



Superior Court of California County of San Benito

Tentative Decisions for October 27, 2025

Courtroom #1: Judge J. Omar Rodriguez

CL-18-00541 Credit Consulting Services Inc vs Scott, et al.

The Joint Motion for Preliminary Approval of Class Action Settlement is GRANTED as requested. The Final Approval Hearing is scheduled to take place on April 20, 2026, at 10:30 a.m. The deadline to file the motion for final approval is April 10, 2026.

CU-23-00049 DeCarlo vs. Agromin, et al.

In light of the pending Motion to be Relieved as Counsel, the Case Management Conference is continued to December 15, 2025, at 10:00 a.m.

CU-24-00008 Stateline Farms, Inc. vs. Berry People, LLC et al.

Plaintiff's Motion for Terminating Sanctions against Defendant Berry People, LLC ("Defendant") and Case Management Conference are continued to January 26, 2026 at 10:30 a.m.

The Court issues an Order to Show Cause as to Diemer & Wei, LLP, as to the status of payment of prior sanctions ordered and for good cause as to why additional monetary sanctions are inappropriate. The hearing is set for January 26, 2026 at 10:30 a.m. The Court will provide notice of the Order to Show Cause.

The Court issues an Order to Show Cause for Kathryn S. Diemer, State Bar Number 133977, to appear in person before this court to show cause why the substitution of attorney for Berry People, LLC should not be set aside.

The court notes that Defendant Berry People, LLC, is a corporate entity. As such is cannot represent itself. Counsel for Defendant nevertheless filed a substitution of attorney listing co-defendant Jerald Downs as the representative of this entity which would be “representing self.” There are only two exceptions to the rule announced in *Merco Construction Engineers, Inc. v. Municipal Court* (1978) 21 Cal. 3rd 724. A legal entity may be represented by a non-lawyer in a small claims action. (CCP§116.540 sub (b).) The second instance where a non-lawyer can appear for a legal entity is at a judgment debtor’s examination pursuant to Code of Civil Procedure section 708.150(d). Neither exception applies.

The Court shall provide notice of the January 26th hearing.

CU-24-00243 LaCorte vs. Clark Pest Control of Stockton, Inc.

The Court read and considered Defendant’s Case Management Conference Statement and continues the Case Management Conference to January 12, 2026, at 10:30 a.m. to allow the parties to finalize the resolution of the case.

CU-25-00065 Dorenbush, et al. vs. Guerra, et al.

The Court read and considered Plaintiff’s Case Management Conference Statement and continues the Case Management Conference to January 26, 2026 at 10:30 a.m. Defendants Guerra, Guerra, and Symmetry Design Inc. to provide notice of the new Case Management Conference hearing date.

CU-25-00067 Hinsta vs. Hinsta

The case is DISMISSED without prejudice allowing Plaintiff to file a proper action under the Uniform Parentage Act within the correct department of this court.

Parentage and determination of parent-child relationship matters are governed by the Family Code. This process may be initiated by the biological father or mother to establish or

dispute parental rights, or when a child's parentage needs to be clarified for a legal reason. The Family Code provides the framework for establishing and disputing parentage, with specific sections addressing both marital and non-marital children. A parentage action is filed when there is a need for judicial determination of a child's legal parents. A person may file a parentage action to dispute that they are the biological parent of a child. Contrary to Plaintiff's assertions, this is a matter under the Family Code, despite there being no issues of custody or child support.

An unlimited civil action for declaratory relief is inappropriate to address these issues.

CU-25-00103 Petition of Cindy Cazola

The Petition is GRANTED as requested.

CU-25-00165 Petition of Celeste Caroline Galvez Villagomez

The Petition is GRANTED as requested.

CU-25-00166 Petition of Parrish Anderson

The Petition is GRANTED as requested.

CU-25-00173 Gutierrez vs. Tonascia, et al.

In light of the proof of service filed by Plaintiff and the lack of appearances by Defendants, the Case Management Conference is continued to January 12, 2026, at 10:30 a.m. Plaintiff shall provide notice of the hearing.

CU-25-00176 Petition of Afton Potts

The Petition is GRANTED as requested.

CU-25-00178 Ramirez-Lopez vs. Joe Perry Company, et al.

The Court read and considered Plaintiff's Case Management Conference Statement and Declaration of Saad B. Sweilem, Esq. The Case Management Conference is continued

approximately 90 days, as requested, to January 26, 2026, at 10:30 a.m. Plaintiff to provide notice of the hearing.

CU-25-00231 In the Matter of J.G. Wentworth Originations, LLC

The Petition approving the transfer of payment rights pursuant to California Insurance Code section 10134, et seq., is GRANTED.

The court finds that Petitioner complied with the requirements of Insurance Code Sections 10136 and 10138. The requisite notifications have been made, nor does it appear that the transfer contravenes any applicable laws or court orders. The declaration of the Transferor indicates that he understands the terms of the transfer agreement, including the terms of the disclosure statement, and that he does not wish to exercise his right to cancel the agreement. The Transferor has no dependents. The Court reviewed several factors to determine whether the proposed transfer is in the Transferor's best interests in light of his declaration and the factors enumerated in the statute.

The Transferor indicates his preference and desire for this transfer, which includes his age. There is no question as to his mental capacity or whether he misunderstands this transfer. The purpose of the transfer and receive a payment of \$50,000.00 in exchange for transfer of right to receive payments at a discounted rate in order to use those funds to pay off mortgage arrears and rescue his home from foreclosure. The proposed transfer and the declaration is clear as to what amount of payments are being transferred, and that the structured settlement was not created to provide for future medical care or living expenses. The discounted rate is clearly stated, and both BHLIN and the Transferor note that there were no prior attempted transactions, or denials of the same within the last five years. While BHLIN through BIFCO, LLC suggests that there is an alternative option available to the Transferor at a lower discount rate, the Transferor has not exercised that option. While the BIFCO, LLC program may be more advantageous to the Transferor in the long run, he has elected not to pursue that program. It thus appears that the Transferor has made a knowing election that serves his best interests for the receipt of the specified sum now as opposed to pursuing the hardship transfer through BIFCO, LLC.

PR-16-00056 In Re Conservatorship Of: Gilbert Ruiz Jr.

The Court read and considered the Investigator's Review Report. The conservatorship shall remain in place without modification. The hearing on October 27, 2025, shall be vacated and no appearances will be necessary.

A review hearing will be scheduled in two years. The Court will provide notice of the hearing at a later date.

PR-24-00085 Estate of David F. Morrell aka David Francis Morrell

The Petition for Final Distribution on Waiver of Accounting and for Allowance is APPROVED as requested.

PR-24-00117 Estate of Robert R. Figueroa

The Petition for Final Distribution and for Allowance of Compensation to Attorney for Ordinary Services is APPROVED as requested.

PR-24-00123 Estate of Dean A. Smith

Petitioner did not provide notice of the new hearing date as required by law. The matter is continued to January 26, 2026, at 10:30 a.m. Petitioner to provide notice.

PR-25-00023 Estate of William Paul Saporito

The Petition by Administrator to Establish Estate's Claim of Ownership to Property is APPROVED.

PR-25-00032 In the Matter of Fidel Alberto Hernandez

The Hearing on the Appointment of Conservator is continued to January 12, 2026 at 10:30 a.m. to allow for the completion of the investigation.

PR-25-00079 In the Matter of Aleya Soledad Cedillo Penaloza (Minor)

The Hearing on the Appointment of Guardianship is continued to November 17, 2025 at 10:30 a.m. to allow for the completion of the investigation.

PR-25-00084 In the Matter of Yulissa Cedillo Penaloza (Minor)

The Hearing on the Appointment of Guardianship is continued to November 17, 2025 at 10:30 a.m. to allow for the completion of the investigation.

PR-25-00085 In the Matter of Cedillo, Neymar (Minor)

The Hearing on the Appointment of Guardianship is continued to November 17, 2025 at 10:30 a.m. to allow for the completion of the investigation.

PR-25-00099 In the Matter of Lucas Gabriel

The Hearing on the Appointment of Conservator is continued to December 8, 2025, 10:30 a.m. to allow for the completion of the investigation.

END OF TENTATIVE DECISIONS