



Superior Court of California County of San Benito

Tentative Decisions for June 5, 2024

Courtroom #1: Judge J. Omar Rodriguez

3:30 p.m.

CU-22-00073 Naegle v. REFCO Farms, LLC, et al.

Defendant Naegle's unopposed Motion to Dismiss the Complaint filed by REFCO Farms is GRANTED. Based on the facts stated in the Complaint, there are insufficient allegations pled that REFCO Farms has a beneficial interest in the subject equipment. There is no allegation that REFCO installed or paid for any of the equipment on Defendant Naegle's land or that it made a demand on Naegle. Since Plaintiff Ray Francioni voluntarily dismissed his complaint and REFCO Farms, LLC has neither standing to sue, nor can it state a cause of action meriting any relief, the Complaint is dismissed.

CU-24-00038 Perez v. Tiffany Motor Company

The court finds that the Defendants have met their burden in the Petition and GRANTS the Petition to compel Arbitration of Plaintiff's claims, including Plaintiff's individual PAGA claims. The court will stay the proceeding in this court pending the conclusion of the parties' arbitration.

The arbitration agreement attached to the pleadings meets the requirements of California Rule of Court Rule 3.1330, which requires that the provisions be stated verbatim or

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****Please contact Judicial Courtroom Assistant, Wendy Guerrero, at
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any objections or concerns.**

that a copy of the agreement be physically or electronically attached and incorporated by reference. (See Roberts Decl. ¶9.) The arbitration agreement satisfies the requirements as outlined in *Viking River Cruises, Inc. v. Moriana* (2022) 596 U.S. 639 and *Armendariz v. Foundation Health Psychcare Services, Inc.* (2000) 24 Cal. 4th 83, 98. Specifically, the arbitration agreement meets the fairness requirements regarding costs of arbitration. The language of the arbitration agreement parallels the language of the relevant case law.

PR-24-00042 Estate of John D. White

The Petition is APPROVED as requested. Bond is waived. Lucia Areias is appointed as referee. Full authority is granted to administer the estate under the Independent Administration of Estates Act. Petitioner is to file an Inventory and Appraisal within four months of issuance of letters (Prob. Code section 8800(b)) and either a petition for an order for final distribution of the estate or a report of status of administration within the timeframe set out in Probate Code section 12200.

The matter is set for hearing on December 4, 2024 at 10:30 a.m. for status of estate or final account and distribution. No appearances at the hearing will be required if the court determines that administration of the estate is timely proceeding, or good cause is shown why more time is required.

END OF TENTATIVE DECISIONS