

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0002392

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: STANLEY G. PUOLOS, M.D.	
vs.	
DEFENDANT: YNGVAR HVISTENDAHL, M.D.	

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

RULING

This matter is continued to November 13, 2026.

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 October, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjiEOSHnzEGafG.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: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0004079

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: DONNA LEE SIMMONS,
INDIVIDUALLY AND ON BEHALF OF
OTHERS SIMILARLY SITUATED

vs.

DEFENDANT: LIFEHOUSE, INC.

NATURE OF PROCEEDINGS: MOTION – GOOD FAITH SETTLEMENT

RULING

On June 1, 2026, this Court issued its order granting Plaintiff's motion for preliminary approval of class action settlement, finding that its terms were within the range of reasonableness of a settlement that ultimately could be granted approval at a final approval hearing. The Court found the class to be ascertainable, sufficiently numerous, and that there was a sufficiently well-defined community of interest among the members of the class. It found the methods of distributing the settlement and the notice to members to satisfy the requirements of due process, and approved the opt-out notice to be sufficient. It directed the Settlement Administrator to mail notice of the settlement consistent with the terms of the settlement.

Having reviewed the motion for final approval, as well as the declarations submitted the Court grants the motion for final approval. It further confirms Protection Law Group, LLP, as class counsel and approves the settlement. There were no written objections to the settlement and only one class member submitted a timely request to be excluded from the settlement. The settlement payments provided for in the Agreement are reasonable in light of the circumstances. The PAGA penalties of \$50,000 and the distribution of these penalties are also appropriate.

The Court further approves payment to the Settlement Administrators in the amount of \$11,000 and the individual enhanced payment of \$10,000 to Plaintiff. It also approves the requested attorneys' fees in the amount of \$385,000, finding this amount to be reasonable given the experience of counsel, the hourly rates and the hours expended.

In light of the above, the Court shall sign the final order and judgment.

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 October, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjjEOSHnzEGafG.1>

Meeting ID: 161 548 7764

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0007744

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: SUSAN F. SCHMIDT, AS
TRUSTEE OF THE SCHMIDT FAMILY
REVOCABLE TRUST DATED JULY 27,
1995 ET AL

vs.

DEFENDANT: ISRAEL SABAN, AS
TRUSTEE OF THE ISRAEL SABAN 2004
LIVING TRUST DATED MAY 7, 2004

NATURE OF PROCEEDINGS: MOTION – ENTRY OF JUDGMENT

RULING

Plaintiff Susan Schmit, Trustee filed a motion for entry of judgment on a settlement entered into with Defendant Isreal Saban, Trustee on September 22, 2026. An order was entered granting a request to advance the hearing date. The order advancing the hearing date was personally served on Mr. Saban on October 20, 2028.

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 October, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjjEOSHNgEGafG.1>

Meeting ID: 161 548 7764

Passcode: 502070

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0008805

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: CHRISTOPHER LIEN

vs.

DEFENDANT: NEAR SPACE LABS, INC.

NATURE OF PROCEEDINGS: MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiff's motion to compel further responses to requests for production of documents was filed on August 4, 2026. The parties were referred to a discovery facilitator and the parties were set to meet with the facilitator on Friday October 23, 2026. The court shall continue this matter to November 3, 2026, so that the parties have an opportunity to narrow their disputes.

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 October, 2026 is as follows:

<https://marin-courts-ca-qov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjEOSHNgEGafG.1>

Meeting ID: 161 548 7764

Passcode: 502070

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0008908

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: PAUL PERLITE, ET AL

vs.

DEFENDANT: AMERICAN HONDA
MOTOR CO. INC., ET AL

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 – DISCOVERY FACILITATOR PROGRAM

6) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

7) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

8) MOTION – COMPEL – DISCOVERY FACILITATOR PROGRAM

RULING

Defendant American Honda Motor Company filed a motion to compel responses to form interrogatories, special interrogatories, requests for documents, and to have requests for admission deemed admitted. Defendant also requests monetary sanctions in the amount of \$2,160 for each motion. Apparently, Plaintiff filed boilerplate objections to all responses. The parties were referred to Discovery Facilitator Jeannette Vacaro. Neither party filed a Declaration of Non-Resolution as required in local rule MCR Civ. 2.13H. Plaintiff however, filed a last minute opposition asserting that code compliant responses have been served. Plaintiff also asserts that sanctions are not warranted, notwithstanding that Defendant was apparently forced to bring these motions to compel compliance.

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 October, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjiEOSHnzEGafG.1>

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0009335

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: LINK HOLDINGS, LLC

vs.

DEFENDANT: CITY OF SAUSALITO, A
MUNICIPAL CORPORATION, ET AL

NATURE OF PROCEEDINGS: 1) MOTION – PRELIMINARY INJUNCTION
2) DEMURRER
3) ORDER – SHOW CAUSE – PRELIMINARY INJUNCTION

RULING

The demurrer filed by Respondent City of Sausalito and Real Parties in Interest Kostantinos Kassaras and Katherine Pappas-Kassaras is overruled. Petitioner’s request for preliminary injunction is denied.

I. Allegations in the First Amended Petition

Petitioner Link Holdings, LLC alleges in its First Amended Petition that it acquired the property at 25 San Carlos in Sausalito in 2023. Real Parties in Interest Kostas Kassaras and Katherine Pappas-Kassaras (“Real Parties”) own the property at 33 San Carlos. In 2021, Real Parties submitted an application to the City of Sausalito (the “City”) for a remodel of 33 San Carlos. Real Parties demolished or substantially demolished the prior residence without a demolition permit and removed approximately 40 percent of the live foliage of protected oak trees without a tree alteration permit. They then began to construct a new three-story home which moved the structure closer to 25 San Carlos, replaced a wooded foreground with building mass, and impaired views and privacy. Petitioner filed a code-enforcement complaint and the City issued an April 23, 2025 stop work notice. The city issued further cease and desist or compliance orders but construction continued.

After a July 2025 Planning Commission hearing that was continued, Real Parties relabeled part of the already framed first-floor space as a JADU and invoked the Housing Accountability Act (“HAA”) to restrict the City’s design review authority. At a hearing on October 8, 2025, the Planning Commission approved a revision that reduced the project by 60 square feet rather than a previously directed 300 square feet. Petitioner appealed the Planning Commission’s approval to the City Council, but construction continued. On October 29, 2025, the Assistant City Manager directed Real Parties to cease construction . On December 2, 2025,

the City Council conducted a public hearing on the appeal. At the hearing, the City Council approved the project leaving material matters open that required interpretation and discretionary choice. A resolution was signed on December 12 that was different than what was approved at the December 2nd hearing and a materially different “R3” resolution had been created by January 7, 2026. City staff accepted Real Parties’ revised plans on January 8, 2026 without returning them to the City Council.

The First Cause of Action seeks a writ of administrative mandamus under Code of Civil Procedure Section 1094.5, the Second Cause of Action seeks a writ of traditional mandamus under Code of Civil Procedure Section 1085, and the Third Cause of Action seeks declaratory relief.

II. Demurrer to the First Amended Petition

A. Procedural Deficiency

The Court’s records reflect that only a memorandum of points and authorities, request for judicial notice, and two declarations were filed by the City/Real Parties (“Demurring Parties”), and not a demurrer or notice of hearing. Petitioner does not state that it did not receive these documents or that it has been prejudiced in any way, and does not oppose the demurrer on this basis. Further, the caption pages of the documents that were filed reflect the October 28th hearing date. The Court will consider the demurrer but reminds the City/Real Parties to comply with all rules when filing matters with the court.

B. Standard

Demurrers are permitted in writ of mandate proceedings. (Code Civ. Proc., § 1108, 1109.) A demurrer tests the sufficiency of a pleading, and the grounds for a demurrer must appear on the face of the pleading or from judicially noticeable matters. (Code Civ. Proc., § 430.30(a); *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) The face of the pleading includes attachments and incorporations by reference. (*Frantz v. Blackwell* (1987) 189 Cal.App.3d 91, 94.) The sole issue on demurrer for failure to state a cause of action is whether the facts pleaded, if true, would entitle the plaintiff to relief. (*Garcetti v. Superior Court* (1996) 49 Cal.App.4th 1533, 1547; *Limandri v. Judkins* (1997) 52 Cal.App.4th 326, 339.) The ultimate facts alleged in the complaint must be deemed true, as well as all facts that may be implied or inferred from those expressly alleged. (*Marshall v. Gibson, Dunn & Crutcher* (1995) 37 Cal.App.4th 1397, 1403.) Nevertheless, this rule does not apply to allegations expressing mere conclusions of law, or allegations contradicted by the exhibits to the complaint or by matters of which judicial notice may be taken. (*Vance v. Villa Park Mobilehome Estates* (1995) 36 Cal.App.4th 698, 709.)

A demurrer based on a statute of limitations will not lie where the action may be, but is not necessarily, barred. (*Lee v. Hanley* (2015) 61 Cal.4th 1225, 1232.) In order for the bar to be raised by demurrer, the defect must clearly and affirmatively appear on the face of the complaint or matters subject to judicial notice; it is not enough that the complaint shows that the action may be barred. (*Ibid*; see also *Richtek USA, Inc. v. UPI Semiconductor Corp.* (2015) 242 Cal.App.4th 651, 658.)

C. Request for Judicial Notice

Demurring Parties' request for judicial notice of the minutes from the December 2, 2025 City Council meeting (Exhibit A), the video from the December 2, 2025 City Council meeting (Exhibit B), and Petitioner's Verified Petition attaching Resolution No. 76-2025 (Exhibit C) is granted. (Evid. Code §§ 452, 453.)¹ The Court can consider the minutes and video to show what transpired at the hearing. (See *Evans v. City of Berkeley* (2006) 38 Cal.4th 1 n. 5; *Lafayette Bollinger Development LLC v. Town of Moraga* (2023) 93 Cal.App.5th 752 n. 9; *Social Services Union v. City and County of San Francisco* (1991) 234 Cal.App.3d 1093 n. 3; *Citizens for South Bay Coastal Access v. City of San Diego* (2020) 45 Cal.App.5th 295 n. 3; *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209 n. 6; *California Assn. of Retail Tobacconists v. State of California* (2003) 109 Cal.App.4th 792 n. 21.) Real Parties' request for judicial notice of Resolution No. 2025-21, made in connection with its Reply, is also granted.

Petitioner's request for judicial notice of Resolution No. 76-2025 (Exhibit A) and Resolution No. 76-2025 (Exhibit B) is granted as these are official acts. Request for judicial notice of Sausalito Municipal Code Sections 10.22.040 and Table 10.22-2, 10.40.050, 10.50.180, 10.82.020, 10.84.050, 10.84.060, and 10.84.070 (Exhibit N) is also granted. Petitioner's request as to Exhibits C-M is denied as these exhibits are emails and other correspondence which are generally not subject to judicial notice and Petitioner does not discuss them in its First Amended Petition. The request is also denied because at least some of the documents are not relevant to the issues of timeliness or notice. (See *Ross v. Seyfarth Shaw LLP* (2023) 96 Cal.App.5th 722, 745-746.) Exhibits G-M go to the merits of Petitioner's contention that the City's decision on December 2nd did not adequately consider certain evidence, which is untimely.

D. Objections

Petitioner's objection to the Declaration of Sergio Rudin is sustained. The Court does not consider extrinsic material, not subject to judicial notice, when ruling on a demurrer. (See *SKF Farms v. Superior Court* (1984) 153 Cal.App.3d 902, 905 ["A demurrer tests the pleadings alone and not the evidence or other extrinsic matters. Therefore, it lies only where the defects appear on the face of the pleading or are judicially noticed. The only issue involved in a demurrer hearing is whether the complaint, as it stands, unconnected with extraneous matters, states a cause of action"] [citation omitted].)

E. First and Third Causes of Action: Timeliness

Petitioner alleges in the First Cause of Action that the City failed to proceed in the manner required by law because the City Council did not adopt a definite written decision containing the material conditions at the hearing, the signed December 12th resolution did not reflect the modifications announced by the City Council at the hearing, the R3 version was used for the January 8th plans without further City Council action, and the City failed to provide written notice of its decision(s). (First Amended Petition ("FAP"), ¶75.) Petitioner also alleges that the City prejudicially abused its discretion by making findings unsupported by substantial

¹ The video (Exhibit B) is lengthy and time consuming to navigate. If the parties intend to use the video as evidence of what transpired at the December 2nd hearing, the Court requests that they also submit a written transcript of the hearing or a stipulation as to what was said.

evidence and that the City acted in excess of jurisdiction by allowing staff to supply or materially revise the operative conditions after the December 2nd hearing without review by the City Council. (FAP, ¶¶76, 77.) Petitioner requests a peremptory writ of administrative mandate directing the City to set aside the December 2nd decision and project approval, the Planning Commission approval, and every version of Resolution No. 76-2026 including R3. (Prayer for Relief, ¶1.)

Petitioner alleges in the Third Cause of Action that an actual and present controversy exists among Petitioner, the City, and Real Parties concerning the legal effect of the City Council's December 2nd action, the signed December 12th resolution, the R3 version, and the January 8th plans and approvals or permits. (FAP, ¶86.) Petitioner seeks a declaration that R3 was not lawfully adopted by the City Council at a noticed public meeting, staff lacked authority to accept or approve the January plans as minor modifications, the project may not proceed under the challenged approval or the January plans unless all mandatory findings and objective standards are lawfully satisfied, and any material revision must be returned to the lawful granting authority on a new application with notice, findings, and appeal rights. (Prayer for Relief, ¶3(a).)

1. Government Code Section 65009

Demurring Parties argue that the First and Third Causes of Action are untimely under Government Code Section 65009.

Section 65009(c)(1)(E) and (F) provide: “Except as provided in subdivision (d), no action or proceeding shall be maintained in any of the following cases by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days after the legislative body’s decision . . . (E) To attack, review, set aside, void, or annul any decision on the matters listed in Sections 65901 and 65903, or to determine the reasonableness, legality, or validity of any condition attached to a variance, conditional use permit, or any other permit. (F) Concerning any of the proceedings, acts, or determinations taken, done, or made prior to any of the decisions listed in subparagraphs (A), (B), (C), (D), and (E).” (Gov. Code § 65009 [emphasis added].) “Upon the expiration of the time limits provided for in this section, all persons are barred from further action or proceeding.” (Gov. Code § 65009(e).)

“The Legislature expressly intended Government Code section 65009 ‘to provide certainty for property owners and local governments regarding decisions made pursuant to this division.’ (Gov. Code, § 65009, subd. (a)(3).) ‘To this end, Government Code section 65009, subdivision (c) establishes a short, 90-day statute of limitations, applicable to both the filing and service of challenges to a broad range of local zoning and planning decisions.’” (1305 *Ingraham, LLC v. City of Los Angeles* (2019) 32 Cal.App.5th 1253, 1260 [citations omitted].)

“Even if a petition is timely filed under Government Code section 65009, subdivision (c), if it is not personally served as required by statute, the petition must be dismissed.” (*Royalty Carpet Mills, Inc. v. City of Irvine* (2005) 125 Cal.App.4th 1110, 1119.) “The service deadline is of particular importance to achieving the statutory objectives because ‘[r]equiring an aggrieved citizen to file an action within 90 days but permitting him or her to withhold service for months or even years would effectively suspend the effective date of local land use and development decisions and leave such matters at the mercy of the complainant.’ Under section 65009,

subdivision (e), after expiration of the filing and service limitations period, ‘all persons are barred from any further action or proceeding.’ There are no exceptions.” (*Weiss v. City of Del Mar* (2019) 39 Cal.App.5th 609, 619 [citations omitted].) Therefore, even if a petition is timely filed, “if it is not personally served as required by statute, the petition must be dismissed.” (*Royalty Carpet Mills*, 125 Cal.App.4th at p. 1119.) Actions that are timely filed, but served even one day late, are barred. (See *Wagner v. City of South Pasadena* (2000) 78 Cal.App.4th 943, 950.)

“For the actions described in section 65009, subdivision (c)(1), the 90-day limitations period begins to run from the date on which the challenged decision is made.” (*County of Sonoma v. Superior Court* (2010) 190 Cal.App.4th 1312, 1324.) “[T]he statute of limitations for initiating a judicial challenge to the administrative action runs from the date of the final adjudicatory administrative decision.” (*Hensler v. City of Glendale* (1994) 1 Cal.4th 1, 22.) “[T]o pinpoint when the statute of limitations” begins to run, “one must determine what specific governmental act or acts [the petitioner] seeks to challenge. To do so, courts examine the nature of the party’s claims. The true nature of those claims may be found by looking to the allegations of the pleadings and to the relief requested” (*County of Sonoma* 190 Cal.App.4th at p. 1324.)

2. The Parties’ Positions

It is undisputed that Petitioner did not file and serve its initial Petition until 91 days after the December 2, 2025 hearing. The issue in dispute is whether the 90 day period began to run on December 2, 2025 as the Demurring Parties argue or whether it began to run at some subsequent point as Petitioner argues. This Court previously sustained a demurrer to the original Petition on the ground that it was untimely but granted Petitioner leave to amend to add factual allegations that it contends supports its argument that the limitations period began to run after the December 2nd hearing.

Petitioner alleges that the City Council’s decision at the hearing on December 2, 2025 left open material issues that remained to be determined, including the location of the displaced third-floor space, the treatment of the protected tree canopy and root zone, and the roof and exterior wall height limitations, and that an entirely different resolution existed as of January 7, 2026 which the City treated as the operative approval for Real Parties’ January 8, 2026 plans. Petitioner alleges that without the later R3 terms and post-hearing plans, neither Petitioner nor the Court could determine the physical project that had purportedly been approved.

Demurring Parties contend that the City Council took final action at the December 2nd hearing. Demurring Parties argue that while City staff drafted modified Conditions of Approval and approved revised plans without bringing these changes back to the City Council, the City Council specifically authorized staff to administratively make these modifications as part of the City Council’s December 2nd action. This direction to staff is reflected in the minutes of the December 2nd hearing. Further, to the extent Petitioner argues that the City’s grant of this power to staff was in excess of the City Council’s authority, that challenge is also to the December 2nd action, which Petitioner has failed to challenge in a timely manner.

3. The December 2, 2025 Hearing and Subsequent Events

For purposes of this demurrer only, the Court assumes the truth of the facts alleged in the First Amended Petition, but not legal conclusions. The Court discusses those allegations below along with matters of which it takes judicial notice.

The City Council conducted a public hearing on Petitioner's appeal on December 2, 2025. (FAP, ¶23.) The City Council attempted to craft conditions and the Mayor proposed relocating the third-floor closet and bathroom outside the area of the removed canopy and farther from 25 San Carlos, creating conditions for canopy recovery, lowering or cutting steel members that exceeded story poles, and requiring geotechnical and structural review. The City Attorney narrowed or reformulated the proposed protections by allowing the third-floor bump-out to extend to the midpoint between gridlines, allowing the displaced space to be relocated elsewhere on the third floor, and converting the height direction into later verification against story poles and approved plans. (*Id.*, ¶¶24, 35.) Petitioner and its counsel attended and participated in the December 2nd hearing. (DP's RJN Exh. A.)

The minutes of the December 2, 2025 hearing state, in the last paragraph relating to this permit: "Mayor Cox moved, seconded by Vice Mayor Woodside, and unanimously carried (Councilmember Sobieski being recused) to approve the project with modified Conditions of Approval as stated on the record, including relocation of the third-floor closets and bathroom out of the former tree canopy area, limiting finished roof heights to the story pole height, and requiring a geotechnical report and structural calculations at the building permit stage, with staff to administer the changes administratively." (*Id.*) The video of the hearing reflects that before moving to approve the modified Conditions of Approval, Mayor Cox stated: "I am not suggesting that the project return to us or to the planning commission, but rather that this be carried out administratively by the community and economic development department." Mayor Cox then confirmed with the assistant City manager that "you and your staff will administer this to its conclusion based upon the direction we give this evening." (DP's RJN Exh. B.)

Resolution No. 76-2025, attached as Exhibit E to the First Amended Petition, states:

Section 1. Appeal AOD 2025-00212 is denied as the City Council has determined that the permits required were not issued in error and that all the required findings can be made for each permit issued.

Section 2. The City Council finds, in the exercise of its independent judgment, that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures), and that none of the grounds preventing the use of a categorical exemption in CEQA Guidelines section 15300.2 apply to the project.

Section 3. The Design Review Permit to add 1,620 square feet of net new floor area, a one-car garage, an interior ADU, and a JADU to the existing single-family home at 33 San Carlos Avenue (APN:

065 202-52) is approved based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the project plans titled “Pappas-Kassarar Residence”, received September 25, 2025 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito City Council on the 2nd day of December 2025, by the following vote:

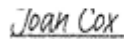
AYES: Blaustein, Hoffman, Woodside, Cox

NOES:

ABSENT:

ABSTAIN: Sobieski

APPROVED:


Joan Cox Sign: 12/22/25 10:09:11 PST

JOAN COX
MAYOR

The Resolution has three attachments: Findings, Conditions of Approval, and Project Plans. Condition of Approval No. 2 provides: “The project shall be designed and constructed as shown in the set of plans titled ‘Pappas-Kassarar Residence’, received September 25, 2025 (Attachment 3) except for the removal of the roof deck space on Sheet A2.7 which shall be reflected in the construction drawings and verified by City Staff prior to the issuance of a building permit. Pursuant to SMC 10.50.180.B, the Community Development Director is authorized to administratively approve minor modifications to the approved plans.” (Emphasis added.) This Resolution (Exhibit E to the FAP) was not signed by the mayor until December 12, 2025. (FAP, ¶¶4, 39.) The signed Resolution did not expressly incorporate the modifications discussed at the hearing but instead approved the original September plans with only roof-deck removal, authorizing staff to administratively approve modifications to the approved plans. (*Id.*, ¶36.)

On December 22, 2025, Petitioner sent a letter to the Mayor and the City Council identifying issues that were still not resolved, including the relocation of the bathroom and closet on the third floor outside the canopy area, tree canopy recovery, and height terms. The letter asked the City Council to ensure that staff accurately implement what the Council had directed. (FAP, ¶3 and Exh. A.)

At some point after December 12th, City staff prepared R3, another version of Resolution No. 76-2025. The electronic metadata associated with R3 reports a creation date of January 7, 2026. (FAP, ¶40, Exh. F.) Condition of Approval No. 2 in R3 provides: “The project shall be designed and constructed as shown in the set of plans titled ‘Pappas-Kassarar Residence’, received September 25, 2025 (Attachment 3) except that the closet and bathroom depicted on

Sheet A2.7 shall be removed and relocated elsewhere on the third floor, and that any bump out may not exceed the midway point between lines 4.1 and 4.8 on Sheet A2.7. In addition, the updated design shall ensure reasonable ADA compliance including accessibility and path of travel.” R3 also separately numbered a condition authorizing the Community Development Director to approve minor modifications and adopted or incorporated Real Parties’ arborist report and tree protection plan. (*Id.*)

On January 8, 2026, Real Parties submitted revised plans altering certain features, such as extending the primary bedroom approximately 13 feet eastward (creating approximately 220 square feet of new area), lengthening the garage approximately 5 feet, creating projecting volumes, and extending the roof eave approximately 2 feet 4 inches into the canopy-recovery area. City staff accepted these changes. (*Id.*, ¶¶37, 42.)

Petitioner did not receive written notice of any version of Resolution No. 76-2025 from the City. On February 11, 2026, Petitioner’s counsel sent his December 22nd letter to the City Attorney, advising that the City had never responded. (FAP, ¶5 and Exh. B.) On February 19, 2026, Petitioner’s counsel emailed City staff asking whether a final signed resolution existed and requesting a copy. (FAP, ¶5 and Exh. C.) The City provided a resolution to Petitioner in late February 2026. (*Id.*, ¶5.)

Petitioner filed this action on March 3, 2026. The City received a courtesy copy that day and was formally served on March 11, 2026. (FAP, ¶6.)

4. Discussion

The Court finds that part of Petitioner’s First and Third Causes of Action is untimely and part is timely. Where the facts that are relevant to the application of the statute of limitations are not in dispute, the Court can decide this issue as a matter of law. (*Citizens for Beach Rights v. City of San Diego* (2017) 17 Cal.App.5th 230, 237-238.)

a. The City’s December 2, 2025 Decision

Petitioner’s challenge to the City Council’s decision at the December 2nd hearing is untimely. This includes Petitioner’s challenge to the City Council’s denial of Petitioner’s appeal, the City Council’s approval of the project subject to the conditions stated on the record at the hearing, and the City Council’s direction to staff at the hearing to administratively approve modifications. (See Sausalito Municipal Code Section 10.84.070(A) [“A decision by the City Council regarding an appeal shall become final on the date action was taken by the City Council”].) The original Petition was not served on the City until 91 days after the December 2nd hearing (FAC, ¶6), making any challenge to the City’s decision at the hearing untimely.

The fact that the Mayor did not sign the Resolution until ten days after the hearing does not change this result. The Mayor moved to approve the project at the December 2nd hearing, after which the project was approved by vote of the City Council. “[A] final action is not necessarily the last action taken by an agency, but rather is that agency’s substantive decision.” (*Millview County Water District v. State Water Resources Control Board* (2019) 32 Cal.App.5th 585, 594.) The City Council’s substantive decision was made at the December 2nd hearing.

Petitioner does not cite to any authority requiring the Mayor's signature to make that vote effective.

The fact that the City did not serve notice of the resolution to Petitioner under SMC Section 10.84.050 also does not affect the statute of limitations analysis. In *Millview*, the court rejected the petitioner's argument that an action is not final until the required notice of decision is provided, stating: "the statute of limitations does not necessarily run from the date of service simply because the Board is required to serve its orders. If the Legislature intended to have the statute of limitations run from service, it certainly knew how to craft such language. For example, section 13330 [FN], subdivision (a), provides for a statute of limitations running 'from the date of service of a copy of a decision or order issued by the state board' (Cf. §§ 1302 ['protests against the approval of the application may be filed within 60 days from the date of issuance of the notice']; § 2017 ['The report of the board as referee is subject to review by the court ... within 30 days after date of mailing notice of the filing of the report.'].) The Legislature's failure to use such language here suggests 'final action' refers to the Board's substantive decision." (*Millview*, 32 Cal.App.5th at p. 597.) The court also rejected the petitioner's argument that the limitations period should run from service of the order "because otherwise parties may be required to appeal without having a written order. Without a written order, [petitioner] contends it cannot know whether additional modifications were made by the Board following a hearing." The court held that "[t]he lack of a written order is not dispositive. Various limitations periods run from an agency decision rather than notice of that decision." (*Id.* at p. 598.) The rationale of *Millview* applies here.

Petitioner alleges that Demurring Parties are equitably estopped from relying on the statute of limitations because "[t]he City knew the resolution text and plans it treated as operative, knew it had generated conflicting official versions, and knew it had not mailed the mandatory notice. Petitioner repeatedly communicated with the City beginning December 22 and expressly requested the final signed resolution on February 19, but the City furnished a copy only in late February. By withholding every version while substituting R3 and accepting revised plans, the City intended, or caused Petitioner reasonably to believe, that no complete operative decision had yet been furnished and that Petitioner could await the required notice. Petitioner was ignorant of the operative text and R3 substitution, reasonably relied on that conduct, and would have commenced and served this action earlier had the City disclosed the complete decision. The City's conduct induced the asserted delay and resulting prejudice." (FAP, ¶54.)

"A defendant will be estopped to assert the statute of limitations if the defendant's conduct, relied on by the plaintiff, has induced the plaintiff to postpone filing the legal action until after the statute has run. [Citation.] The elements of equitable estoppel are: (1) the party to be estopped must be apprised of the facts; (2) that party must intend that his or her conduct be acted on, or must so act that the party asserting the estoppel had a right to believe it was so intended; (3) the party asserting the estoppel must be ignorant of the true state of facts; and (4) the party asserting the estoppel must reasonably rely on the conduct to his or her injury." (*Honig v. San Francisco Planning Dept.* (2005) 127 Cal.App.4th 520, 529 [citation omitted].)

Here, Petitioner does not allege conduct by the City that induced Petitioner to postpone filing this action until after the statute had run. At most, Petitioner alleges that it did not get a

response from the City. The First Amended Petition therefore does not allege sufficient facts to support an equitable estoppel theory.

b. Modifications appearing in R3

Petitioner's challenge to any substantive changes to the December 2, 2025 decision that were incorporated into R3 or approved January 2026 plans, and/or any challenge to a change or addition that Petitioner alleges exceeded the authority given to staff at the December 2nd hearing, is not untimely.

Whether a modification to a final decision restarts the statute of limitations depends on whether the modification was substantial. The question is whether the modification "materially affected" the appealing party's rights. (*Millview*, 32 Cal.App.5th at p. 595; see also *Urban Habitat Program v. City of Pleasanton* (2008) 164 Cal. App. 4th 1561, 1577 ["[A] challenge to a local government's decision based on events that occurred after that decision took place and, therefore, could not have been brought during the statutory time limits, is not governed by section 65009"]; *Fontana Redevelopment Agency v. Torres* (2007) 153 Cal. App. 4th 902, 913, as modified on denial of reh'g (Aug. 24, 2007).) The new limitations period applies only to the substantial modification; it does not revive the limitations period for the earlier decision. (See *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 388; *Garat v. City of Riverside* (1991) 2 Cal.App.4th 259, 289–290, disapproved on other grounds in *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725 n. 11.)

Petitioner makes allegations that R3 included new or revised conditions that were substantially different than what the City Counsel approved on December 2nd and/or that could not be approved by staff as "minor modifications" under Sausalito Municipal Code Section 10.50.180(B). (E.g., FAP, ¶¶40, 43, 69, 71.) To the extent that these conditions are substantively different than what was approved on December 2nd, or go beyond what staff could legally authorize without further City Council approval, Petitioner's action is not untimely.

c. The demurrer to these two causes of action is overruled

"[T]o prevail on a demurrer based on the statute of limitations, a defendant must establish the entire cause of action is untimely. A demurrer challenges a cause of action and cannot be used to attack a portion of a cause of action." (*Pointe San Diego Residential Community, L.P. v. Procopio, Cory, Hargreaves & Savitch, LLP* (2011) 195 Cal.App.4th 264, 274.) Because only part of Petitioner's First and Third Causes of Action are untimely, the demurrer is overruled. The Court overrules the demurrer to the Third Cause of Action on the additional ground that Petitioner states an actual controversy between the parties. Generally, a declaratory judgment cause of action is sufficient if it sets forth facts showing the existence of an actual controversy between the parties. If it does, the court must declare the rights of the parties regardless of whether the facts alleged show that the plaintiff is entitled to a favorable declaration. (See *Jefferson, Inc. v. City of Torrance* (1968) 266 Cal.App.2d 300, 302.)

F. Second Cause of Action

Petitioner alleges in the Second Cause of Action that the City had a ministerial duty to mail written notice of the resolution(s) to Petitioner under SMC Section 10.84.050, which provides: “Following public hearing, the appellate body shall affirm, modify or reverse the original decision. Written notice of the decision shall be mailed to the applicant and to the appellant” Petitioner alleges that the City violated this duty by failing to mail the December 12th resolution or R3 to it and seeks a writ commanding the City to set aside staff’s acceptance or approval of the January plans.

To obtain relief for a violation of Section 10.84.050, Petitioner must show that the City’s failure to send it notices of its decision was prejudicial. Section 10.84.060 provides: “No action, inaction or recommendation regarding any proposed development by the Planning Commission or City Council shall be held void or invalid or be set aside by any court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the Court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that error or omission is prejudicial or that injury was done if error or omission is shown.”

Petitioner alleges that the City’s failure to mail it the operative resolution(s) was prejudicial because it prevented Petitioner from learning that the signed resolution did not match the City Council’s announced conditions, that a different R3 resolution had been substituted, and that staff had accepted plans that were different than those discussed at the December 2nd hearing. (FAC, ¶41.) However, Petitioner and its counsel were at the December 2nd hearing (DP’s RJN Exh. A) and were therefore aware of the scope of the City’s approval of the permit as well as the City’s direction to staff to administer changes administratively. Once the City Council voted to approve this decision, Petitioner was on notice to challenge the decision made at the hearing. Therefore, there are insufficient facts to support a finding of prejudice as to the original December 2nd decision.

Petitioner does allege sufficient facts to show potential prejudice as to events that occurred after the December 2nd hearing. Petitioner was not provided with a copy of the signed resolution or R3 and therefore could not be expected to know what those documents included or how they revised the scope of the approval granted on December 2nd. Accordingly, Petitioner alleges sufficient facts to state a viable claim based on post-December 2nd changes. The demurrer to the Second Cause of Action is therefore overruled.

III. Preliminary Injunction

Petitioner seeks a preliminary injunction prohibiting the City and Real Parties from giving effect to R3, issuing or relying on any related planning approval or building permits, and performing further construction without further order from this Court.

A. Procedural History

On September 3, 2026, Petitioner filed an ex parte application for a temporary restraining order and order to show cause why a preliminary injunction should not issue (“OSC”). Real Parties filed an opposition the same day. On September 4, 2026, the Court denied the application for temporary restraining order and set a hearing for the OSC for October 28, 2026. The Court ordered that any supplemental papers in support or in opposition to the OSC were to be filed by October 14, 2026 and any reply papers were to be filed by October 21, 2026.

B. Standard

The power to issue preliminary injunctions is an extraordinary one and should be exercised with great caution and only where it appears that sufficient cause for hasty action exists. (*West v. Lind* (1960) 186 Cal.App.2d 563, 565.) The determination of whether to grant a preliminary injunction rests in the sound discretion of the trial court. (*Tahoe Keys Property Owners’ Assn. v. State Water Resources Control Bd.* (1994) 23 Cal.App.4th 1459, 1470.)

“‘To entitle a plaintiff to injunctive relief the burden is upon him to prove actual or threatened injury . . . Facts concerning the irreparable injury which, it is asserted, will result to the complainant unless protection is extended . . . must be pleaded’” (*City of Torrance v. Transitional Living Centers for Los Angeles, Inc.* (1982) 30 Cal.3d 516, 526 [citation omitted]; see *Association for Los Angeles Deputy Sheriffs v. County of Los Angeles* (2024) 106 Cal.App.5th 982, 992; *Loder v. City of Glendale* (1989) 216 Cal.App.3d 777, 786.) If the threshold requirement of irreparable injury is established, the court then examines two interrelated factors. (*Costa Mesa City Employees’ Assn. v. City of Costa Mesa* (2012) 209 Cal.App.4th 298, 306.) The first is the likelihood that the moving party will prevail at trial. The second is the interim harm that the plaintiff will likely sustain if the injunction were denied as compared to the harm that the defendant will likely suffer if the injunction were issued. (*Pro-Family Advocates v. Gomez* (1996) 46 Cal.App.4th 1674, 1681-82.) “[T]he greater the plaintiff’s showing on one, the less must be shown on the other to support an injunction.” (*Jamison v. Department of Transp.* (2016) 4 Cal.App.5th 356, 361-62.) The burden of proof is on the plaintiff as the moving party “to show all elements necessary to support issuance of a preliminary injunction.” (*O’Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1481.)

C. Petitioner’s Position

Petitioner argues that the set of plans that were approved in January 2026 were never considered at a public hearing and are in conflict with the City Council’s direction. Petitioner further argues that if it ultimately prevails after construction is completed, any meaningful relief would require demolition or substantial reconstruction. Petitioner submits the following evidence to support the OSC:

1. Ms. Abeles’ declaration

Petitioner submits the declaration of its manager, Vicki Abeles, who states that her property is immediately adjacent and uphill from 33 San Carlos. (Declaration of Vicki Abeles (“Abeles Decl.”), ¶2.) When she acquired her property in 2023, mature oak trees between the two properties provided substantial physical and visual separation, privacy screen, and a wooded foreground to the primary views from her home. The home at 33 San Carlos was not visible

from her home, and the third floor was approximately 34 feet away from her property and consisted of a sewing room of just over 100 square feet and a single car garage space. Under the current project, the third floor of 33 San Carlos is proposed to be expanded to over 1,500 square feet. (*Id.*, ¶3.)

Beginning in 2024, existing structures at 33 San Carlos were scraped and extensive construction commenced. Substantial portions of the tree canopy between the properties were removed or altered. (*Id.*, ¶4.) After reviewing the permit and approved plan set, Ms. Abeles filed a code-enforcement complaint with the City. The City issued a stop-work notice because the work exceeded the scope of the permit and required Real Parties to submit an application for design review. (*Id.* ¶¶5-8.) After the Planning Commission determined it could not make all required findings, Real Parties returned with a new project they claimed had HAA protection because they had recharacterized space already framed into a junior ADU. The Planning Commission approved the project and Petitioner appealed to the City Council. (*Id.*, ¶¶12-14.) Ms. Abeles attended and participated in the December 2nd hearing. (*Id.*, ¶17.) Ms. Abeles and her counsel did not receive a copy of the City Council's resolution, R3, until late February 2026. (*Id.*, ¶20.)

On June 6, 2026, Ms. Abeles' architectural consultant Eric Cobb submitted a letter pointing out that the January 8, 2026 plans were inconsistent with the direction provided by the City Council. (*Id.*, ¶21 and Exh. B.)

After noticing renewed active construction at 33 San Carlos, Ms. Abeles communicated with City staff and was advised on August 26, 2026 that Permit No. B-2022-0489 was reactivated on July 16, 2026. She states that this permit was a permit issued in 2022 for a different iteration of the project that differs materially from the current design. (*Id.*, ¶¶27-29.) Construction is currently ongoing, with substantial framing being installed on the third floor and other portions of the structure closest to her property. (*Id.*, ¶30.) Continued construction will further affect her views and privacy and will make the changes to the tree canopy increasingly permanent. (*Id.*, ¶¶31, 32.)

2. Mr. Cobb's letter to the City

Mr. Cobb's letter to the City, attached as Exhibit B to Ms. Abeles' declaration, identifies the following areas in which he states the approved plans are inconsistent with the City Council's December 2nd decision. The City/Real Parties do not object to Ms. Abeles' declaration or Mr. Cobb's letter. Mr. Cobb's letter identifies the following:

(1) While the revised design relocates the bathroom within the allowable "bump out" identified in the Conditions of Approval, it also introduces a substantial new third-floor addition that was not reviewed or approved. Specifically, the primary bedroom has been extended approximately 12'-9" to the east, creating approximately 220 square feet of new third-floor area. This new massing does not appear on the plans previously submitted to the City Council, and does not correspond to the story poles erected on the site or conform to the story pole plan included in the January 8, 2026 submission. The proposed design also increases the length of the garage by approximately 5'-5" compared to the previously reviewed design. Extending the

garage further enlarges the third-floor mass and shifts the living spaces further east. Expansion of the garage was not in the Conditions of Approval.

(2) The proposed north roof eave extends approximately 2’-4” beyond the wall pane, which is inconsistent with City Council’s direction to reduce third-floor massing along the north side of the residence to allow for tree canopy regrowth and separation between structures.

(3) The approved plans show a large bathroom window on the north facing directly at Petitioner’s residence. This window was not in the plans reviewed by City Council and is inconsistent with the Planning Commission’s removal of a north-facing door, window and deck due to privacy reasons and the City Council’s stated objective of reducing impacts between the neighboring residences.

(4) The new 220 square foot third floor addition changes the overall building massing because rather than stepping the structure up the hillside as previously proposed, the new projecting volume creates a continuous three-story wall exceeding 35 feet in height near the northeast corner of the residence. This increases the apparent scale of the structure when viewed from the north that was not reviewed or presented to the City Council.

3. Declaration of Todd Williams

Petitioner also submits a declaration from its counsel that attaches correspondence and Resolution No. 76-2025. The Court does not consider these attachments as they predate the December 2nd hearing and appear to be submitted in support of a challenge to the City Council’s December 2nd decision, which is untimely.²

D. Real Parties’ Position

Real Parties argue that Petitioner cannot show a likelihood of prevailing on the merits because its claim is untimely as discussed in their demurrer. Real Parties also argue that Petitioner has known about the building permit plans for months but did not seek injunctive relief until construction activities began, and further that completion of the project would not constitute irreparable injury. The alleged loss of privacy or views is not irreparable because this can be reversed if Plaintiff prevails on its claims, and “[t]his is a financial risk RPIs are willing to take.” (Opp. filed Sept. 3, 2026 at p. 6:6.) In contrast, Real Parties state that they will suffer irreparable injury if they are required to stop construction because it would increase construction costs, cause breaches of contract, and delay Real Parties’ ability to move into their home, resulting in increased housing costs. Halting construction would also expose the foundation and existing components to significant water damage.

Real Parties state that they submit the declaration of Katherine Pappas-Kassarar in support of their supplemental opposition. The Court does not see this declaration in its files, but will accept the representation of its contents in Real Parties’ supplemental opposition unless Petitioner objects at the hearing that the representation is not accurate. Real Parties’

² Mr. Williams’ declaration is the only filing from Petitioner, relating to the OSC, on October 15, 2026. The Court’s records do not show a supplemental brief filed by Petitioner on either October 14 or 15, 2026.

supplemental opposition states: “As detailed in the declaration of Katherine Pappas-Kassarar, the delays would increase construction costs by an estimated \$2,011,200. This includes the logistical costs of pausing and restarting construction (\$374,800), cleaning up the construction site (\$21,000), as well as the cost of weatherproofing the partially complete project for the winter (\$115,400). Based on RPIs prior experience with weather related damage caused by construction delays, RPIs expect to incur \$1,500,000 in costs to remediate degraded construction materials that cannot be completely shielded from winter storms. RPIs will also suffer other damages, including property holding costs and lost rental revenue, as well as direct legal costs to defend against this litigation. In total, RPIs estimate that the total financial harm from an injunction would be in the range of \$2,752,000–\$3,017,000.” (Supp. Opp. filed October 14, 2026, p. 3:4-13.)

E. Discussion

The Court has sustained the City/Real Parties’ demurrer to Petitioner’s challenge of the December 2nd decision denying Petitioner’s appeal, approving Real Parties’ project subject to conditions stated on the record at the December 2nd hearing, and directing staff to administer the changes administratively. As a result, the Court will not grant an injunction based on approvals made by the City Council at the December 2nd hearing.

Petitioner has presented some evidence (Mr. Cobb’s letter, to which Real Parties do not object) that R3 and the approved January 2026 plans may exceed the scope of the approvals of the City Council on December 2nd and/or the scope of staff’s legal authority to make certain approvals or changes without further City Council approval. However, Petitioner fails to show irreparable harm if construction is allowed to proceed. Petitioner acknowledges that new construction can be removed, and Real Parties state that they are prepared to pay the costs of that removal if they are not successful in this action. Further, Real Parties have submitted evidence of the significant financial impact they face if construction is halted at this point. Accordingly, the request for preliminary injunction 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.

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

<https://marin-courts-ca-qov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjE0SHNzEGafG.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: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0009509

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: COLIN JAMES WALSH

vs.

DEFENDANT: LUCID GROUP, INC.

NATURE OF PROCEEDINGS: 1) MOTION – COMPEL ARBITRATION PER COURT
ORDER ON 7/27/2026

RULING

This motion to compel arbitration was initially set for July 22, 2026. The parties jointly requested that the hearing on the motion be continued to October 28, 2028 so the parties could finalize the settlement. At a conference on August 24, 2026, Defendant asserted the matter had settled. Plaintiff's counsel did not appear.

However, neither party requested that the matter be removed from calendar.
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 October, 2026 is as follows:

<https://marin-courts-ca-qov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjiEOSHnzEGafG.1>

Meeting ID: 161 548 7764

Passcode: 502070

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/28/26 TIME: 1:30 P.M. DEPT: H CASE NO: CV0010877

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: STARR INDEMNITY &
LIABILITY COMPANY, A TEXAS
CORPORATION

vs.

DEFENDANT: MARIN COUNTY
EXCHANGE CORPORATION, A
CALIFORNIA CORPORATION ET AL

NATURE OF PROCEEDINGS: MOTION – OTHER: ORDER PERMITTING &
CONFIRMING OF DEPOSIT OF FUNDS TO COURT

RULING

Plaintiff filed a motion for order permitting and confirming deposit of funds into court. The motion was filed in conjunction with a complaint in interpleader, naming several defendants. This matter appears to be related to Marin Case No. CIV0003367. However, it is unclear whether parties in that matter were served.

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 October, 2026 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjjEOSHNgEGafG.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>