BUTTS v FCA US LLC, et al

25CV47877

PLAINTIFF'S MOTION TO COMPEL INITIAL DISCLOSURES AND FOR SANCTIONS

The Motions do not comply with Local Rule 3.3.7. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:

> 3 3 7 Tentative Rulings (Repealed Eff 7/1/06, As amended 1/1/18) All parties appearing on the Law and Motion calendar shall utilize the tentative ruling system. Tentative Rulings are available by 2:00 p.m. on the court day preceding the scheduled hearing and can be accessed either through the court's website or by telephoning 209-754-6285. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the Court no later than 4:00 p.m. on the court day preceding the hearing including advising that all other sides have been notified of the intention to appear by calling 209-754-6285. Where appearance has been requested or invited by the Court, all argument and evidence Is limited pursuant to Local Rule 3 3. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:
>
> **Pursuant to Local Rule 3 3 7, the Court will make a tentative ruling on the merits of this matter by 2:00 p.m. the court day before the hearing. The complete text of the tentative ruling may be accessed on the Court's website or by calling 209-754-6285 and listening to the recorded tentative ruling. If you do not call all other parties and the Court by 4:00 p.m. the court day preceding the hearing, no hearing will be held and the tentative ruling shall become the ruling of the court** [emphasis in original.]
>
> Failure to include this language In the notice may be a basis for the Court to deny the motion.

Accordingly, the motions are **DENIED, without prejudice to refile**.

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

ARIZA v LAKESIDE VENTURES, LLC

22CV46059

PLAINTIFF'S MOTION TO QUASH; DEFENDANTS' MOTION TO COMPEL EXPERT DEPOSITION

This matter involves a dispute over the sale of a mobile home estate located at 1475 Railroad Flat Road, Mokelumne Hill, CA ("Mobile Home Estate.") Before the Court is the motion to compel the deposition of an expert witness filed Defendants Lakeside Ventures, LLC and Bonnie K. Tuckerman-Aho (Hurley) ("Defendants.")

Simultaneously, Plaintiff has filed her own motion to quash Requests for Production of Documents ("RFP"), request for protective order, and request to have deposition relocated. Although **plaintiff has AGAIN FAILED to use the mandatory notice language of Local Rule 3.3.7** which normally would lead to a summary denial of her motion, as these issues overlap and defendants included the language, the Court will rule on the substantive merits of both motions.

I. Relevant Background

Plaintiff's motion is unclear. By reference to the opposition, the Court was able to ascertain the issues being raised by Plaintiff.

On January 5, 2026, Defendants served Plaintiff with a notice of deposition. (Declaration of Kathleen E. Finnerty ("Finnerty Decl.") ¶ 9, Ex. B.) Plaintiff's deposition was noticed for January 16, 2026. (*Ibid*.) The notice also contained a RFP seeking 44 individual productions of documents. (*Ibid.*)

Plaintiff's motion to quash – better labeled as a motion for protective order -- relates to those 44 RFPs which Plaintiff argues are identical in nature to RFPs served on her by former Defendant David Tuckerman in 2023. (Finnerty Decl. ¶ 3; Mtn to Quash pp. 2-3.) Plaintiff argues that the new RFPs are duplicative of earlier ones served by another party and that the documents are equally available to the requesting Defendants.

Plaintiff attended her deposition[1] but produced no documents, despite her testimony that additional documents existed. (Finnerty Decl. ¶ 3.) These documents include items going to the heart of this dispute, including drafts of the contracts at issue, original checks and bank statements, full inspection and repair estimates for each of the park units, the purchase offer she claims to have presented to Garrett Smith on or about July 11, 2020, and the monthly accountings she claims to have submitted to David Tuckerman. (*Ibid*.)

Plaintiff seeks a protective order pursuant to which she may refuse to provide any additional documents as sought in the notice of deposition.

Defendants oppose that motion on the grounds that the RFPs served on Plaintiff by David Tuckerman were distinct from the current request. Moreover, Defendants argue persuasively that the mere fact that a different defendant served a request for production more than two years ago does not exhaust or waive Defendants' independent discovery rights.

Simultaneously before the Court is the Defendants' own motion to compel the deposition of an expert witness.

Plaintiff disclosed three expert witnesses in her "Filing of Expert Witnesses List for Defendants Lakeside Ventures, LLC, Bonnie K. Tuckerman-Aho (Hurley), Scott Nordyke, Arthur Trillo and Garrett Smith." The disclosure was served on January 13, 2026. (Finnerty Decl. ¶ 2, Ex A.) Plaintiff identified Dixie Waechter ("Waechter") as an expert witness whose testimony was described as consisting of "ethical procedures" and the "condition of the property." (*Ibid*.)

On January 14, 2026, Defendants' counsel noticed Waechter's deposition and scheduled it for January 29, 2026. (Finnerty Decl. ¶ 3, Ex. B.) The deposition was scheduled for a location in Roseville, CA. (*Ibid*.)

On January 26, 2026, Defendants' counsel emailed Plaintiff to confirm that Waechter would be attending the noticed deposition on January 29, 2026. (Finnerty Decl. ¶4, Ex. C.) On January 27, 2026, Plaintiff responded that she did not receive notice of the deposition. (*Ibid.,* Ex. D.) On January 28, 2026, Plaintiff complained that there should have been a meet and confer prior to scheduling the deposition and further stated that Defendants needed to subpoena the expert because she did not want to voluntarily testify. (*Ibid.* Ex. E.)

Defendants' counsel then reiterated that it was Plaintiff's obligation to produce her expert for deposition and to confirm that Waechter would be present on January 29, 2026. (Finnerty Decl. ¶ 5, Ex. F.) On January 29, 2026, Plaintiff emailed Defendants' counsel stating that a meet and confer was required prior to setting the expert deposition and that the expert's fees are between $400 and $500 per hour and $0.71

[1] Plaintiff attended the deposition, thus her request to move the deposition's location is moot.

per mile. (*Ibid*., Ex. G.) However, in her expert declaration, Waechter stated that she waived all fees. (*Id*., Ex. A.)

Ms. Ariza did not produce Ms. Waechter for deposition on January 29, 2026.

II. Legal Standard and Discussion

A. Motion to Quash/Motion for Protective Order

Pursuant to Code Civil Procedure section 2031.060(a), a party may move for a protective order promptly after receiving a request for production of documents. Upon motion for a protective order, a court may limit the scope of discovery if it determines that the "burden, expense, or intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." (Code Civ. Proc. §2017.020(a).) The Court may only make such order upon a showing of good cause. (Code Civ. Proc. §2031.060(b).

"The concept of good cause calls for a factual exposition of a reasonable ground for the sought order." (Goodman v. Citizens Life & Cas. Ins. Co. (1967) 253 Cal.App.2d 807, 819.) Generally, "the burden is on the party seeking the protective order to show good cause for whatever order is sought." (Fairmont Ins. Co. v. Superior Court (2000) 22 Cal.4th 245, 255.)

Here, Plaintiff has refused to produce the requested documents solely on her assertions that she has already produced such documents when requested by a different party. Plaintiff's argument that she has already produced the documents is nothing more than a blanket assertion, unaccompanied by any specifics. Plaintiff does not specifically identify which RFPs are duplicative or unduly burdensome, which ones have already been fully complied with, and which ones are irrelevant or excessive.

"In the absence of privilege, the right to discovery in this state is a broad one, to be construed liberally so that parties may ascertain the strength of their case and at trial the truth may be determined." (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 538.) Plaintiff cites no case law which would allow her to refuse to produce properly requested documents solely on the grounds that they were previously produced years ago to a different party. Even if some of the documents are duplicative, the Court cannot make that determination because Plaintiff has not identified the duplicative requests for the Court.

The Court is cognizant of Plaintiff's pro se status. However, Plaintiff has previously been admonished for her failures to appropriately engage in discovery and for her misuses of

the discovery process. With the trial date looming, Plaintiff's conduct threatens the Defendants' ability to adequately prepare for the trial.

Accordingly, the motion to quash/motion for protective order is **DENIED**. Plaintiff is ordered to provide code-compliant responses, without objection, within ten (10) days of this Order.

B. Motion to Compel Deposition of Expert Witness

Pursuant to Code Civil Procedure section 2034.410:

> On receipt of an expert witness list from a party, any other party may take the deposition of any person on the list.

Code Civil Procedure section 2034.300 places the onus of producing a party's own expert witness upon that party, and upon the failure to do so, the Court "shall" exclude that expert's opinion from evidence.

Pursuant to Code Civil Procedure section 2025.410, a party may serve an objection to a notice of deposition at least three days prior to the deposition and may also move to quash that notice.

Defendants properly served a notice of deposition for Plaintiff's designated expert witness, Waechter. The notice was served upon Plaintiff at her home address of court record. Plaintiff did not serve a written objection "specifying that error or irregularity at least three calendar days prior to the date for which the deposition is scheduled, on the party seeking to take the deposition and any other attorney or party on whom the deposition notice was served." (Code Civ. Proc. § 2025.410(a).) Instead, Plaintiff made unreasonable, and unsubstantiated, demands that Defendants be forced to subpoena her expert witness and only after a meet and confer. The Code does not require Defendants to do either.

On the date of the deposition, Plaintiff did not produce her expert witness. Nor did Plaintiff file a motion to quash or seek a protective order from this Court. Instead, Plaintiff simply refused to produce her own expert witness as required.

The Court again notes that the trial date is fast approaching and that Plaintiff has a history of engaging in misuse of the discovery process.

Accordingly, Defendants' motion to compel the deposition of Waechter is **GRANTED**. Plaintiff is to produce Waechter for deposition, at the noticed location in Roseville, California[2] within ten (10) days of this Order. If Plaintiff fails to produce Waechter, the Court will exclude Waechter and any of her proffered expert opinions or reports, from being introduced at trial. (Code Civ. Proc. § 2034.300(d).)

C. Sanctions

Defendants seek $3500 in sanctions related to the motion to compel and an additional $2500 related to the motion to quash.

The Court must impose sanctions in the amount of $1,000 (in addition to other reasonable sanctions) for the failure to provide responses to RFPs. (Code Civ. Proc. § 2023.050(a).) The Court may also impose sanctions for the failure to respond to discovery requests as a misuse of the discovery process. (Code Civ. Proc. § Section 2023.030(a).) The Court may impose sanctions even where, as here, there has been no opposition filed. (Cal. Rule of Court 3.1348.)

Plaintiff has twice been sanctioned for misusing the discovery process. (See Ruling 6/13/2025; Ruling 7/11/2025.) Plaintiff has also been admonished by this Court of the need to comply with the Code of Civil Procedure and Rules of Court and has been warned against filing unwarranted or unsubstantiated documents.

Accordingly, the Court grants **sanctions in the amount of $4000.00, to be paid to defendants' counsel within 10 (ten) calendar days**. Plaintiff is further warned that the failure to comply with this Court Order, or to engage in future unsubstantiated and unwarranted filings, may resort in further sanctions, potentially of an evidentiary nature or even a termination of her suit.

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

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[2] Code Civil Procedure section 2025.250(a) allows the party noticing the deposition to choose the location of said deposition so long as it is: 1) either within 75 miles of deponent's residence, or 2) within the county where the action is pending and within 150 miles of deponent's residence.

ROOFLINE, INC. v SPERRY, et al

25CV48122

CROSS-COMPLAINANT'S MOTION FOR ORDER FOR SERVICE BY PUBLICATION

Cross-Complainant's Motion does not comply with Local Rule 3.3.7. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:

> 3 3 7 Tentative Rulings (Repealed Eff 7/1/06, As amended 1/1/18) All parties appearing on the Law and Motion calendar shall utilize the tentative ruling system. Tentative Rulings are available by 2:00 p.m. on the court day preceding the scheduled hearing and can be accessed either through the court's website or by telephoning 209-754-6285. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the Court no later than 4:00 p.m. on the court day preceding the hearing including advising that all other sides have been notified of the intention to appear by calling 209-754-6285. Where appearance has been requested or invited by the Court, all argument and evidence Is limited pursuant to Local Rule 3 3. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:
>
> **Pursuant to Local Rule 3 3 7, the Court will make a tentative ruling on the merits of this matter by 2:00 p.m. the court day before the hearing. The complete text of the tentative ruling may be accessed on the Court's website or by calling 209-754-6285 and listening to the recorded tentative ruling. If you do not call all other parties and the Court by 4:00 p.m. the court day preceding the hearing, no hearing will be held and the tentative ruling shall become the ruling of the court** [emphasis in original.]
>
> Failure to include this language In the notice may be a basis for the Court to deny the motion.

Accordingly, the motion is **DENIED, without prejudice to refile**.

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

LEITNER-HERNANDEZ v LAKESIDE VENTURES, LLC, et al

24CV47786

PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT

The Motion does not comply with Local Rule 3.3.7. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:

> 3 3 7 Tentative Rulings (Repealed Eff 7/1/06, As amended 1/1/18) All parties appearing on the Law and Motion calendar shall utilize the tentative ruling system. Tentative Rulings are available by 2:00 p.m. on the court day preceding the scheduled hearing and can be accessed either through the court's website or by telephoning 209-754-6285. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the Court no later than 4:00 p.m. on the court day preceding the hearing including advising that all other sides have been notified of the intention to appear by calling 209-754-6285. Where appearance has been requested or invited by the Court, all argument and evidence Is limited pursuant to Local Rule 3 3. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:
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> **Pursuant to Local Rule 3 3 7, the Court will make a tentative ruling on the merits of this matter by 2:00 p.m. the court day before the hearing. The complete text of the tentative ruling may be accessed on the Court's website or by calling 209-754-6285 and listening to the recorded tentative ruling. If you do not call all other parties and the Court by 4:00 p.m. the court day preceding the hearing, no hearing will be held and the tentative ruling shall become the ruling of the court** [emphasis in original.]
>
> Failure to include this language In the notice may be a basis for the Court to deny the motion.

Accordingly, the motion is **DENIED, without prejudice to refile**.

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

HIGHLAND ORGANICS, LLC v TRUSTY TRANSPORTATION AND DISTRIBUTION, LLC, et al

25CV48401

PLAINTIFF'S MOTION FOR SERVICE BY ELECTRONIC MAIL

The Motion does not comply with Local Rule 3.3.7. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:

> 3 3 7 Tentative Rulings (Repealed Eff 7/1/06, As amended 1/1/18) All parties appearing on the Law and Motion calendar shall utilize the tentative ruling system. Tentative Rulings are available by 2:00 p.m. on the court day preceding the scheduled hearing and can be accessed either through the court's website or by telephoning 209-754-6285. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the Court no later than 4:00 p.m. on the court day preceding the hearing including advising that all other sides have been notified of the intention to appear by calling 209-754-6285. Where appearance has been requested or invited by the Court, all argument and evidence Is limited pursuant to Local Rule 3 3. All matters noticed for the Law & Motion calendar shall Include the following language in the notice:
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> **Pursuant to Local Rule 3 3 7, the Court will make a tentative ruling on the merits of this matter by 2:00 p.m. the court day before the hearing. The complete text of the tentative ruling may be accessed on the Court's website or by calling 209-754-6285 and listening to the recorded tentative ruling. If you do not call all other parties and the Court by 4:00 p.m. the court day preceding the hearing, no hearing will be held and the tentative ruling shall become the ruling of the court** [emphasis in original.]
>
> Failure to include this language In the notice may be a basis for the Court to deny the motion.

Accordingly, the motion is **DENIED, without prejudice to refile**.

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

SAN ANDREAS SANITARY DISTRICT, et al v LOCKWOOD, et al

25CV48360

PLAINTIFF'S REQUEST FOR PRELIMINARY INJUNCTION

This is an action for breach of contract, nuisance, and declaratory judgment related to two permanent public utility easements and one access easement over three separate parcels of real property for the benefit of the San Andreas Sanitary District ("District.") Defendants are Lisa Lockwood ("Lockwood"), Donald Neu ("Neu"), and Neuwood Ranch Goats, LLC. ("LLC") (collectively "Defendants.") Lockwood and Neu are the record owners of the Properties; Lockwood and Neu as members of the LLC which operates a goat grazing business.

Now before the Court is an order to show cause why a preliminary injunction should not issue against Defendants.

I. Background Facts

Lockwood and Neu own the real property commonly known as 1516 Highway 12, San Andreas, California 95249, identified by Assessor's Parcel Numbers: 040-008-060-000 ("Property 1"); 040-013-009-000 ("Property 2" ; and 040-012-026- 000 ("Property 3" (collectively, the "Properties.") (Complaint ¶ 6.) The District holds three recorded easements (two permanent public utility easements and one access easement) granting it access to operate, maintain, inspect, and repair its wastewater treatment monitoring system over three separate and commonly owned parcels. (*Id*. ¶ 1.) The LLC operates a goat grazing business on the Properties. (*Id.* ¶ 7.)

In February of 2004, Isabel M. Neilsen, individually and as Trustee of the Isabel M. Neilsen Revocable Trust ("Neilsen"), conveyed to District a permanent easement for the purposes of placing, maintaining, and operating a flow meter on the Calaveras River, together with a monitoring station and an access easement for ingress and egress. (Complaint ¶ 11.) Subsequently, Nielsen accepted District's offer to purchase a temporary construction easement and an additional permanent utility easement for the installation and maintenance of an underground sewer main with surface manholes. (*Id*. ¶ 12.) In November of 2017, Nielsen conveyed the Properties by grant deed to Lockwood and Neu. (*Id.* ¶ 13.)

District holds a 15-foot-wide permanent public utility easement and 15-foot-wide access easement over approximately 0.50 acres of Property 2 benefiting District ("Check Dam Easements.") (Complaint ¶14, Ex. 3.) The Check Dam Easements allow District access to Property 2 for the purposes "placing, maintaining and operating a flow meter on the Calaveras River together with a monitoring station…"; and (b) a non-exclusive access easement for ingress and egress. (Complaint ¶ 15.) The Check Dam Easements are essential to District's ability to record the Calaveras River's flow discharge (as required by the District's NPDES permit) and the District's ability to operate its monitoring station. (*Ibid.*)

District holds a 20-foot-wide permanent public utility easement over approximately 1.02 acres of the Properties ("Outfall Easement.") (Complaint ¶ 20, Ex. 4.) Nielsen conveyed the Outfall Easement to District in April of 2024. (*Ibid*.) The Outfall Easement is a non-exclusive permanent public utility easement for the purposes of "placing, maintaining and operating an underground sewer main with surface manholes[]…" (*Id.* ¶ 21.)

District alleges that for approximately two years, on and off Lockwood and Neu (and Does 1-10) have breached the Deed of Easement conveying the Check Dam Easements by allowing obstructions that prevent entry to the Check Dam Easement's roadway. Specifically, these defendants allow livestock to roam their property which prevents District's access to enter the roadway to access its easements. (Complaint ¶ 26.) Lockwood and Neu have also allegedly placed either a barbed wire or an electric fence on the Properties which prevents District from utilizing the Outfall Easement. (*Id*. ¶ 30.)

On October 17, 2025, this Court issued a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not Issue Enjoining Defendants from obstructing the San Andreas Sanitary District's public utility easement ("Outfall Easement"). The TRO enjoined Defendants from obstructing the Outfall Easement by the electric fence, from interfering with the District's operation and maintenance of its underground sewer pipeline located at the North Fork Calaveras River.

District filed a supplemental brief in support of the OSC. Defendants have not filed any opposition.

II. Legal Standard and Discussion

When determining whether to issue a preliminary injunction, the court considers two interrelated questions: (1) the likelihood that the plaintiff will prevail on the merits, and (2) the relative balance of harms that is likely to result from the granting or denial of

interim injunctive relief. (*White v. Davis* (2003) 30 Cal.4th 528, 554; *see also Robbins v. Sup. Ct*. (1985) 38 Cal.3d 199, 206; Code Civ. Proc., § 526.)

A. Likelihood of Prevailing on the Merits

District's complaint brings causes of action for breach of contract, private nuisance, and declaratory relief.

In order to prevail on a cause of action for breach of contract, District must demonstrate: 1) the existence of the contract, (2) plaintiff's performance or excuse for nonperformance, (3) defendant's breach, and (4) the resulting damages to the plaintiff. (*Oasis West Realty, LLC v. Goldman* (2011) 51 Cal.4th 811, 821.)

Here, District has alleged and produced evidence of valid easements, giving District the right to access and maintain the sewer lines and flow meters. Defendants have not filed any opposition and there is no evidence or argument made that the easements are invalid. District has also alleged and produced evidence that it has complied with the various easements but that Defendants have breached the easements by blocking access to the Properties. Finally, District has alleged (without opposition) that they have been damaged because they cannot access their equipment to perform maintenance or other operations. Accordingly, District is likely to prevail on its cause of action for breach of contract.

Likewise, the District is likely to prevail on its cause of action for private nuisance. "When a person interferes with the use of an easement he deprives the easement's owner of a valuable property right and the owner is entitled to compensatory damages. The interference is a private nuisance and the party whose rights have been impeded can recover damages as measured in the case of a private nuisance." (*Moylan v. Dykes* (1986) 181 Cal.App.3d 561, 574.)

Finally, Plaintiff is likely to prevail on its request for declaratory relief because there is an actual controversy over the rights conveyed to District through the easements.

B. Balance of Harm to the Parties

The Court must next look at the relative balance of harms that is likely to result from the granting or denial of interim injunctive relief. (*White v. Davis* (2003) 30 Cal.4th 528, 554.) "[T]he more likely it is that [applicant] will ultimately prevail, the less severe must

be the harm that they allege will occur if the injunction does not issue." (*King v. Meese* (1987) 43 Cal. 3rd 1217, 1227.) The general purpose of a preliminary injunction is often to preserve the status quo. (*Harbor Chevrolet Corp. v. Machinists Local Union 1484* (1959) 173 Cal.App.2d 380, 384.)

District's motion states that it is being harmed through Defendants' conduct because, while the electric fence was removed, there remains a barbed wire fence which poses a safety threat to its workers and impedes access to the Outfall Easement. (Declaration of Hugh Logan ("Logal Decl.") ¶ 4.) Furthermore, to reach the easement area located beyond the barbed wire fence (that is still across the Outfall Easement), District employees must place an industrial ladder over the barbed wire fence to climb over. (*Id.* at ¶¶ 7, 8; Ex A to Declaration of Shane Tate in Support of OSC ("Tate Decl.").) District's representative avers that the use of a ladder to access the Outfall Easement is "unsafe and in violation of the District's Injury & Illness Prevention Program ("IIPP") and the District's Code of Safe Practices. (Logan Decl. at ¶¶ 9-11.) District states that it is now forced to either subject its employees to unsafe working conditions (and potentially opening themselves up to liability) or risk noncompliance with requirements of the Regional Water Quality Control Board. (*Id.* ¶ 15.)

Defendants have not brought an opposition nor provided any evidence that it will be harmed by being enjoined from interfering with the District's Outfall Easement.

III. Conclusion

The preliminary injunction is **GRANTED**.

Defendants are ordered to remove the barbed wire fence or, alternatively, are required to provide a safe means of access through the fence that does not require the use of a ladder. Defendants are further enjoined from taking any steps that would unreasonably interfere with District's ability to perform all operations and maintenance as allowed and anticipated via the easements currently in place.

The clerk shall provide notice of this ruling to the parties forthwith. The Court intends to sign the submitted proposed Order.