



Superior Court of California County of San Benito

Tentative Decisions for February 9, 2026

Courtroom #1: Judge J. Omar Rodriguez

**CU-23-00241 Estate of Manning, et al. vs. State of CA – Dept. of Trans.
(Caltrans), et al.**

Motion to Amend Answer

Defendant Caltrans' Motion for Leave to Amend the Answer to assert an 18th Affirmative Defense is GRANTED. Defendant Caltrans' Amended Answer, which was attached as Exhibit 1 to the Declaration of Landa Low, is deemed filed upon Notice of Entry of Order Granting Leave to Amend.

Tort liability of public entities in California is purely statutory and is governed by the Tort Claims Act codified at Government Code sections 815, et seq. Plaintiffs' action against Caltrans asserts a single cause of action for dangerous condition of public property under Government Code section 835. To establish liability, plaintiffs must prove every essential element of that cause of action. (See, *Ventura County v City of Camarillo* (1994) 80 Cal.App.3d 1019.) In its Answer, Caltrans pled various affirmative defenses but omitted the natural condition immunity of Government Code section 831.2. Generally, liability provisions are narrowly construed while immunities are broadly interpreted. (*City of Chico v Superior Court* (2021) 68 Cal.App.5th 352, 361.) An immunity, if proven, defeats dangerous condition liability. (See, e.g., *Meddock v County of Yolo* (2013) 220 Cal.App.4th 170, 176.) Although the opposition to the motion for leave to amend argues that the grove of eucalyptus trees are not a natural condition because Caltrans trimmed and maintained the trees, "California courts have held that natural condition immunity can apply even where a public

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any objections or concerns.**

entity has made changes to natural conditions.” (*City of Chico v Superior Court* (2021) 68 Cal.App.5th 352, 363.) As a result, Defendant’s motion seeks leave to amend the answer to include a potentially dispositive affirmative defense and would be prejudiced if the motion is denied. Finally, Defendant presented sufficient support for its contention that it diligently filed the motions to amend as soon as practicable and that this issue was raised through discovery as early as October 2025 and filed said motion on October 8, 2025.

Motion to Consolidate

Based on the representation that the parties have stipulated that the matter be consolidated, the Court makes the following orders.

1. The actions will be consolidated for trial which will take place on May 4, 2026.
2. The jury will return a single verdict with separate lines on the verdict form reflecting damages awarded to each plaintiff.
3. The parties will schedule mediation prior to the trial date

The parties were not able to reach an agreement to the additional terms requested by Plaintiffs. The Court will defer the decision regarding the request to make two opening statements and two closing arguments to the trial judge.

**CU-23-00274 Melendez-Zuniga, et al. vs. State of CA – Dept. of Trans.
(Caltrans), et al.**

Defendant Caltrans’ Motion for Leave to Amend the Answer to assert an 18th Affirmative Defense is GRANTED. Defendant Caltrans’ Amended Answer, which was attached as Exhibit 1 to the Declaration of Landa Low, is deemed filed upon Notice of Entry of Order Granting Leave to Amend.

Tort liability of public entities in California is purely statutory and is governed by the Tort Claims Act codified at Government Code sections 815, et seq. Plaintiffs’ action against Caltrans asserts a single cause of action for dangerous condition of public property under Government Code section 835. To establish liability, plaintiffs must prove every essential element of that cause of action. (See, *Ventura County v City of Camarillo* (1994) 80 Cal.App.3d 1019.) In its Answer, Caltrans pled various affirmative defenses but omitted the natural condition immunity of Government Code section 831.2. Generally, liability

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CU-24-00027 Lacher vs. State of CA – Dept. of Trans. (Caltrans), et al.

Defendant Caltrans’ Motion for Leave to Amend the Answer to assert an 18th Affirmative Defense is GRANTED. Defendant Caltrans’ Amended Answer, which was attached as Exhibit 1 to the Declaration of Landa Low, is deemed filed upon Notice of Entry of Order Granting Leave to Amend.

Tort liability of public entities in California is purely statutory and is governed by the Tort Claims Act codified at Government Code sections 815, et seq. Plaintiffs’ action against Caltrans asserts a single cause of action for dangerous condition of public property under Government Code section 835. To establish liability, plaintiffs must prove every essential element of that cause of action. (See, *Ventura County v City of Camarillo* (1994) 80 Cal.App.3d 1019.) In its Answer, Caltrans pled various affirmative defenses but omitted the natural condition immunity of Government Code section 831.2. Generally, liability provisions are narrowly construed while immunities are broadly interpreted. (*City of Chico v Superior Court* (2021) 68 Cal.App.5th 352, 361.) An immunity, if proven, defeats dangerous condition liability. (See, e.g., *Meddock v County of Yolo* (2013) 220 Cal.App.4th 170, 176.) Although the opposition to the motion for leave to amend argues that the grove of eucalyptus trees are not a natural condition because Caltrans trimmed and maintained the trees,

“California courts have held that natural condition immunity can apply even where a public entity has made changes to natural conditions.” (*City of Chico v Superior Court* (2021) 68 Cal.App.5th 352, 363.) As a result, Defendant’s motion seeks leave to amend the answer to include a potentially dispositive affirmative defense and would be prejudiced if the motion is denied. Finally, Defendant presented sufficient support for its contention that it diligently filed the motions to amend as soon as practicable and that this issue was raised through discovery as early as October 2025 and filed said motion on October 8, 2025.

CU-24-00230 Avina, et al vs. State of CA – Dept. of Trans. (Caltrans), et al.

Defendant Caltrans’ Motion for Leave to Amend the Answer to assert an 18th Affirmative Defense is GRANTED. Defendant Caltrans’ Amended Answer, which was attached as Exhibit 1 to the Declaration of Landa Low, is deemed filed upon Notice of Entry of Order Granting Leave to Amend.

Tort liability of public entities in California is purely statutory and is governed by the Tort Claims Act codified at Government Code sections 815, et seq. Plaintiffs’ action against Caltrans asserts a single cause of action for dangerous condition of public property under Government Code section 835. To establish liability, plaintiffs must prove every essential element of that cause of action. (See, *Ventura County v City of Camarillo* (1994) 80 Cal.App.3d 1019.) In its Answer, Caltrans pled various affirmative defenses but omitted the natural condition immunity of Government Code section 831.2. Generally, liability provisions are narrowly construed while immunities are broadly interpreted. (*City of Chico v Superior Court* (2021) 68 Cal.App.5th 352, 361.) An immunity, if proven, defeats dangerous condition liability. (See, e.g., *Meddock v County of Yolo* (2013) 220 Cal.App.4th 170, 176.) Although the opposition to the motion for leave to amend argues that the grove of eucalyptus trees are not a natural condition because Caltrans trimmed and maintained the trees, “California courts have held that natural condition immunity can apply even where a public entity has made changes to natural conditions.” (*City of Chico v Superior Court* (2021) 68 Cal.App.5th 352, 363.) As a result, Defendant’s motion seeks leave to amend the answer to include a potentially dispositive affirmative defense and would be prejudiced if the motion is denied. Finally, Defendant presented sufficient support for its contention that it diligently

filed the motions to amend as soon as practicable and that this issue was raised through discovery as early as October 2025 and filed said motion on October 8, 2025.

CU-25-00031 Espinoza, Yudith vs. Navigator Schools

After having read and considered the Case Management Conference Statements, the Case Management Conference is continued to September 14, 2026, at 10:30 a.m.

CU-25-00034 Mendoza, Osbaldo vs. DK Chevron LLC

The Court has read and considered the Joint Case Management Conference Statement and continues the Case Management Conference to May 11, 2026, at 10:30 a.m.

CU-25-00042 Espinoza, Yudith vs. Navigator Schools

The Court has read and considered the Case Management Conference Statements and continues the Case Management Conference to September 14, 2026, at 10:30 a.m.

CU-25-00193 LBS Financial Credit Union vs. McCreedy, et al.

In light of the recently signed order for publication, the Case Management Conference is continued to June 8, 2026 at 10:30 a.m. Plaintiff to provide notice of the hearing.

CU-25-00286 In the Matter of Stefanie Danae Hernandez

The Petition is APPROVED as requested.

CU-25-00315 In the matter of Bonifacio Garcia Sumano

The Petition is APPROVED as requested.

PR-17-00033 **In Re Guardianship of Michael Sotelo-Simon**

The Petition for Change of Venue to the Superior Court of California, County of Sacramento is GRANTED as requested. Before the transfer occurs, Petitioner shall pay any transfer fees to this Court within 45 days. The review hearing will be scheduled to take place on May 11, 2026 at 10:30 a.m. The hearing will be vacated if the matter is transferred beforehand.

PR-17-00063 **In Re Conservatorship of Cory Sandy Sotelo-Simon**

The Petition for Change of Venue to the Superior Court of California, County of Sacramento is GRANTED as requested. Before the transfer occurs, Petitioner shall pay any transfer fees to this Court within 45 days. The review hearing will be scheduled to take place on May 11, 2026 at 10:30 a.m. The hearing will be vacated if the matter is transferred beforehand.

PR-21-00052 **Conservatorship of Natalia Malone**

The Court has read and considered the Review Report. The Conservatorship shall remain in place and the Court will schedule a review in approximately two years. The Court shall provide notice at a later date.

PR-24-00079 **Conservatorship of Mario Rodriguez**

The Court has read and considered the Review Report. The Conservators are ordered to file amended Letters reflecting that a general conservatorship of the person was established with medical authority under Probate Code section 2355. The Conservatorship shall remain in place and the Court will schedule a review in approximately two years. The Court shall provide notice at a later date.

PR-24-00080 Conservatorship of Daniel Rodriguez

The Court has read and considered the Review Report. The Conservatorship shall remain in place and the Court will schedule a review in approximately two years. The Court shall provide notice at a later date. The Conservators are ordered to file amended Letters reflecting that a general conservatorship of the person was established with medical authority under Probate Code section 2355.

PR-24-00121 Conservatorship of Zakary Grant Barber

The Court has read and considered the Review Report. The Conservatorship shall remain in place and the Court will schedule a review in approximately two years. The Court shall provide notice at a later date.

PR-25-00124 Estate of Joseph Escover (In re Matthew Escover)

The Petition is DENIED without prejudice. Petitioner failed to file form DE-147 (Duties and Liabilities of Personal Representative) and a Proof of Publication.

PR-24-00004 Estate of Laonard Joseph Divito

The Court has read and considered the Status Report. The Review hearing is continued to August 17, 2026 at 10:30 a.m.

END OF TENTATIVE DECISIONS