



**Superior Court of California
County of San Benito**

Tentative Decisions for January 12, 2026

Courtroom #1: Judge J. Omar Rodriguez

CU-22-00233 Trinity Financial Services vs. Gutierrez

Counsel's Motion to be Relieved is moot and the hearing on the issue is off calendar.

CU-25-00093 **Franco vs. Maniscalco, et al.**

The Order to Show Cause is dismissed.

The Case Management Conference shall remain on calendar.

CU-25-00095 Ochoa Barajas vs. Zuniga

The unopposed Motion permitting Defendant to file her Cross-Complaint is GRANTED.

Code of Civil Procedure section 428.50(c) allows the filing of a cross-complaint on leave of court “in the interests of justice at any time during the course of action.” Ordinarily, the court does not consider the validity of the proposed pleading in determining whether to grant leave to file. (*Kittredge Sports Co. v. Super. Ct.* (1989) 213 Cal.App.3rd 1045, 1048.) The standard is one of great liberality so that cases can be tried on their merits. (*Mabie v. Hyatt* (1998) 61 Cal. App.4th 581, 596.) Courts have granted leave to file cross-complaint even up to the eve of trial, holding that it is mandatory to grant the same, absent bad faith. (*Silver Organizations LTD v. Frank* (1990) 217 Cal.App.3rd 95, 98-99.) Pursuant to Code of Civil Procedure section 426.10(c) the filing of a cross-complaint is compulsory to the extent

that it arises from the same transaction(s) or occurrence(s) or a series of transaction(s) or occurrence(s).

Here, Defendant, through mistake, inadvertence, and excusable neglect, while not represented by counsel, did not file a compulsory Cross-Complaint when she filed a form Answer due to her efforts to ensure she did not subject herself to default. This was not the result of intentional delay or bad faith, but rather arose from excusable oversight. At this early stage of the case, denial would result in severe prejudice to Defendant in that it would bar her from asserting valid and related claims that are compulsory in nature, and arise out of the same transaction and occurrence alleged in the Complaint.

In light of the motion for leave, the Case Management Conference is continued to March 16, 2026, at 10:30 a.m.

CU-25-00190 In the Matter of Faith Liliana Torres

The Petition is APPROVED as requested.

CU-25-00233 In the Matter of Thi Thanh Ngan Pham

The Petition is APPROVED as requested.

CU-25-00234 In the Matter of Truc Thanh Thuy Tran

The Petition is APPROVED as requested.

CU-25-00240 In the Matter of Carol Ann Travlos-Ham

The Petition is APPROVED as requested.

CU-25-00242 In the Matter of Alfonso Orosco

The Petition is APPROVED as requested.

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CU-25-00243 LaClair vs. McCullough

The Court has read and considered Plaintiff's Case Management Conference Statement. The Case Management Conference is continued to March 16, 2026, at 10:30 a.m. Plaintiff to provide notice.

CU-25-00246 In the Matter of Louis Francisco Anchondo III

The Petition is APPROVED as requested.

PR-24-00061 Conservatorship of Christian Barroso

The hearing on the annual conservatorship is continued to August 17, 2026, at 10:30 a.m.

PR-24-00062 Conservatorship of Victor Barroso Jr.

The hearing on the annual conservatorship is continued to August 17, 2026, at 10:30 a.m.

PR-25-00075 In the Matter of Robert Harris

The matter is continued to May, 11, 2026, at 10:30 a.m.

PR-24-00109 Estate of James Chris Peters

The matter is continued to March 16, 2026, at 10:30 a.m. Petitioner shall amend the petition for final distribution to outline with specificity and explain his request for distribution of the estate.

END OF TENTATIVE DECISIONS