



Superior Court of California County of San Benito

Tentative Decisions for August 27, 2026

Courtroom #1: Judge J. Omar Rodriguez

CL-25-00999 Pierson, Timothy vs. Hollister Police Department

Respondent City's Motion to Strike Petitioner's Second Notice of Appeal is GRANTED. Petitioner's Second Notice of Appeal seeks to challenge Commissioner Galloway's Decision that was issued on March 9, 2026, following a hearing pursuant to Food and Agricultural Code section 31624.

Courts are specifically authorized to strike a pleading upon a motion or at any time in the court's discretion. (Code Civ. Proc §436; *Greshko v. County of Los Angeles* (1987) 194 Cal.App.3d 822, 830.) The grounds for a motion to strike must appear on the face of the pleading under attack, or from matter which the court may judicially notice. (Code Civ. Proc §437.) In limited civil actions, motions to strike are allowed when the relief sought is not supported by the allegations of the pleading. (Code Civ. Proc. §92.)

There is no legal authority to appeal the March 9th decision. "Necessarily a judgment, which by the Code is made final and conclusive, is not appealable." (*Gale v. Tuolumne Cnty. Water Co.* (1914) 169 Cal. 46, 50.) "The determination of the court hearing the appeal shall be final and conclusive upon all parties." (Food & Agr. Code, § 31624.) Furthermore, by law, the California Court of Appeal, Sixth Appellate District cannot hear appeals from limited civil cases. (See Code Civ. Proc §904.2.)

In light of the orders made, the Case Management Conference is continued to October 22, 2026, at 1:30 p.m.

Cross-Complainant's Motion for Reconsideration

The court will stay hearing on this motion pending the outcome of the parties' mediation with the Sixth District Court of Appeals mediation program. This issue is subject to the appeal in H054142 and is being addressed in the appellate court's mediation program as well as the underlying ruling on the Anti SLAPP motion.

Motion to Strike the Second Amended Cross-Complaint

A motion to strike was placed on calendar, but to date, no motion to strike the Second Amended Cross Complaint has been filed. As a result, no ruling on the issue shall be made since no party filed such a motion.

Cross-Complainants' Motion for Terminating Sanctions

The Motion for Terminating Sanctions is DENIED. Cross-Complainants' motion relies on Code of Civil Procedure sections 2023.010 through 2023.030, which pertain to the misuse of the discovery process. Terminating sanctions may be imposed against "anyone engaging in conduct that is a misuse of the discovery process." (Cal. Code Civ. Proc. §2023.030.) Here, the motion does not identify any discovery order, motion to compel, or violation of a discovery obligation. Instead, it focuses on oral argument on a motion, alleged misrepresentations, and corporate status issues—none of which constitute "misuse of the discovery process" within the meaning of the statute.

Cross-Complainants also seek relief on the basis that counsel was aware that Defendant's corporate entity was suspended but is now revived. The evidence presented indicates that counsel was made aware of the suspension of the corporation and it was subsequently revived within days. The lack of corporate capacity to prosecute or defend a civil action because of its suspended status is a plea in abatement which is not favored in law. (*Cadle Co. v. World Wide Hospitality Furniture, Inc.* (2006) 144 Cal.App.4th 504, 512.) "The

primary purpose of” such statutes “is to motivate delinquent corporations to pay back taxes or file missing statements. The suspension statutes are not intended to be punitive. Once the statutory goals underlying suspension are met, no purpose is served by imposing additional penalties.” (*Ibid.*) “(T)he revival of corporate powers has the effect of validating the earlier acts and permitting the corporation to proceed with the action.” (*Moofly Productions, LLC v. Favila* (2018) 24 Cal.App.5th 993, 1000.)

The motion also relies on Rule of Court 2.30 and Rules of Professional Conduct, but neither legal authority authorizes terminating sanctions.

Therefore, the motion for terminating sanctions is denied.

Cross-Defendant’s Demurrer to Second Amended Cross-Complaint

The Demurrer filed by Cross-Defendants W Ranch, LLC, Ryan Wickham, and Stefanie Wickham (“Cross-Defendants”) is sustained with leave to amend. The amended complaint shall be filed within 15 days after this order.

A demurrer generally serves to test the legal sufficiency of the complaint’s factual allegations. (*Genis v. Schainbaum* (2021) 66 Cal. App. 5th 1007, 1014.) It does not test the factual accuracy or truth of the facts alleged. The court must assume the truth of all properly pled allegations. The process of a demurrer does not serve to test the merits of the Plaintiff’s case. (*Tenet Health System Desert Inc. v. Blue Cross of CA.* (2016) 245 Cal App 4th 821, 834.) Because a demurrer only challenges the defects on the face of the complaint, it can only refer to matters outside the pleadings which are subject to judicial notice. (*Id.* at 831.) For demurrer, a judge must treat the demurrer as an admission of all material facts properly pled in the challenged pleading or that reasonably rise by implication, however improbable they are. (*Collins v. Thurmond* (2019) 41 Cal. App 5th 879, 894.) As such, “the plaintiff must show the complaint alleges facts sufficient to establish every element of each cause of action.” (*Rakestraw v. Cal. Physicians’ Serv.* (200) 81 Cal.App.4th 39, 43.) “If the complaint fails to plead, or if the defendant negates, any essential element of a particular cause of action,” the demurrer should be sustained. (*Id.*)

Generally, leave to amend is granted liberally. (*Foroudi v. Aerospace Corp.* (2020) 57 Cal. App. 5th 992, 1000.) Leave to amend may be denied where in all probability that no

amount of amendment will cure the defects, rendering the process futile. (*Id.*) The burden is on the plaintiff to show in what manner the plaintiff can amend the complaint and how the amendment would change the legal effect of his pleading. (*Goodman v. Kennedy* (1976) 18 Cal.3d. 335 349.)

When a plaintiff attempts to litigate claims subject to mandatory arbitration “[e]ither a demurrer or a motion for summary judgment offers an appropriate procedural vehicle in addition to a motion to compel arbitration ... for pointing out to the court that the plaintiff has no right to sue because he or she has agreed to arbitrate.” (*Schatz v. Allen Matkins Leck Gamble & Mallory LLP* (2009) 45 Cal.4th 557, 572; see also *Barry v. State Bar of California* (2017) 2 Cal.5th 318, 324.) Here, Cross-Defendants persuasively argue that each of the Cuppses’ causes of action arise out of the boarding agreements and, therefore, are contractually barred from litigating their cross-claims because the boarding agreements bar the Cuppses’ cross-action as the agreements require the party to mediate and then arbitrate any disputes.

As to the Cuppses’ Second and Third Claims for intentional misrepresentation and fraud, which are identically pled, elements of a fraud cause of action” through pleaded facts that show with particularity the elements of the cause of action. After all, California’s “policy of liberal construction of the pleadings ... will not ordinarily be invoked to sustain a pleading defective in any material respect,” particularly so given the heightened pleading requirement governing fraud theories. (*Rutherford Holdings, LLC v. Plaza Del Rey* (2014) 223 Cal.App.4th 221, 234.) The Cuppses’ have failed to modify their fraud causes of action, which were challenged via demurrer and sustained with leave to amend on the ground that Cross-Complainants failed to state the manner of the misrepresentation, whether Cross-Defendants made a representation of intent to perform some future action or that Cross-Defendants did not have the requisite intent at the time the promise was made. Neither the Second nor Third Causes of Action plead specific facts regarding the conclusion that Cross-Complainants justifiably relied upon the alleged statement. A fraud plaintiff must plead with particularity that the defendant made a “misrepresentation” with “knowledge of the falsity or scienter.” (*Glaski v. Bank of America* (2013) 218 Cal.App.4th 1079, 1091.) The Cuppses do not allege facts describing what anyone did or said to misrepresent or lie, and thus fail to

plead “facts which show how, when, where, to whom, and by what means the representations were tendered.

Fraud also requires that specific facts be pleaded to show “justifiable reliance” on a defendant’s misrepresentation. (*Glaski, supra*, 218 Cal.App.4th at 1090.) This requires a fraud plaintiff to set “forth facts to show that his or her actual reliance on the representations was justifiable, so that the cause of the damage was the defendant’s wrong and not the plaintiff’s fault.” (*Beckwith v. Dahl* (2012) 205 Cal.App.4th 1039, 1066.) The Cuppses do not claim to have relied on anything said or done by W Ranch or the Wickhams. The closest the Cuppses come is in claiming “(h)ad (they) known the” LLC was suspended “they would not have boarded their horses at W Ranch given such level of dereliction of duties.” (SACC ¶12.)

CU-23-00274 Melendez-Zuniga, Jaqueline et al. vs. State of California, et al.

Defendant Caltrans’ Motion to Compel Plaintiffs’ Responses to Caltrans’ Special Interrogatories (Set One) (Motion to Compel #1 of 3); Motion to Compel Responses to Caltrans’ Request for Production of Documents (Set One) (Motion to Compel #2 of 3); and Responses to Demand for Inspection of Tangible Things (Set Two) (Motion to Compel #3 of 3) are DENIED as Motions 1 through 3 are moot to the extent that each motion sought discovery responses. Each motion was based on the contention that Plaintiffs failed to serve any responses and/or produce documents. Plaintiffs oppose each motion on the ground that Plaintiffs provided responses, rendering Motions to Compel 1 through 3 moot. The Court agrees. In each Motion to Compel, Defendant sought an order compelling Plaintiff to provide responses to each discovery request. Following receipt of Plaintiff’s discovery responses, Defendant’s reply shifts focus to whether the discovery responses are deficient or not. This Court will require a motion to compel further responses to satisfy the procedural requirements outlined in California Rule of Court 3.1345, such as a separate statement, in order for this Court to determine whether the responses are inadequate.

As to Defendant’s Motion as it pertains to attorney’s fees, the Motion is GRANTED. monetary sanctions are issued in the amount of \$4,500 for Motion to Compel #1; \$4,500 for

Motion to Compel #2; and \$1,250 for Motion to Compel #3 against Plaintiffs Jaqueline Melendez-Zuniga, Magaly Cortes Medina, and Vania Figueroa-Cabrales, which must be paid within 45 days after service of this order.

The court shall impose monetary sanctions against a party, person or attorney who unsuccessfully makes or opposes a motion to compel, unless the court finds that a party acted with substantial justification or other circumstances that make the imposition of the sanction unjust. (Cal. Code of Civ. Proc. §§2030.290, 2031.300.) California Rules of Court Rule 3.1348 states “(t)he court may award sanctions under the Discovery Act in favor of a party who files a motion to compel discovery, even though...the requested discovery was provided to the moving party after the motion was filed.” A court can find that there is no substantial justification when a party served discovery responses on the night before the hearing on the discovery motion when the party failed for months to produce documents and discovery responses. (*Deck v. Developers Investment Co., Inc.* (2023) 89 Cal.App.5th 808, 831.) Even when it is highly disputed whether the last-minute production was full, “(i)t is enough that it was untimely in the extreme and only done once Plaintiff had incurred the cost of bringing a motion to compel.” (*Ibid.*)

Here, the motions to compel were filed and served in March 2026, which still resulted in months-long failure to comply with Plaintiffs’ discovery obligations. Discovery responses were dated approximately three months later, June 8, 2026, ensuring they would be served before the original hearing date for the motions to compel, which was June 25, 2026. As a result, it appears that although the discovery motions are moot, Plaintiffs were only motivated to produce discovery responses as the result of Defendant’s motions to compel.

CU-25-00205 City of Hollister v. The Baler Bar and Grill, et al.

The Court read and considered Plaintiff’s Case Management Statement. The Case Management Conference is continued to October 1, 2026, at 1:30 p.m.

CU-25-00212 Touchstone Cellars LLC vs. Intervine Capital Cienega Valley LLC
d/b/a Eden Rift Vineyards

The Court read and considered the parties' Case Management Statements. The Case Management Conference is continued to October 22, 2026, at 1:30 p.m.

CU-25-00335 1785 San Felipe 1 LLC vs. McPhail, Scott et al.

The Court read and considered Plaintiff's Case Management Statement. The Case Management Conference is continued to January 14, 2027, at 1:30 p.m.