also argue that the Trust or the property insurer should pay Ms. Guyette's fees and her attorneys' fees so that Ms. Guyette can continue to act as guardian ad litem.

Ms. Guyette's motion is granted. The Court will not require Ms. Guyette to serve as guardian ad litem without any compensation for her services. The Emges were the parties requesting the appointment of Ms. Guyette as guardian ad litem and submitted a declaration from her in which she stated the hourly rates for her services. The Emges cannot, therefore, express in good faith any surprise that Ms. Guyette would seek to be paid for her services, or frustration

with Ms. Guyette for not providing services in a complicated case free of charge. As the party seeking the appointment, the Emges could have avoided this situation by clarifying the terms of the appointment with Ms. Guyette before filing their motion. Further, while the Emges argue that the Trust should pay for Ms. Guyette's services, the Trustee has opposed this request and the Court already denied Ms. Guyette's request that the Trust pay for those services. The Court will also not require the property insurer to pay for these services as the insurer is not a party in this case and has had no opportunity to respond to this proposal.

The Court declines to condition Ms. Guyette's discharge on the appointment of a successor guardian ad litem, without an agreement in place first as to payment for the successor, as this would simply result in the same situation that currently exists.

The Court understands the unusual circumstances present in this case and sympathizes with all parties involved, but it will not compel Ms. Guyette to continue providing her services without compensation. The Court urges the parties to meet and confer to see if they can come to some kind of solution regarding a representative for Phil in this action and payment for that representative's services.

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: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0005274

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: PAQUITA MARIA RENDON	
vs.	
DEFENDANT: NATHANIEL LAUGHLIN KEEVE, ET AL	

NATURE OF PROCEEDINGS: MOTION – AMEND COMPLAINT

RULING

Plaintiff Paquita Rendon’s (“Plaintiff”) motion for leave to amend complaint is GRANTED.

Plaintiff seeks leave to amend her complaint to add a defendant and a cause of action as to a car accident which occurred approximately three years after a trip and fall incident. Plaintiff asserts that the car accident aggravated her neck and other injuries caused by the sprinkler fall. Defendant ABM opposes the request, asserting that such an amendment will cause prejudice.

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.) Leave to amend to more clearly state a plaintiff’s theories of liability should be liberally allowed. (*Rainer v. Buena Community Memorial Hospital* (1971) 18 Cal.App.3d 240, 253-254.) Denial is rarely justified unless opposing parties demonstrate unreasonable delay plus prejudice if the motion is granted. A mere showing of unreasonable delay by the plaintiff without any showing of resulting prejudice to defendants is an insufficient ground to justify denial of the plaintiff’s motion. (*Higgins v. Del Faro* (1981) 123 Cal.App.3d 558, 564-565.) Prejudice exists where the amendment would require delaying the trial, resulting loss of critical evidence or added costs of preparation, and an increased burden of discovery, inter alia. (*Magpali v. Farmers Group, Inc.* (1996) 48 Cal.App.4th 471, 486-488.)

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).)

ANALYSIS

Defendant's opposition is based on its claim that joinder of a new defendant regarding an unrelated collision is impermissible under Code of Civil Procedure section 389. These arguments go to the merits of the proposed amendment rather than a showing of unreasonable delay and prejudice. While Defendant may attack the joinder by way of separate motion, it does not factor into this Court's analysis as to whether to allow the amendment.

Plaintiff has met the requirements of California Rules of Court, rule 3.1324 by attaching the proposed amended complaint to counsel's declaration and detailing the changes to the complaint.

Accordingly, the amendment shall be allowed.

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: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0005317

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALLINA ANDRES

PLAINTIFF: ROBERT C. PLACAK &
ASSOCIATES, INC.

vs.

DEFENDANTS: DEBBY BAKER PAGE
ET AL.

NATURE OF PROCEEDINGS: MOTION – COMPEL - DISCOVERY FACILITATOR
PROGRAM

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

RULING

Plaintiff filed motions to compel compliance with document production and further responses to form interrogatories, and for sanctions, which were initially set for hearing on July 8, 2026. The parties then stipulated to move the hearing to July 22, 2026 in part because the parties were working to resolve matters through the Discovery Facilitator. According to Plaintiff, Defendant had agreed to provide supplemental responses.

No further update has been provided. 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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0006115

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: CAPITAL ONE, N.A.	
vs.	
DEFENDANTS: DAVID HURWITZ	

NATURE OF PROCEEDINGS: MOTION – OTHER: REQUEST FOR ADMISSION OF TRUTH OF FACTS TO BE DEEMED ADMITTED

RULING

Plaintiff Capital One, N.A. (“Plaintiff”) filed this discovery motion requesting further responses to interrogatories, and that the court deem admitted the admission requests served on Defendant David Hurwitz (“Defendant”). According to Plaintiff’s declaration, Requests for Admission were served on December 10, 2025. This discovery consisted of eight requests for admission including admissions that Defendant applied for the subject credit account and agreed to its terms and conditions, and that he breached those terms by failing to make minimum payments, which resulted in a balance of \$4,413.89 owed to Plaintiff. Defendant appeared at a case management conference and was referred to the self-help center for assistance. However, he has not responded to the discovery.

As to this motion, a notice of hearing was served on Defendant and again, there was no response. 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 [plaintiff] 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, the court shall grant Plaintiff’s motion and deem the requests for admission to be admitted.

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: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0006175

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: ALEXANDER XUE

vs.

DEFENDANT: ANCONA, INC.

NATURE OF PROCEEDINGS: MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiff Alexander Xue filed a motion for compliance with his Initial Disclosures demand. The parties were referred to the Discovery Facilitator Program and on July 6, 2025, Gerri Green was appointed to serve as the Discovery Facilitator. The court will continue this motion to July 29, 2026 to allow for the Discovery Facilitation to take place. Pursuant to local rule MCR 2.13, the parties must file a Declaration of Non-Resolution if the matter does not resolve.

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: 07/15/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0008471

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: ELLEN LINN STAPLES vs. DEFENDANT: CHRISTINA ALEXANDER PETERSEN, ET AL	
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NATURE OF PROCEEDINGS: MOTION – ANTI-SLAPP 425.16

RULING

On May 26, 2026, Defendants filed an anti-SLAPP motion to strike proceedings. The filing exceeded the 60-day statutory deadline, but Defendants requested that this Court exercise its discretion to hear the motion. (Code Civ. Proc. §425.16(f).) A notice of the motion was served on Plaintiff's counsel. On June 3, 2026, the Court sent a notice of continuance to all counsel of record and Plaintiff, continuing the motion from June 26, 2026 until July 15, 2026. Plaintiff did not file a timely opposition to the motion. Plaintiff's late-filed opposition also asks the court to exercise its discretion to hear the late-filed opposition.

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.

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