

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 08/18/26 TIME: 1:30 P.M. DEPT: A CASE NO: CIV2301453

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: CAROLYN BORDES, ET
AL

vs.

DEFENDANT: DAMIR STOSIC, ET AL

NATURE OF PROCEEDINGS: MOTION – AMEND

RULING

This is a dispute between neighbors over parking. The operative pleading, Plaintiffs’ Second Amended Complaint (“SAC,” filed July 22, 2024) alleges that Plaintiffs own real property at 503 Sausalito Boulevard in Sausalito. (SAC, ¶ 1.) Defendants Damir Stosic and Pauli Larsen-Stosic (“Defendants”) own real property at 501 Sausalito Boulevard. (*Id.* at ¶ 2.) Plaintiffs allege that for years, Defendants have been parking vehicles and storing items within an area over which Plaintiffs have a right of way easement, which has impeded Plaintiffs’ access to their property. (*Id.* at ¶ 6.) The SAC asserts, among other causes of action, claims for nuisance and injunctive relief. The injunctive relief requested consists of a permanent injunction prohibiting Defendants from parking or placing objects in such a way that Plaintiffs cannot use “Plaintiff’s [sic] Easement to exit or enter their garage[.]” (*Id.* at Prayer, ¶ 1.)

This case was tried in a bench trial on May 4, 6, and 7, 2026. (Bluestone Dec., ¶ 3.) On June 10, Defendants submitted their closing brief. On June 25, Plaintiffs filed the instant motion for leave to amend the SAC to conform to proof at trial.

Legal Standard

“Any judge, at any time before or after commencement of trial, in the furtherance of justice, and upon such terms as may be proper, may allow the amendment of any pleading[.]” (Code Civ. Proc., § 576.) “[T]he allowance of amendments to conform to the proof rests largely in the discretion of the trial court and its determination will not be disturbed on appeal unless it clearly appears that such discretion has been abused.” (*Trafton v. Youngblood* (1968) 69 Cal.2d 17, 31.) “Such amendments have been allowed with great liberality ‘and no abuse of discretion is shown [u]nless by permitting the amendment[,] new and substantially different issues are introduced into the case or the rights of the adverse party prejudiced[.]’ ” (*Ibid.* [quoting *McNamara v. Steckman* (1927) 202 Cal. 569, 572]; accord *Singh v. Southland Stone, U.S.A., Inc.* (2010) 186

Cal.App.4th 338, 354-355 [“Leave to amend to conform to proof at trial ordinarily is liberally granted unless the opposing party would be prejudiced by the amendment.”]; Code Civ. Proc., § 469 [“Variance between the allegation in a pleading and the proof shall not be deemed material, unless it has actually misled the adverse party to his or her prejudice in maintaining his or her action or defense upon the merits.”].)

Discussion

The motion seeks to amend the SAC to request an injunction preventing Defendants from parking not just within Plaintiffs’ easement area, but also within five feet of a staircase located at least partially within a city right of way (the “Stairs Area”). Plaintiffs contend that the Stairs Area is “on Plaintiffs’ ‘Property’ ” and Defendants’ parking there impedes Plaintiffs’ access to their home. (Memorandum, p. 4; but see Reply, p. 4, fn. 2 [Plaintiffs insist that they are not accusing Defendants of “park[ing] on Plaintiffs’ Property”].) Plaintiffs explain that Defendants, in their closing brief, complained that an injunction as to the Stairs Area is beyond the scope of the SAC because the SAC requests injunctive relief as to Defendants’ parking *within Plaintiffs’ easement*, and the Stair Area is not within Plaintiffs’ easement, or at least is not entirely within it. (Memorandum, p. 4.)

Plaintiffs present evidence that the issue of Defendants’ parking in the Stairs Area has been part of this case, known to both Plaintiffs and Defendants and actively litigated by both sides, for some time regardless of whether it was pleaded in the SAC. According to Plaintiffs’ counsel, he and Defendants’ attorney had “extensive discussions” on this topic for over a year prior to trial. (Bluestone Dec., ¶ 6.) During discovery, when asked to “state all facts” supporting certain of his central contentions, including contentions expressly related to his entitlement to injunctive relief, Plaintiff Stephen Bordes’ response referred to Defendants’ parking in the city’s right of way. (*Id.* at Ex. D [Interrog. No. 4].) During Plaintiff Stephen Bordes’ deposition, defense counsel questioned him on the topic of how Defendants’ use of the Stairs Area interferes with his use of his property. (*Id.* at ¶ 7; Ex. C, 131:5-134:23.) In their pretrial Issue Conference Statement (filed April 27, 2026), Plaintiffs described Defendants’ obstruction of the Stairs Area and clearly stated, “Plaintiffs seek an injunction to prevent Defendants from parking within five feet of the stairs and curb area.” (*Id.* at ¶ 5; Ex. B, pp. 4-5; see also pp. 9-10.) During trial, Plaintiffs introduced exhibits depicting the Stairs Area and Defendants’ obstruction of it and testified as to such interference. (*Id.* at ¶ 9.) Defendants did not object to any of this and in fact testified themselves about their use of the Stairs Area. (*Id.* at ¶¶ 9-10.)

In opposition to this motion, Defendants do not dispute any of this, nor do they argue that they will be prejudiced in any way if the motion is granted. Instead, they argue that based on evidence adduced at trial, Plaintiffs’ claim for injunctive relief fails as amended. This makes clear that they stand ready to meet this claim. Finding no prejudice, the Court grants the motion.

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 August, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1605267272?pwd=908CbP6TV2mhCAyai1nzo6lyz2dKaw.1>

Meeting ID: 160 526 7272

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 08/18/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0003459

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: OTMANE BENNANI

vs.

DEFENDANT: NORTH BAY REGIONAL
SURGERY CENTER, LLC, ET AL

NATURE OF PROCEEDINGS: MOTION – SUMMARY JUDGMENT

RULING

In light of the notice of settlement filed August 13, 2026, this matter is ordered **OFF CALENDAR**.

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: 08/18/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0004594

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: ALLISON FAUST

vs.

DEFENDANT: TEOBALDO SCHUJMAN,
ET AL

NATURE OF PROCEEDINGS: MOTION – OTHER: DEFENDANT TEOBBALDO SCHUJMAN AND CARMEN ALICIA SCHUJMAN'S MOTION FOR ENTRY OF INTERLOCUTORY JUDGMENT FOR ATTORNEYS FEES AWARDED AND FOR ENTRY OF INTERLOCUTORY JUDGMENT FOR SANCTIONS AWARDDE

RULING

Defendants' motion for entry of interlocutory judgments is **DENIED**.

Procedural Background

On June 27, 2025, the Court entered an Order awarding Defendants \$3,115 in discovery sanctions. (Declaration of Patricia Conway ("Conway Decl."), ¶7 and Exh. D.) On October 14, 2025, the Court entered an Order awarding Defendants \$36,560 in attorney's fees and costs under Code of Civil Procedure Section 405.38. (Conway Decl., ¶3 and Exh. A.) Plaintiff has not made any payment toward the fee award and has paid \$1,000 towards the sanctions award. (Conway Decl., ¶7.)

Defendants request that the Court enter an interlocutory judgment as to the unpaid amount for each order, plus interest at 10% per annum from the date of each order.

Defendants' Objections

The Court does not rule on Defendants' objections to Plaintiff's declaration as Plaintiff's declaration has no impact on the Court's ruling.

Discussion

Defendants' motion is denied. The sanction order already has the full force and effect of a money judgment which Defendants can enforce through execution. (See *Newland v. Superior*

Court (1995) 40 Cal.App.4th 608, 615 [“monetary sanction orders are enforceable through the execution of judgment laws. These orders have the force and effect of a money judgment, and are immediately enforceable through execution”] [citation omitted]; *Constellation-F, LLC v. World Trading 23, Inc.* (2020) 45 Cal.App.5th 22, 30 [“Sanctions orders have the full force and effect of a money judgment”]; *Jones v. Otero* (1984) 156 Cal.App.3d 754, 759 [“An order imposing monetary sanctions may be enforced under the Enforcement of Judgments Law”]; Edmon & Karnow, *Cal. Prac. Guide: Civil Procedure Before Trial*, ¶9:1285 (Rutter Group June 2026 Update) [“A sanctions order is enforceable the same way as a ‘money judgment’; i.e., a writ of execution may be issued by the court and levied on the property of the person sanctioned”] [emphasis in original].) The attorney’s fee order may also be enforced through the Enforcement of Judgments Law. (See *Alioto Fish Co. v. Alioto* (1994) 27 Cal.App.4th 1669, 1686-1687.) Defendants therefore do not need interlocutory judgments to begin collection efforts under the mechanisms provided in Code of Civil Procedure Section 680.010 et seq., which include but are not limited to writs of execution.

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: 08/18/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0006315

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PETITIONER: ROBERT ALLEN
RAUDSO

vs.

DEFENDANT: JOSE GUILLEN ET AL.

NATURE OF PROCEEDINGS: MOTION – RELIEVE COUNSEL

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 8/18/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0009903

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: DEVI KIMBROUGH
KUSHNER

vs.

DEFENDANTS: BANK OF AMERICA, ET
AL.

NATURE OF PROCEEDINGS: MOTION – PRELIMINARY INJUNCTION

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.

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