SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CIV2300117

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: BRIDGEWAY MARINA CORP.	
vs.	
DEFENDANT: DCR MORTGAGE 10 SUB 3, LLC, ET AL	

NATURE OF PROCEEDINGS: MOTION – ATTORNEY'S FEES

RULING

Defendant DCR Mortgage 10 Sub 3, LLC ("Defendant") filed a motion seeking reasonable attorney's fee award of $128,924.50, which consists of $125,234.50 in reasonable attorneys' fees incurred in judicial enforcement and trial-court proceedings through July 28, 2026. Defendant also seeks an award of fees on fees of $3,690.00. Plaintiff Bridgeway Marin filed an opposition brief on November 6, 2026. A reply brief was filed on November 13.

The court is inclined to GRANT the fee request for compensable attorney time spent preparing for the arbitration hearing and after April 16, 2025. On that date, the AAA panel issued its Ruling Granting Dispositive Motions, deciding all claims in the Arbitration Demand in Defendant's favor. The panel issued its Final Award on July 17, 2025. The fee award excludes the $127,042.74 paid in connection with the 2023 loan payoff.

However, the court's file appears to be incomplete. Defendant's motion cites the "Hagemann Decl.," but the court cannot locate it. Without the declaration, the court cannot assess whether the requested hourly rates or the hours billed are reasonable.

The matter is continued to December 18, 2026, at 1:30 p.m. in this department. Defendant's counsel shall either refile the Hagemann declaration or submit another declaration supporting the fee motion

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the

Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

IT IS ORDERED Evidentiary hearings are in person in Department L. Routine appearances may be made by video using the link on the Court's website. When your case is called, turn on your camera and ensure the appearing party or lawyer is properly identified on screen.

FURTHER ORDERED Parties are responsible for maintaining a reliable connection and being available throughout the remote hearing. If a party's connection is inadequate, the Court may proceed in that party's absence. Participants determined to be driving during the hearing will be removed from the virtual courtroom. (Yes, this happens).

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CIV2301537

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: PHAEDRANA NOOHRA vs. DEFENDANT: TAMARA WILLAT	

NATURE OF PROCEEDINGS: MOTION – RECONSIDERATION

RULING

This matter was last called on October 16, 2026, with the court denying Plaintiff Phaedrana Noohra's ("Plaintiff") two motions for reconsideration. Plaintiff now asks the Court to reconsider its August 12, 2026 order denying her ex parte request to stay the July 8, 2026 sanctions order "pending determination" of her motion. Because the court denied the request, the issue is now moot.

A question is moot when a ruling on it can have no practical effect or cannot provide the parties effective relief. (Wilson & Wilson v. City Council of Redwood City (2011) 191 Cal.App.4th 1559, 1574.)

Code of Civil Procedure § 1008 is narrowly and strictly construed. A motion for reconsideration must be "based upon new or different facts, circumstances, or law," and the moving party must provide a satisfactory explanation for why those new facts, circumstances, or law were not presented earlier. (Code Civ. Proc., § 1008, subd. (a).)

Plaintiff offers no explanation as to why she did not produce the additional evidence earlier. In *Dickson* v. *Mann* (2024) 103 Cal.App.5th 935, 951, the court explained:

> A party seeking reconsideration…must provide a satisfactory explanation for the failure to produce the evidence at an earlier time." "The burden under section 1008 is comparable to that of a party seeking a new trial on the ground of newly discovered evidence: the information must be such that the moving party could not, with reasonable diligence, have discovered or produced it" at the original hearing.

There is a strict requirement of diligence--i.e., the moving party must present a satisfactory explanation for failing to provide the evidence or different facts earlier. (*Garcia v. Hejmadi*

(1997) 58 Cal.App.4th 674, 690.) "Section 1008 gives the court no authority when deciding whether to grant a motion to reconsider to 'reevaluate' 'or 'reanalyze' facts and authority already presented in the earlier motion." (*Forrest v. Dept. of Corrections* (2007) 150 Cal.App.4th 183, 204, disapproved on other grounds in *Shalant v. Girardi* (2011) 51 Cal.4th 1164.)

Plaintiff repeatedly argues that the information in her USB drive submitted to the Court was not considered. As the court advised plaintiff during the October 16, 2026, hearing, there was no explanation offered by the Plaintiff for not producing this same body of evidence earlier. Preparing an index of old evidence is not a new fact

Plaintiff has failed to provide evidence of "new or different facts, circumstances or law" to support a CCP § 1008 motion. The issue is also moot.

The motion is DENIED.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20//26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0000974

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK

PLAINTIFF: GERALDINE RANDALL vs. DEFENDANT: VILLA MARIN HOMEOWNERS ASSOCIATION	

NATURE OF PROCEEDINGS: MOTION – ATTORNEY'S FEES
2) MOTION – SET ASIDE/VACATE

RULING

This case involves many years of long protracted litigation involving a homeowner and the homeowner's association. Nothing came easy for either party. And even after a settlement was reached. The parties found themselves back in court seeking court analysis on interpretation of a how an amendment to Code of Civil Procedure ("CCP") § 664.5 applied to implementation of the settlement.

Plaintiff and Cross-Defendant Geraldine Randall ("Plaintiff") filed a motion on August 27, 2026, seeking prevailing party reasonable attorney fees in the amount of $80,400.00 pursuant to Paragraph 10.I of the Settlement Agreement and Release of All Claims signed by the parties in February 2026 (the "Agreement"). Defendants Villa Marin Homeowners Association and Kirk Beales filed its opposition brief on November 6, 2026, arguing that motion filed by Defendants, Plaintiff's sought a judicial determination of the interpretation and application Code of Civil Procedure ("CCP") § 664.5 as amended, and not enforcement of the settlement.

The parties signed a Settlement Agreement and Release of All Claims in February 2026 following a mandatory settlement conference. Paragraph 10.I of the Agreement provides:

> In any action to enforce the provisions of this Agreement, other than the arbitration procedure established in Section 6F above, the prevailing party shall be entitled to recovery of reasonable attorney fees and costs.

A dispute subsequently arose concerning dismissal and retained jurisdiction under CCP § 664.6. The parties filed competing motions seeking enforcement and interpretation of the Agreement.

While the court denied some of the relief sought by Defendants, it also denied much of the relief sought by Plaintiff. The Tentative Ruling denied Plaintiff's requests to:

Seek dismissal by the Court;

Determine the meaning of the term "performance in full" under the Agreement, or when a dismissal with prejudice may be filed;

Request for costs; and,

Obtain the additional relief located at the end of Plaintiff's Reply to her motion.

The motion for fees is DENIED.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0002856

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: A. RICHARDS vs. DEFENDANT: PHH MORTGAGE, CORP.	

NATURE OF PROCEEDINGS: MOTION – SUMMARY ADJUDICATION

RULING

Defendant PHH Mortgage Corporation's ("PHH" or "Defendant") Motion for Summary Judgment is GRANTED.

BACKGROUND

On May 10, 2024, plaintiff A. Richards ("Plaintiff" or "Richards") filed this action for violations of Civil Code section 2923.6, violations of Civil Code section 2923.7, and Unfair Business Practices. Plaintiff thereafter filed a First Amended Complaint ("FAC") on March 3, 2025.

Plaintiff contends that Defendant deprived her of her rights under the California Homeowner's Bill of Rights ("HBOR") by recording a Notice of Trustee's Sale while her loan modification application was under review and/or by failing to appoint a single point of contact to her file who could have helped her navigate said review.

LEGAL STANDARD

A party may move for summary judgment "if it is contended that the action has no merit or that there is no defense to the action or proceeding." (Code Civ. Proc., § 437c, subd. (a)(1).) "[I]f all the evidence submitted, and all inferences reasonably deducible from the evidence and uncontradicted by other inferences or evidence, show that there is no triable issue as to any material fact and that the moving party is entitled to judgment as a matter of law," the moving party will be entitled to summary judgment. (*Adler v. Manor Healthcare Corp.* (1992) 7 Cal.App.4th 1110, 1119.)

Similarly, a party may move for summary adjudication as to one or more causes of action within an action, one or more affirmative defenses, one or more claims for damages, or one or more issues of duty, if the party contends that the cause of action has no merit, that there is no

affirmative defense to the cause of action, that there is no merit to an affirmative defense as to any cause of action, that there is no merit to a claim for damages, as specified in Section 3294 of the Civil Code, or that one or more defendants either owed or did not owe a duty to the plaintiff or plaintiffs. A motion for summary adjudication shall be granted only if it completely disposes of a cause of action, an affirmative defense, a claim for damages, or an issue of duty. (Code Civ. Proc., § 437c, subd. (f)(1.))

The moving party bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact, and if the party does so, the burden shifts to the opposing party to make a prima facie showing of the existence of a triable issue of material fact. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) "Once the defendant ... has met that burden, the burden shifts to the plaintiff... to show that a triable issue of one or more material facts exists as to the cause of action or a defense thereto." (*Ibid*.) If the plaintiff cannot do so, the motion should be granted. (*Avivi v. Centro Medico Urgente Med. Ctr*. (2008) 159 Cal.App.4th 463, 467, as modified (Jan. 24, 2008).)

When deciding whether to grant the motion, the court must consider all of the evidence set forth in the papers (except evidence to which the court has sustained an objection), as well as all reasonable inferences that may be drawn from that evidence, in the light most favorable to the party opposing summary judgment. (*Ibid*.; see also Code Civ. Proc., § 437c, subd. (c).)

DISCUSSION

Motion for Summary Judgment

Applicable Law

Real property financing typically involves a security instrument that enables the lender to reach assets of the borrower if the loan is not repaid. (*Alliance Mortgage Co. v. Rothwell* (1995) 10 Cal.4th 1226, 1235. Internal citation omitted.) "In California, the security instrument is most commonly a deed of trust (with the debtor and creditor known as trustor and beneficiary and a neutral third party known as trustee)." (*Ibid*.) Most deeds of trust include a power of sale clause giving the lender a contractual right to pursue nonjudicial foreclosure if the borrower defaults on the loan. (*Robin v. Crowell* (2020) 55 Cal.App.5th 727, 742–743.)

The nonjudicial foreclosure process begins with the recording of a notice of default and election to sell the property. (Civ. Code, § 2924, subd. (a)(1); *Arabia v. BAC Home Loans Servicing, L.P*. (2012) 208 Cal.App.4th 462, 470.) After a three-month waiting period, and at least 20 days before the scheduled sale, the trustee may publish and record a notice of sale. (Civ. Code, §§ 2924, subd. (a)(2), 2924f, subd. (b).) If the sale is not postponed and the borrower does not exercise his or her rights of reinstatement or redemption, the property is sold at a public auction to the highest bidder. (Civ Code, §§ 2924c, 2924g, subd. (a)(1).)

Under Civil Code section 2923.6, HOBR forbids mortgage servicers from engaging in a practice commonly described as "dual tracking." Dual tracking occurs when a lender forecloses on a home while simultaneously negotiating (or pretending to negotiate) with the borrower to avoid foreclosure. In other words, the lender continues to pursue foreclosure while ostensibly

"evaluating a borrower's loan modification application." (*Billesbach v. Specialized Loan Servicing LLC* (2021) 63 Cal.App.5th 830, 848 (*Billesbach*).) "The result is that the borrower does not know where he or she stands, and by the time foreclosure becomes the lender's clear choice, it is too late for the borrower to find options to avoid it.' " (*Ibid*. Internal citations omitted.)

Section 2923.6 provides that if a borrower "submits a complete application for a first lien loan modification offered by, or through, the borrower's mortgage servicer," the mortgage servicer "shall not record a notice of default or notice of sale, or conduct a trustee's sale, while the complete first lien loan modification application is pending." (*Id*., subd. (c).)

The denial of a loan modification application must be communicated to the borrower in writing. (Civ. Code, § 2923.6, subds. (c)(1), (f).) The borrower must then be afforded "at least 30 days from the date of the written denial to appeal the denial and to provide evidence that the mortgage servicer's determination was in error." (*Id.*, subd. (d).) Notice of the right to appeal, and "instructions regarding how to appeal," must be included in the written denial. (*Id.*, subd. (f)(1).)

For any "material" HBOR violations occurring prior to a completed foreclosure, i.e., before the property is auctioned and the trustee's deed of sale is recorded, a borrower may sue to enjoin the foreclosure proceedings "until the court determines that the mortgage servicer ... has corrected and remedied the violation or violations giving rise to the action for injunctive relief." (Civ. Code, § 2924.12, subds. (a)(1), (2).) "A material violation is one that affected the borrower's loan obligations, disrupted the borrower's loan-modification process, or otherwise harmed the borrower." (*Billesbach, supra*, 63 Cal.App.5th at p. 837.)

Analysis

Here, the Undisputed Material Facts ("UMF") establish that a Notice of Default was recorded against the Plaintiff's property on or about August 28, 2023 (UMF No. 3) and in December 2023, Defendant reviewed and denied a November 2023 application from Plaintiff ("First RMA") which sought a modification of the Loan terms (UMF No. 4).

Accordingly, the UMF show that the Notice of Default was recorded prior to the First RMA. As such, the dual tracking allegations pertain to the Notice of Trustee's Sale recorded against the Property on March 8, 2024, and not the Notice of Default. (UMF No. 6.) The First Amended Complaint ("FAC") also makes it clear that the failure to designate a single point of contact ("SPOC") claims also began after the Notice of Default was recorded. (See FAC, ¶¶ 47-49.)

For these reasons, Plaintiff's claims center on the March 8, 2024 Notice of Trustee's Sale. That Notice has now expired by operation of law. (Civ. Code, § 2924g, subd. (c)(2).) If Defendant were to move forward with the foreclosure, it could not do so without filing a new Notice of Trustee's Sale.

As such, disputes of fact with respect to whether or not Defendant was in possession of a complete modification application in connection with the Loan as of the recording of the Notice of Trustee's Sale March 8, 2024 are immaterial to the disposition of the Motion as are the disputes about subsequent RMA requests and responses. Even if the facts established dual

tracking at the time of the March 8, 2024 Notice, that Notice has now expired and no new Notice of Trustee's Sale has been recorded. To date, PHH has not conducted a foreclosure sale of the Property. (UMF No. 18.) Further, the UMF establish that since at least August 2024, Defendant has identified Brandon Gower as the Account Relationship Manager or designated contact assigned to the Loan file and provided his contact information. (UMF No. 17.)

The UMF shows that the claims raised by Plaintiff have been rendered moot by the expiration of the Notice on which they were based.

Reese v. Select Portfolio Servicing, Inc. (2024) 107 Cal.App.5th 1179, review denied (Apr. 16, 2025), cert. denied --- S.Ct. ----, 2026 WL 189798 (Mem), 223 L.Ed.2d 579 (Jan. 26, 2026), reh'g denied 146 S.Ct. 2584 (2026) ("*Reese*") is instructive although somewhat distinguishable. In *Reese,* the plaintiff was a conservator for a borrower. She alleged that the servicer recorded a notice of trustee's sale in November 2016, after she had submitted a complete loan modification application and before the servicer determined her eligibility. The servicer closed the application as incomplete and denied her appeal on December 3, 2016. It then let the November notice of trustee's sale lapse and recorded a new notice in May 2018, and the trustee's deed was recorded in August 2018.

The trial court sustained defendants' demurrer without leave to amend and entered a judgment of dismissal. It ruled that there was no current violation of former section 2923.6 because the notice of trustee's sale at issue had expired and it then recorded a new notice of trustee's sale and sold the property more than a year after it denied the loan modification application and Reese's subsequent appeal of that denial. (*Id*., at p. 1183.) The court acknowledged that on demurrer that it must credit plaintiff's factual allegation that her application was complete, concluding that defendant's rationale for closing her application (lack of complete application) was wrong. However, the *Reese* court concluded that it made no difference. A servicer was obligated to issue only a written determination of eligibility. (*Reese, supra,* 107 Cal.App.5th 1179, 1186-7.) Nothing required the determination to be made correctly or reasonably. (*Ibid.*) The *Reese* court rejected any distinction between procedural denials and merits denials, because the statute concerns sequencing and requires a final determination before foreclosure steps resume. (*Ibid*.)

While the *Reese* court expressly left open a case in which the servicer ignores an application for a year and then records a new notice, it ultimately declined to decide the question. (*Id.*, at p. 1187.)

Here, the first Notice of Trustee's Sale has been expired for over a year and, unlike in *Reese,* no further Notices have been recorded. However Defendant has reviewed and denied multiple subsequent RMAs. Defendant's UMF show that on April 11, 2024, Defendant sent a written letter communicating its rationale for closing (and thereby denying) Plaintiff's RMA (lack of complete application). (UMF No. 8.) The Court notes that while Plaintiff's Resp. to UMF No. 8 purports to dispute it – the response merely corrects a typographical error (letter date is April 11, 2024 not 2025) and alleges that in "correspondence" (although the Court notes this word typically refers to written communication and the declaration in support of the Response refers to telephone calls) with Plaintiff's agent "PHH advised that Plaintiff could continue the review," there is no dispute that the letter was sent. Even if this fact were disputed, Fourth and Fifth RMAs were subsequently submitted and denied via written correspondence. (See UMF Nos. 11-

12, 14-15.) Again the Court notes that while Plaintiff purports to dispute UMF Nos. 12 and 15 (the written denials), the disputes read "Disputed – Plaintiff did not receive a full and substantive review. While Plaintiff's application cited income contributions, those contributions were not considered in the decision process." (Resp. to UMF Nos. 12, 15.) This does not truly dispute that written denials were issued, rather it disputes the outcome of the RMA reviews, but as *Reese* made clear, nothing requires that the determination be made correctly, only it be made in writing.

Although the Court notes that the subsequently filed Notice of Trustee's Sale was part of the cure discussion in *Reese*, the fact that a further Notice has not been filed in this case does not prevent the Court from granting Summary Judgment. (*Billesbach, supra,* 63 Cal.App.5th 830, 842.)

Here, the expiration of the Notice of Trustee's Sale combined with significant passage of time after its expiration as well as the consideration (and denial) of subsequent RMAs renders Plaintiff's alleged violations moot or at the very least, immaterial. Nor does the submission of a Sixth RMA in May of 2026 or the fact that Defendant had not, as of October 30, 2026, received a determination on it create a triable issue of material fact at to the HOBR causes of action. (See Plaintiff's Additional Material Fact ("AMF") Nos. 28-29.)

Finally, because the UCL claim is derivative of the HOBR claims, it too fails.

Accordingly, the Motion for Summary Judgment is GRANTED.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0003632

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: PEK H. LEONG vs. DEFENDANT: AMERICAN HONDA MOTOR COMPANY, INC.	

NATURE OF PROCEEDINGS: MOTION TO STRIKE

RULING

The hearing on defendant American Honda Motor Co., Inc.'s Motion to Strike, or Alternatively Tax, Plaintiff's Memorandum of Costs is continued to **December 11, 2026, at 1:30PM in Courtroom L** to provide Plaintiff an opportunity to file a substantive opposition. Plaintiff is to file a substantive opposition, if any, by Monday, November 30, 2026. Reply, if any, is to be filed by December 4, 2026.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0005761

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: JPMORGAN CHASE BANK, N.A. vs. DEFENDANT: FRANCIS J. MATRISCIANO	

NATURE OF PROCEEDINGS: MOTION – ENTRY OF JUDGMENT

RULING

This matter was last called in this department on October 23, 2026, and continued to November 20, 2026, at the request of the Defendant Francis Matrisciano, to provide additional time to file an opposition to the motion for Entry of Judgment.

The Defendant filed a declaration on October 28, 2026, describing his effort to reach a settlement with the Plaintiff.

Plaintiff JPMorgan Chase Bank, N.A. filed a motion for judgment on the pleadings on July 30, 2026. Plaintiff argues in the motion that the complaint states facts sufficient to constitute a cause of action against the Defendant and the answer on file in this action does not state facts sufficient to constitute a defense.

The court has reviewed the moving and opposing declaration, and GRANTS Plaintiff's motion for entry of judgement in its entirely.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0006178

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: ERIC RUIZ vs. DEFENDANT: CALIFORNIA FRANCHISE TAX BOARD	

NATURE OF PROCEEDINGS: MOTION – OTHER: REQUEST COURT CONSIDERATION

RULING

Petitioner Eric Ruiz ("Petitioner") asks the Court to initiate reconsideration of the October 17, 2025 order transferring this action to the Los Angeles County Superior Court. He also asks the Court to refer that question to the Honorable Andrew E. Sweet and to hold the transfer in abeyance. The request is DENIED. The Court declines to initiate reconsideration on its own motion.

Procedural Background

On October 17, 2025, the Court (Hon. Andrew E. Sweet) granted Respondent Franchise Tax Board's ("Respondent") motion to transfer venue under Revenue and Taxation Code section 19388. The Court ordered Petitioner to pay the costs and fees of transfer. Petitioner moved for reconsideration under Code of Civil Procedure section 1008. That motion was denied on January 16, 2026. On March 27, 2026, after Petitioner represented that he would pay the transfer costs and fees, the Court did not dismiss the action under Code of Civil Procedure section 399 in response to a motion for the same. Accordingly, and in response to Petitioner's representations to the Court and payment of the transfer fees, a Transfer-Out Notice was entered April 17, 2026. On June 4, 2026, the Los Angeles County Superior Court returned the submission. The stated reason was that certain documents did not match the Register of Actions, and the clerk was asked to correct the register and resubmit. No Los Angeles case number has been assigned and it does not appear that the discrepancies have been cured.

Petitioner filed the present request on August 26, 2026, and a supplemental memorandum on September 3, 2026. Respondent opposed on October 22, 2026. Petitioner replied on November 12, 2026.

Jurisdiction

When a motion for change of venue has been granted but the transferee court has not yet assumed jurisdiction, the transferor court has limited powers. It may, upon proper motion, vacate its order, or it may dismiss for nonpayment of transfer fees. "Outside of these limited powers, the court is said to be without jurisdiction." (*Moore v. Powell* (1977) 70 Cal.App.3d 583, 587–588.) The transferee court does not acquire jurisdiction until the transfer fee has been paid and the papers filed in that court. (*London v. Morrison* (1950) 99 Cal.App.2d 876, 879 (1950).)

The record shows that the papers have not been filed in Los Angeles and no case number has issued there. (See Code Civ. Proc., § 399, subd. (b).) The Court therefore considers the request within the limited authority described in *Moore, supra*. Any power to vacate is confined to a motion made "according to some recognized procedure and on some recognized ground." (*Badella v. Miller* (1955) 44 Cal. 2d 81, 86.) Nothing in this order vacates, modifies, or reconsiders the October 17, 2025 transfer order.

Discussion

1. The request is not a cognizable motion.

Petitioner expressly disclaims reliance on Code of Civil Procedure section 1008. He asks only whether the Court wishes to act on its own motion under *Le Francois v. Goel* (2005) 35 Cal.4th 1094. Section 1008 limits "the parties' ability to file repetitive motions," while preserving "the court's ability, on its own motion, to reconsider its prior interim orders so it may correct its own errors." (*Le Francois, supra,* at pp. 1104–1107.) A party may suggest reconsideration. But "a party may not file a written motion to reconsider that has procedural significance" unless section 1008 is satisfied, and the Court is not required to rule on a suggestion that it reconsider an earlier ruling. (*Id*. at p. 1108.) Unless section 1008 is satisfied, any effort to reconsider a prior interim order must formally start with the Court acting on its own motion. (*Ibid*.)

The present filing is Petitioner's third effort to set aside the transfer order. It does not satisfy section 1008. Insofar as it seeks relief as a motion, the Court may not consider it. (See *Hickenbottom v. Med. Sols. LLC* (2026) 122 Cal.App.5th 934, 936-937.)

2. The Court has no serious concern that the transfer order was erroneous.

A Court's own motion for reconsideration is appropriate where the Court "is seriously concerned that one of its prior interim rulings might have been erroneous." (*Le Francois, supra,* at p. 1108.) The Court has no such concern.

Petitioner's principal contention is that he withdrew any request for a refund before the October 17, 2025 hearing. That contention was before the Court when it ruled. The October 17 ruling expressly acknowledged Petitioner's argument that he sought only an order declaring the Notice of Proposed Assessment void. It held that such a claim also falls within the venue requirement of Revenue and Taxation Code section 19388.

The Court expresses no view on the merits of the petition or on any defense. It concludes only that the October 17 ruling is reasonably supported by the governing law and presents no error warranting reconsideration on the Court's own motion.

3. The transfer order was subject to review by writ.

A party aggrieved by an order granting a motion to change the place of trial may petition the Court of Appeal for a writ of mandate within 20 days after service of written notice of the order. (Code Civ. Proc., § 400.) Review of such an order lies by petition for writ of mandate. (*Calhoun v. Vallejo City Unified Sch. Dist.* (1993) 20 Cal.App.4th 39, 41–42.) A motion seeking to relitigate the merits of a venue order is not a substitute for that procedure. (*Dunas v. Superior Ct.* (1970) 9 Cal.App.3d 236, 240.) Nothing in the record before the Court reflects that a petition under section 400 was filed, and the orderly administration of the transfer statutes weighs against reopening the venue question now.

4. No referral to Judge Sweet will be initiated.

As a general rule, one trial judge may not overturn the order of another. (*Paul Blanco's Good Car Co. Auto Grp. v. Superior Ct.* (2020) 56 Cal.App.5th 86, 100.) Directing a motion for reconsideration to the judge who made the original ruling is the procedure for a properly presented motion. (*Ziller Electronics Lab GmbH v. Superior Ct.* (1988) 206 Cal.App.3d 1222, 1232.) However, no such motion is before the Court, and the Court has declined to initiate reconsideration on its own. The request for referral is therefore denied as unnecessary.

5. Abeyance and further processing of the transfer.

Because reconsideration will not be initiated, Petitioner's request to hold the transfer in abeyance is denied. Section 399 directs the clerk to transmit the pleadings and papers to the transferee court. (Code Civ. Proc., § 399.)

Accordingly, Petitioner's Motion Requesting Court Consideration of Whether to Exercise Its Inherent Authority to Reconsider the October 17, 2025 Transfer Order, including the requests in Petitioner's Supplemental Memorandum filed September 3, 2026, is DENIED. The Court declines to reconsider the October 17, 2025 transfer order on its own motion. The October 17, 2025 order transferring this action to the Superior Court of California, County of Los Angeles, remains in full force and effect.

The Clerk is directed to review and correct the Register of Actions so that it conforms to the filed documents. The Clerk shall then retransmit the pleadings and papers to the Clerk of the Superior Court of California, County of Los Angeles, under Code of Civil Procedure section 399, upon confirmation that all required costs and fees have been paid by Petitioner (Code Civ. Proc., § 399, subd. (a)) and shall give notice of transmittal as required by Code of Civil Procedure section 399, subdivision (b).

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by

4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

IT IS ORDERED Evidentiary hearings are in person in Department L. Routine appearances may be made by video using the link on the Court's website. When your case is called, turn on your camera and ensure the appearing party or lawyer is properly identified on screen.

FURTHER ORDERED Parties are responsible for maintaining a reliable connection and being available throughout the remote hearing. If a party's connection is inadequate, the Court may proceed in that party's absence. Participants determined to be driving during the hearing will be removed from the virtual courtroom. (Yes, this happens).

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0008475

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: JEVONI DUNLAP, ET AL. vs. DEFENDANT: HOUSING AUTHORITY COUNTY OF MARIN	

NATURE OF PROCEEDINGS: MOTION – COMPEL – DISCOVERY FACILITATOR PROGEAM

RULING

Pursuant to Marin County Rule, Civil 2.13B, on October 5, 2026, Patricia Medina, Esq. was appointed to preside as Discovery Facilitator regarding Defendant's motion compelling Plaintiffs JEVONI DUNLAP and TAHJON CARTER (hereinafter collectively, "Plaintiffs"), to provide full, complete, and verified responses, without objection to Defendant's Requests for Production of Documents, Form Interrogatories, and Special Interrogatories, all Set One.

Defendant HOUSING AUTHORITY OF MARIN filed a notice of non-resolution pursuant to MCR Civ 2.13H indicating that discovery issues were not resolved.

The court entered an order on October 13, 2026, relieving counsel for the Plaintiff. Plaintiffs now proceed *in pro per.*

Plaintiff's have not filed a response to the motion to compel. The failure to oppose is considered consent to the granting of the motion. (Cal. Rules of Court, rule 8.54(c); Local Rule Marin, Civil 2.8G.1.) The Court may consider the moving papers well taken and refuse to consider any later filed papers or allow oral argument by counsel at the hearing (Rule of Court 3.1300(d); *Sexton v. Sup Ct*. (1997) 58 Cal.App.4th 1403, 1410 [the purpose is to prevent introduction of legal theories without notice to opposing counsel and the court.].) Defendant's motion is therefore GRANTED in its entirety.

Plaintiff is to respond to Defendant's Requests for Production of Documents, Form Interrogatories and Special Interrogatories seek information that is relevant to Plaintiffs' allegations against Defendant, Plaintiffs' purported damages, and Defendant's affirmative defenses, without interposing objections to production.

The court reserves on this issue of sanctions.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court.

IT IS ORDERED Evidentiary hearings are in person in Department L. Routine appearances may be made by video using the link on the Court's website. When your case is called, turn on your camera and ensure the appearing party or lawyer is properly identified on screen.

FURTHER ORDERED Parties are responsible for maintaining a reliable connection and being available throughout the remote hearing. If a party's connection is inadequate, the Court may proceed in that party's absence. Participants determined to be driving during the hearing will be removed from the virtual courtroom. (Yes, this happens).

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0008626

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK

PLAINTIFF: TU NGUYEN vs. DEFENDANT: PRICE CARS SR, LLC	

NATURE OF PROCEEDINGS: MOTION – STAY

RULING

Defendant Price Cars SR's unopposed motion to stay proceedings pending appeal of the court's July 17, 2026, order is GRANTED.

The failure to oppose Defendant's motion is considered consent to the granting of the motion. (Cal. Rules of Court, rule 8.54(c); Local Rule Marin, Civil 2.8G.1.) The Court may consider the moving papers well taken and refuse to consider any later filed papers or allow oral argument by counsel at the hearing (Rule of Court 3.1300(d); *Sexton v. Sup Ct*. (1997) 58 Cal.App.4th 1403, 1410 [the purpose is to prevent introduction of legal theories without notice to opposing counsel and the court.].)

Defendant's motion is therefore GRANTED in its entirety.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

IT IS ORDERED Evidentiary hearings are in person in Department L. Routine appearances may be made by video using the link on the Court's website. When your case is called, turn on your camera and ensure the appearing party or lawyer is properly identified on screen.

FURTHER ORDERED Parties are responsible for maintaining a reliable connection and being available throughout the remote hearing. If a party's connection is inadequate, the Court may proceed in that party's absence. Participants determined to be driving during the hearing will be removed from the virtual courtroom. (Yes, this happens).

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE: 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0010917

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: RAYNE THOMPSON PEGG vs. DEFENDANT: SACHIN RAJ SABHLOK	

NATURE OF PROCEEDINGS: MOTION – ATTORNEY'S FEES

RULING

Petitioner Rayne Thompson Pegg ("Petitioner") sought civil-harassment restraining orders against Respondent Sachin Raj Sabhlok ("Respondent") under Code of Civil Procedure section 527.6. The petition was denied, and the respondent now seeks recovery of statutory attorney's fees.

REASONABLE ATTORNEY'S FEES

Code of Civil Procedure ("CCP") § 527.6(s) provides that the prevailing party in a civil harassment proceeding may be awarded court costs and attorney's fees, within the Court's discretion. A finding of bad faith is not required. (*Krug v. Maschmeier* (2009) 172 Cal.App.4th 796, 802.) A respondent in whose favor the civil-harassment petition is dismissed may qualify as the prevailing party. (*Adler v. Vaicius* (1993) 21 Cal.App.4th 1770, 1776–1777.) The Court retains jurisdiction to resolve a fee motion after dismissal. (Id. at pp. 1774–1776.)

The Court now determines the lodestar, which is the total amount of hours invoiced by the Law Offices of Scot Candell times the reasonable hourly rate requested. Here, counsel requests a reasonable rate of $745.00. , which is an eminently reasonable rate based on counsel's experience and reputation as a lawyer in the Marin County community. He request payment for his compensable billable time of 3 ours.

These 3 hours are multiplied by the Court awarded hourly rate $745.00 equals $2,235.00.

Petitioner did not file an opposition to the fee petition. The failure to oppose is considered consent to the granting of the motion. (Cal. Rules of Court, rule 8.54(c); Local Rule Marin, Civil 2.8G.1.) The Court may consider the moving papers well taken and refuse to consider any later filed papers or allow oral argument by counsel at the hearing (Rule of Court 3.1300(d); *Sexton v. Sup Ct*. (1997)

58 Cal.App.4th 1403, 1410 [the purpose is to prevent introduction of legal theories without notice to opposing counsel and the court.].)

Respondent's motion is therefore GRANTED in its entirety, and is awarded $2,235.00 in fees, to be paid within 30 days of entry of order.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

IT IS ORDERED Evidentiary hearings are in person in Department L. Routine appearances may be made by video using the link on the Court's website. When your case is called, turn on your camera and ensure the appearing party or lawyer is properly identified on screen.

FURTHER ORDERED Parties are responsible for maintaining a reliable connection and being available throughout the remote hearing. If a party's connection is inadequate, the Court may proceed in that party's absence. Participants determined to be driving during the hearing will be removed from the virtual courtroom. (Yes, this happens).

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

DATE 11/20/26 TIME: 1:30 P.M. DEPT: L CASE NO: CV0009852

PRESIDING: HON. MARK A. TALAMANTES

REPORTER: CLERK:

PLAINTIFF: CHARNA HENSON, AS TRUSTEE OF THE LEWIS C. MASON REVOCABLE TRUST, ET AL vs. DEFENDANT: NABIL E. SALEH	

NATURE OF PROCEEDINGS: MOTION – SET ASIDE/VACATE JUDGMENT

RULING

Defendant Nabil Saleh's ("Defendant") motion to vacate is DENIED.

BACKGROUND

A person entitled to bring an action to enforce a money judgment issued by another state may request that a California Superior Court enter judgment in his or her favor based on that sister state judgment by filing an application. (Code Civ. Proc., §§ 1710.10; 1710.15, subd. (a); 1710.20.) "Upon the filing of the application, the clerk shall enter a judgment based upon the application for the total of . . . [t]he amount remaining unpaid under the sister state judgment[;]" "[t]he amount of interest accrued on the sister state judgment[;]" and "[t]he amount of the fee for filing the application for entry of the sister statement judgment." (Code Civ. Proc., § 1710.25, subd. (a).) Notice of the entry of the California judgment "shall be served promptly by the judgment creditor upon the judgment debtor in the manner provided for service of summons[.]" (Code Civ. Proc., § 1710.30, subd. (a); see also Code Civ. Proc., § 415.10 *et seq.*) Service must be proven in the manner prescribed by Code of Civil Procedure, sections 417.10-418. (Code Civ. Proc., § 1710.40, subd. (b).) The judgment then has the same effect as a money judgment originally issued by the California superior court and may be enforced or satisfied the same way. (Code Civ. Proc., § 1710.35.)

In April 2026, Plaintiff Charna Henson as Trustee of the Lewis C. Mason Revocable Trust ("Plaintiff") applied for this court to enter judgment in her favor in the amount of $419,609.48 based on a September 5, 2024, judgment out of the Court of Common Pleas, Seventh Judicial District in Spartanburg, South Carolina. The South Carolina judgment, which is attached to Plaintiff's application, explains that it was entered after a bench trial concerning a business dispute between Defendant, the owner of a wholesale used car company, and Plaintiff, a trust created as a holding entity for a separate company in the same industry.

On May 27, 2026, the clerk of court entered judgment against Defendant in the amount of $419,609.48 pursuant to Code of Civil Procedure, section 1710.25. Before the Court is Defendant's motion to vacate that judgment.

LEGAL STANDARD

A judgment debtor may file a noticed motion to vacate a judgment entered against him based on a sister state judgment. (Code Civ. Proc., § 1710.40, subd. (b).) Such motion must be brought no later than 30 days after service of the notice of entry of judgment on the judgment debtor and may be based "on any ground which would be a defense to an action in this state on the sister state judgment, including the ground that the amount of interest accrued on the sister state judgment and included in the [California superior court] judgment . . . is incorrect." (Code Civ. Proc., § 1710.40, subds. (a), (b).)

DISCUSSION

As the party who has moved to vacate a judgment under Code of Civil Procedure, section 1710.40, Defendant carries the burden to show by a preponderance of the evidence why he is entitled to such relief. (*Tsakos Shipping & Trading, S.A. v. Juniper Garden Town Homes, Ltd.* (1993) 12 Cal.App.4th 74, 88; accord *Conseco Marketing, LLC v. IFA & Ins. Services, Inc.* (2013) 221 Cal.App.4th 831, 841.) Defendant states that he "disputes the amount presently being enforced and requests that the judgment creditor be required to establish the basis and calculation for the $419,609.48 California judgment[.]" (Memorandum, p. 3, ¶ 9.) He requests that "this Court review the California judgment and the underlying South Carolina judgment and determine whether the judgment is enforceable in the amount presently entered." (*Id.* at p. 4.) These are requests to transfer Defendant's burden to Plaintiff or the Court and do not suffice to carry the legal burden associated with this motion.

Defendant concedes that he "received a Notice of Entry of Judgment on Sister-State Judgment on or about July 31, 2026." (Memorandum, p. 3, ¶ 3.) He takes issue with the sufficiency of the service of the notice upon him, requesting "that the Court determine whether the statutory service requirements for the Notice of Entry of Judgment . . . were satisfied." (*Ibid.*) "[E]ven if [the Court] were to assume service was inadequate, defective service alone is not a sufficient basis to vacate entry of a sister state judgment." (*Tsakos Shipping, supra*, 12 Cal.App.4th 74, 89.)

Also, by filing this motion, Defendant has made a general appearance, which waives any objection to the sufficiency of service. (*In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, 7-8; Code Civ. Proc., § 410.50, subd. (a).)

Therefore, the motion is denied.

Parties must comply with Marin County Superior Court Local Rule 2.10(A)–(B). A party seeking oral argument must notify the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. on the court day before the hearing. Notice may be provided by telephone or in person; direct contact with counsel or the parties is not required. Absent timely notice to the Court and all parties, no oral argument will be permitted except by order. If no party properly requests oral argument, the tentative ruling becomes the order of the Court..

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