

**Calaveras Superior Court**  
**Civil Law & Motion Calendar with Tentative**  
**Rulings Friday, April 10, 2020**  
**Hon. David M. Sanders, Courtroom #2**

9:00am 14CV40365 Demurrer by Defendants (except Angels Gun Club) 2nd Amended Complaint 04/10/2020 07/22/2020 Case Management Conference  
Ptff/Pet: Bachelor, Kathi; Richards, David; Sarkis, Lawrence; Von Latta, Chuck Atty: Berliner, Cohen  
Def/Res: Angels Gun Club, et al Atty: Porter, Scott; Levangie Law Group

**Tentative Ruling:** On January 3, 2020, plaintiffs filed a second amended complaint. On March 11, 2020, defendants demurred.

Defendants' request for judicial notice for Exhibit 1 pursuant to Evidence Code sections 452 and 453 is DENIED as factual evidence, such as this code section regarding revenue procedures, is not relevant to a demurrer proceeding.

Plaintiffs' request to deny the demurrer based on defendants' failure to meet and confer is DENIED. Although attempts to meet and confer did not occur five (5) days prior to the filing of the demurrer, defense counsel explained the circumstances for the lack of full compliance with CCP §430.41. Additionally, the demurrer meet and confer code section is explicitly toothless as to any remedy for shortcomings. Therefore, in the interest of justice and judicial economy, the Court will address the merits of defendants' demurrer.

Defendants' demurrer to the second cause of action of the Second Amended Complaint is OVERRULED. The issue is not ripe to address defendants' allegation that plaintiff SARKIS was not a member of defendants' gun club during the time period during which the cause of action arose and therefore lacks standing to sue under the theory of breach of fiduciary duty. It is inappropriate to address separating plaintiff SARKIS from the other plaintiffs in the context of a demurrer. The issue may be appropriate to be addressed at future hearing. As a prudent measure, the Court will confirm that defendants have not waived the issue of contesting plaintiff SARKS' standing in an appropriate procedural setting.

Furthermore, plaintiffs' second cause of action has been specifically pled. Plaintiffs' reference to the minutes from January 16, 2018, and to an undated notice from defendant ANGELS GUN CLUB to "Members & Other Shooters", sufficiently puts defendants on notice as to the substance of plaintiffs' claim. Additionally, plaintiffs pled the absence of guidelines for defendants to comply with Penal Code 30352. Plaintiffs have alleged sufficient facts to support a viable cause of action under California's liberal pleading practice.

The clerk shall provide notice of this ruling to the parties forthwith. Plaintiffs to prepare a formal Order pursuant to Rule of Court 3.1312 in conformity with this ruling.

9:00am 19DV44277 Counsel's Motion to be Relieved  
Ptff/Pet: Worthy, Diana  
Def/Res: Paxia, James Oscar

04/10/2020 04/30/2020 Court Trial  
Atty: Chavez-Ochoa, Brian  
Atty: Thomas, Randy

**Tentative Ruling:** The attorney's declaration is sufficient. Upon showing proof of actual service, it is the Court's intent to GRANT the Motion of the Law Office of Randy Thomas to be Relieved as Counsel for the defendant.

The clerk shall provide notice of this ruling to the parties forthwith. The Law Office of Randy Thomas to provide proof of actual service and an order for the Court to sign.

9:00am 19DV44435 Counsel's Motion to be Relieved  
Ptff/Pet: Paxia, James O  
Def/Res: Worthy, Diana

04/10/2020 04/30/2020 Request for Order-DV/TRO  
Atty: Tabor, Madeleine  
Atty:

**Tentative Ruling:** The attorney's declaration is sufficient. Upon showing proof of actual service, it is the Court's intent to GRANT the Motion of the Law Office of Randy Thomas to be Relieved as Counsel for the plaintiff.

The clerk shall provide notice of this ruling to the parties forthwith. The Law Office of Randy Thomas to provide proof of actual service and an order for the Court to sign.