

PLACER COUNTY SUPERIOR COURT
THURSDAY, CIVIL LAW AND MOTION
DEPARTMENT 3
THE HONORABLE MICHAEL W. JONES
TENTATIVE RULINGS FOR OCTOBER 1, 2026, AT 8:30 A.M.

These are the tentative rulings for the **THURSDAY, OCTOBER 1, 2026, at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., WEDNESDAY, SEPTEMBER 30, 2026**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

NOTE: REMOTE APPEARANCES ARE STRONGLY ENCOURAGED FOR CIVIL LAW AND MOTION MATTERS. (PLACER COURT LOCAL RULE 10.24.) More information is available at the court's website: www.placer.courts.ca.gov.

Except as otherwise noted, these tentative rulings are issued by **THE HONORABLE MICHAEL W. JONES**. If oral argument is requested, it shall be heard at **8:30 a.m.** in **DEPARTMENT 3** located at the Historic Auburn Courthouse, 101 Maple Street, Auburn, California.

1. M-CV-0089771 JPMORGAN CHASE BANK v. HADDOCK, REBECCA

Plaintiff's Motion to Vacate Dismissal and Enter Judgment Under Terms of Stipulated Settlement

Preliminary Matters

Plaintiff's request for judicial notice is granted.

Ruling on Motion

Plaintiff's unopposed motion is granted. (Code Civ. Proc., § 664.6.) The dismissal is set aside and judgment shall be entered in favor of plaintiff and against defendant in the amount of \$4,312.95 in unpaid principal plus \$0.00 in court costs for a total judgment of \$4,312.95.

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2. M-CV-0091491 JPMORGAN CHASE BANK v. DOUGHERTY, JOHN

Plaintiff's Motion to Vacate Dismissal and Enter Judgment Under Terms of Stipulated Settlement

Preliminary Matters

Plaintiff's request for judicial notice is granted.

Ruling on Motion

Plaintiff's unopposed motion is granted. (Code Civ. Proc., § 664.6.) The dismissal is set aside and judgment shall be entered in favor of plaintiff and against defendant in the amount of \$17,395.00 in unpaid principal plus \$0.00 in court costs for a total judgment of \$17,395.00.

3. M-CV-0091504 ADAMS, MARK v. LACK FAMILY INVESTMENTS

Plaintiff's Motion for Sanctions Under Code of Civil Procedure Section 128.7

Preliminary Matters

The court exercises its discretion to consider defendant's untimely opposition papers.

Defendant's requests for judicial notice are granted.

Ruling on Motion

Plaintiff moves for sanctions pursuant to Code of Civil Procedure section 128.7 for defendant's alleged frivolous filing of her motion for attorney's fees.

A motion for sanctions pursuant to Code of Civil Procedure section 128.7 must first comply with the 21-day safe harbor period that involves serving a notice of motion in compliance with Code of Civil Procedure section 1010 on the party who engaged in the alleged sanctionable conduct. (Code Civ. Proc., § 128.7, subd. (c)(1).) The notice must therefore specify the exact date when the motion would be made otherwise it is fatally defective. (*Galleria Plus, Inc. v. Hanmi Bank* (2009) 179 Cal.App.4th 535, 538.)

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Here, plaintiff's notice sent to defendant, attached as Exhibit A to plaintiff's declaration filed in support of his motion for sanctions, does not specify the exact date when the motion will be made. Accordingly, the notice is defective and his motion does not comply with the requirements of Code of Civil Procedure section 128.7.

Even if the court reached the merits of plaintiff's motion—which it does not because the notice is defective—the motion is nonetheless substantively deficient because it does not establish that defendant's motion for attorney's fees violated any condition in Code of Civil Procedure section 128.7, subdivision (b).

Accordingly, plaintiff's motion for sanctions is denied.

Finally, the court denies defendant's request for sanctions for opposing the motion.

4. M-CV-0092700 CONNECT BY AMERICAN v. MOVSISYAN, HENRIK

Plaintiff's Motion to Set Aside Default Judgment and Dismiss With Prejudice

Plaintiff's unopposed motion is granted. The default entered on December 17, 2025, and default judgment entered on February 4, 2026, against defendant are set aside. The case is dismissed with prejudice.

5. M-CV-0097148 SFR V TRANCHE 5 BORROWER v. DAVIS, VERONICA

This tentative ruling is issued by the **Honorable Leon A. Dixon**. If oral argument is requested, it shall be heard on **October 2, 2026, at 1:00 in DEPARTMENT 41**. The stay of execution of judgment is extended to 11:59 p.m. on **October 2, 2026**.

Defendants' Motion to Set Aside the Judgment and Any Default, and to Quash Any Writ of Possession/Execution

Defendants move to set aside the judgment entered against them pursuant to Code of Civil Procedure section 473, which provides "[t]he court may, upon any terms as may be just, relieve a party or the party's legal representative from a judgment, dismissal, order, or other proceeding taken against the party through the party's mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).)

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Here, Defendant Desanique Taylor presents evidence her nonattendance at trial and the subsequent judgment entered against her was due to her excusable neglect. Specifically, she was hospitalized before, during, and after trial occurred.

Defendant Veronica Nicole Davis attended trial and entered a stipulation with Plaintiff. Defendant Davis does not present sufficient evidence that the judgment entered against her was due to her mistake, inadvertence, surprise, or excusable neglect.

Accordingly, the motion is granted as to Desanique Taylor, but denied as to Veronica Nicole Davis. The judgment entered on August 31, 2026, is set aside as to Desanique Taylor.

The duplicate hearing on Defendants' motion to set aside on October 16, 2026, is vacated.

An unlawful detainer trial is set for **October 14, 2026, at 8:30 a.m. in Department 4.**

6. S-CV-0050106 SAPIEN, MARC v. ALPHA DYNO NOBEL

Compliance Hearing

On October 8, 2025, the court granted approval of the parties' PAGA settlement and entered issued a judgment thereon that set this hearing for a final accounting.

The court has carefully reviewed the declaration of Connor Tevenan filed September 22, 2026, together with the entire court file. The final accounting is approved. No further hearings are scheduled.

7. S-CV-0051046 NELSON, MICHAEL v. RONK, SUZY

Defendants Kent Rhodes and Susan Rhodes's Motion for Expungement of Notice of Pendency of Action

Defendants Kent Rhodes and Susan Rhodes move to expunge the notice of pendency of action recorded on November 20, 2025.

A party may "[a]t any time after notice of pendency of action has been recorded . . . apply to the court in which the action is pending to expunge the notice." (Code Civ. Proc., § 405.30.) "[T]he court shall order the notice expunged if the court finds that

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the pleading on which the notice is based does not contain a real property claim.” (*Id.* at § 405.31.) “‘Real property claim’ means the cause or causes of action in a pleading which would, if meritorious, affect (a) title to, or the right to possession of, specific real property or (b) the use of an easement identified in the pleading, other than an easement obtained pursuant to statute by any regulated public utility.” (*Id.* at § 405.4.) “‘Probable validity,’ with respect to a real property claim, means that it is more likely than not that the claimant will obtain a judgment against the defendant on the claim.” (*Id.* at § 405.3.) Plaintiffs, as the claimants, have the burden of proof to establish the probable validity of their real property claims. (*Id.* at § 405.30.) The statute “requires a minitrial on the merits for making a probable validity finding.” (*De Martini v. Superior Court* (2024) 98 Cal.App.5th 1269, 1280.)

Plaintiffs real property claims in their operative second amended complaint include quiet title, easement by necessity, equitable easement, implied easement, and permanent injunction. The quiet title and permanent injunction causes of action necessarily rely on the three easement causes of action.

An easement by necessity requires plaintiffs to establish two elements “(1) a strict necessity for the claimed right-of-way, as when the claimant's property is landlocked; and (2) the dominant and servient tenements were under common ownership at the time of the conveyance giving rise to the necessity.” (*Murphy v. Burch* (2009) 46 Cal.4th 157, 163.)

Here, plaintiffs do not meet their burden to establish the probable validity of their easement by necessity cause of action. The grant deeds establish there is an express easement for roadway and utility purposes as an appurtenance to Parcel B for the benefit of plaintiffs’ parcel that provides southerly access. An easement passes with the transfer of real property. (Civ. Code, §§ 1084, 1104.) Thus, plaintiffs do not establish their property is landlocked.

An equitable easement requires plaintiffs to establish three factors “First, the [encroacher] must be innocent. That is, his or her encroachment must not be willful or negligent. The court should consider the parties’ conduct to determine who is responsible for the dispute. Second, unless the rights of the public would be harmed, the court should [stop the encroachment] if the [burdened landowner] “will suffer irreparable injury ... regardless of the injury to [the encroacher].” Third, the hardship to the [encroacher] from [ordering removal of the encroachment] [“]must be greatly disproportionate to the hardship caused plaintiff by the continuance of the encroachment and this fact must clearly appear in the evidence and must be proved

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by the defendant.” (*Hansen v. Sandridge Partners, L.P.* (2018) 22 Cal.App.5th 1020, 1027–1028.)

Here, plaintiffs again do not meet their burden to establish the probable validity of their equitable easement cause of action. There is insufficient evidence that plaintiffs encroachment onto defendants’ property was innocent. Nor is there sufficient evidence that plaintiffs would suffer a disproportionate hardship than defendants.

An implied easement requires plaintiffs to establish three conditions: “1) the owner of property conveys or transfers a portion of that property to another; 2) the owner's prior existing use of the property was of a nature that the parties must have intended or believed that the use would continue; meaning that the existing use must either have been known to the grantor and the grantee, or have been so obviously and apparently permanent that the parties should have known of the use; and 3) the easement is reasonably necessary to the use and benefit of the quasi-dominant tenement. [Citation.]” (*Thorstrom v. Thorstrom* (2011) 196 Cal.App.4th 1406, 1420.) Importantly, “[a]n easement by implication will not be found absent clear evidence that it was intended by the parties.” (*Ibid.*)

Here, plaintiffs do not meet their burden to establish the probable validity of their implied easement cause of action. There is insufficient evidence of the owner’s prior use of defendants’ property for ingress and egress and clear evidence it was intended to be used as such by the grantor and the grantee.

In light of the above plaintiffs therefore do not meet their burden to prove the probable validity of their quiet title and permanent injunction causes of actions.

Accordingly, the motion is granted. The notice of pendency of action (lis pendens) recorded on November 20, 2025, in the Official Records of Placer County, California, for APN/Parcel ID 038-021-079 at the address commonly known as 2600 Shanley Road, Auburn, CA 95603 is hereby expunged as to defendants Kent Rhodes and Susan Rhodes.

Plaintiffs/Cross-Defendants Motion to Strike Portions of the Verified Cross-Complaint of Kent & Susan Rhodes

Plaintiffs/cross-defendants move to strike the first cause of action for trespass and prayers for punitive damages and attorneys’ fees. Defendants/cross-complainants concede their cross-complaint is deficient and seek leave to file a first amended cross-complaint. Accordingly, plaintiffs/cross-defendants motion is granted with leave to

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amend. Defendants/cross-complainants shall file and serve a first amended cross-complaint on or before **October 8, 2026**.

8. S-CV-0054095 WILLIAM JESSUP UNIV. v. REEVE-KNIGHT CONST.

The mediation status conference is dropped from calendar in light of the parties joint mediation status conference statement filed with the court on September 24, 2026.

9. S-CV-0054584 MGP XI US PROPERTIES v. WADE, JOSH

Defendants' Motion for Summary Judgment

Preliminary Matters

Defendants' objections are overruled in their entirety.

Ruling on Motion

Defendants move for summary judgment as to plaintiff's complaint. A motion for summary judgment may be granted if "all the papers submitted show that there is no triable issue as to any material fact and the moving party is entitled to a judgment as a matter of law." (Code Civ. Proc. § 437c, subd. (c).) In reviewing a motion for summary judgment, the trial court must view the supporting evidence, and inferences reasonably drawn from such evidence, in the light most favorable to the opposing party. (*Aguilar v. Atlantic Richfield Company* (2001) 25 Cal.4th 826, 843.) Defendants, as the moving parties, bear the initial burden of establishing that "one or more elements of the cause of action, even if not separately pleaded, cannot be established, or that there is a complete defense to the cause of action." (Code Civ. Proc. § 473c, subd. (p)(2).) Once that burden is met, the burden shifts to the "plaintiff to show that a triable issue of one or more material facts exists as to the cause of action or a defense." (*Ibid.*) Pursuant to the "golden rule" of summary judgments, "if it is not set forth in the separate statement, it does not exist." (*California-American Water Co. v. Marina Coast Water Dist.* (2022) 86 Cal.App.5th 1272, 1296.)

Defendants argue plaintiff cannot establish its lone cause of action for breach of a lease agreement because they were constructively evicted and thus there are no unpaid balances due.

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“A constructive eviction occurs when the acts or omissions to act of a landlord, or any disturbance or interference with the tenant's possession by the landlord, renders the premises, or a substantial portion thereof, unfit for the purposes for which they were leased, or which has the effect of depriving the tenant for a substantial period of time of the beneficial, enjoyment or use of the premises.” (*Groh v. Kover's Bull Pen, Inc.* (1963) 221 Cal.App.2d 611, 614.) Importantly, constructive eviction requires the tenant to “surrender[] possession of the premises within a reasonable time after the act [or omissions of the landlord have] occurred.” (*Petroleum Collections Inc. v. Swords* (1975) 48 Cal.App.3d 841, 847.)

Here, defendants do not meet their burden to establish the defense of constructive eviction because there is insufficient evidence that any of the complained about acts or omissions of plaintiff rendered the premises, or a substantial portion thereof, unfit for the purposes for which they were leased. Nor do defendants establish they surrendered possession of the premises within a reasonable time after the acts or omissions of the landlord occurred.

Even assuming arguendo that defendants meet their initial burden—which they do not—plaintiff thereafter meets its burden to establish triable issues of material fact that they did not have notice about any alleged pest infestations, defendants were on notice about the relocated mailbox and did not suffer any damages therefrom, repaired the roof several times, and the lease with Planet Fitness expressly excluded defendants’ fitness gym from the exclusivity clause. (Disputed UMF Nos. 3–5, 7.)

Accordingly, defendants’ motion for summary judgment is denied.

10. S-CV-0055350 MARTIN, MAZIE v. TWIN ROCKS ESTATE VINEYARD

The motion for preliminary approval is dropped from calendar as no moving papers were filed with the court.

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11. S-CV-0056771 HAMMICK, JAMES v. VERNON, JEFFREY

Motion to be Relieved as Counsel

The motion to be relieved as counsel for defendant Talease Perkins is denied without prejudice. There is insufficient evidence the motion papers were served on plaintiff as a party who appeared in this action. Moreover, the declaration of Nanjin Ren notes the client was served by mail but does not otherwise confirm how, within the last 30 days, the address the papers were mailed to is current. The court also observes the attorney who signed the declaration is not requesting to be relieved nor appears in the caption of the moving papers.