

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

These are the tentative rulings for the **THURSDAY, OCTOBER 8, 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, OCTOBER 7, 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-0096239 ROCKLIN SIERRA APARTMENTS V. TATE, TREYVON

Status Conference re: Appointment of Counsel

Appearances of the parties are required at the hearing.

2. M-CV-0098241 DEMAYO, DANIEL v. MILTON, JASON

This tentative ruling is issued by the **Honorable Albert A. Erkel**. If oral argument is requested, it shall be heard on October 14, 2026, at 8:30 a.m. in Department 4 and the stay shall be extended to October 14, 2026, at 12:00 p.m.

Defendant's Motion to Set Aside Default and Default Judgment

On August 19, 2026, the court held a trial on plaintiff's unlawful detainer complaint. Defendant did not appear. The court thereafter entered judgment in favor of plaintiff and against defendant.

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On September 24, 2026, the court granted defendant's ex parte application to stay the proceedings pending the hearing on his motion to set aside. The court's order indicated defendant must serve a copy of the court's order on plaintiff and file a proof of service on or before September 28, 2026. Notably, the court indicated that "Failure to timely serve and timely file a proof of service with the court is a sufficient basis for the court to deny defendant's motion."

A review of the court record reveals defendant has not filed proof of service indicating he served plaintiff with a copy of the court's September 24, 2026, order.

The court also notes this is the second time defendant has not filed a proof of service with the court indicating he served plaintiff with a copy of the court's order as required.

Accordingly, defendant's motion is denied.

3. S-CV-0051611 SUPREMA MEATS v. SALINAS FOOD

Defendants Feng Xiang Zhao AKA Tom Jau, Yin Chee Ting, and Great Golden River's Motion for Reconsideration of August 27, 2026, Order Denying Motions for Summary Judgment

Defendants timely move for the court to reconsider its August 27, 2026, order denying their motion for summary judgment on the grounds it was not timely filed and served.

Defendants contend there is new and/or different law that warrants reconsideration. (Code Civ. Proc., § 1008., subd. (a).) Specifically, defendants point to Code of Civil Procedure section 447 and *Carlton v. Quint* (2000) 77 Cal.App.4th 690, 697 for the proposition that the court should disregard the fact their motion for summary judgment was not timely filed because it did not prejudice or affect the substantial rights of plaintiff.

Notably, these legal authorities are not "new" because the *Carlton* case was published in 2000 and Code of Civil Procedure section 475, in its current form, was effective in 1897. Nor do defendants meet their burden to show diligence in explaining its failure to present the "different" law earlier despite having the opportunity to do so because the motion was untimely filed and served and thus defendants had knowledge at the outset that this "different" law could have been

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relevant in their moving and reply papers. (*California Correctional Peace Officers Assn. v. Virga* (2010) 181 Cal.App.4th 30, 46, fn. 14.)

Even if the court reaches the merits of defendants’ motion for reconsideration—which it does not—the motion is nonetheless deficient. The appellate court in *Carlton* found

It is well settled that the appearance of a party at the hearing of a motion and his or her opposition to the motion on its merits is a waiver of any defects or irregularities in the notice of motion. (Citations.) This rule applies even when no notice was given at all. (Citations.) Accordingly, a party who appears and contests a motion in the court below cannot object on appeal or by seeking extraordinary relief in the appellate court that he had no notice of the motion or that the notice was insufficient or defective. (*Carlton v. Quint* (2000) 77 Cal.App.4th 690, 697.)

Here, a review of the court record reveals neither party appeared at the hearing to contest the court’s tentative ruling. Thus, plaintiff did not appear at the hearing and oppose the motion as the *Carlton* court requires. Moreover, the court declines to disregard defendants’ error in not timely filing and serving their motion for summary judgment because “trial courts do not have authority to shorten the minimum notice period for summary judgment hearings” and doing so here would affect the substantial rights of plaintiff. (*McMahon v. Superior Court* (2003) 106 Cal.App.4th 112, 118; Code Civ. Proc., § 475.)

Accordingly, defendants’ motion for reconsideration is denied.

4. S-CV-0052500 SIERRA VALLEY CONSTRU. v. SWAN ENGINEERING

Plaintiff’s Motion for an Order 1) Compelling Defendant Swan Engineering, Inc.’s Compliance with Court Order Regarding Further Responses to Form Interrogatories (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One); and 2) Imposing Terminating, Issue, Evidentiary, and/or Monetary Sanctions

On February 5, 2026, the court granted plaintiff’s motion compelling defendant to produce further verified, code-compliant responses, without objection, to its form interrogatories (set one) number 17.1, special interrogatories (set one) number 1, and requests for production of documents (set one) numbers 1–23.

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Plaintiff now moves to compel further responses to the above discovery requests after defendant served its second amended responses on March 16, 2026.

Plaintiff's motion is granted in part as to form interrogatories (set one) number 17.1, special interrogatories (set one) number 1, and request for production of documents (set one) number 18. Defendant shall serve verified code-complaint responses, without objection, within 20 calendar days after service of the signed order after hearing.

Plaintiff's motion is denied as to requests for production of documents (set one) numbers 1–17 and 19–23.

Plaintiff's request for monetary sanctions against defendant is granted in the reduced amount of \$2,500. Defendant shall pay the sanction to plaintiff's counsel of record within 20 calendar days after service of the signed order after hearing. The remainder of plaintiff's requests for sanctions are denied. Defendant's request for sanctions is denied.

5. S-CV-0053111 LEROY, JOSEPH v. PICKETT, RYAN

Defendants Ryan A. Pickett and Traci L. Pickett's Motion to Challenge Plaintiffs' Work Product Clawback Pursuant to Code of Civil Procedure Section 2031.285

Preliminary Matters

Plaintiffs' requests for judicial notice are granted.

Ruling on Motion

Defendants Ryan A. Pickett and Traci L. Pickett timely move to challenge plaintiffs' work product clawback. (Code Civ. Proc., § 2031.285.) Specifically, defendants argue that plaintiffs' claim of attorney work product protection as to acoustical testing results produced by Bollard Acoustical Consultants, Inc., associated invoices from Bollard Acoustical and Charles M. Salter Associates, Inc., and any records of these entities is not well-founded or has otherwise been waived.

Attorney work product is "the product of the attorney's effort, research, and thought in the preparation of his client's case. It includes the results of his own work, and the work of those employed by him or for him by his client, in investigating both the favorable and unfavorable aspects of the case, the information thus assembled, and

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the legal theories and plan of strategy developed by the attorney—all as reflected in interviews, statements, memoranda, correspondence, briefs, and any other writings reflecting the attorney's impressions, conclusions, opinions, or legal research or theories and in countless other tangible and intangible ways.” (*Southern California Edison Co. v. Superior Court* (2024) 102 Cal.App.5th 573, 585 [internal quotations omitted].)

Attorney work product protections fall into two categories: absolute and qualified. Absolute work product protection are writings “that reflects an attorney's impressions, conclusions, opinions, or legal research or theories [and] is not discoverable under any circumstances.” (Code Civ. Proc., § 2018.030, subd. (a).) On the other hand, qualified work product protection is any writing other than those described above and “is not discoverable unless the court determines that denial of discovery will unfairly prejudice the party seeking discovery in preparing that party's claim or defense or will result in an injustice.” (*Id.* at subd. (b).)

Attorney work product protections encompass “reports prepared by an expert as a consultant . . . until the expert is designated as a witness.” (*Armenta v. Superior Court* (2002) 101 Cal.App.4th 525, 534.) It also extends to “communications made to a potential expert in a retention interview . . . even if the expert is not thereafter retained as long as there was a reasonable expectation of such confidentiality.” (*Shadow Traffic Network v. Superior Court* (1994) 24 Cal.App.4th 1067, 1080.)

Plaintiffs bear the initial burden of establishing the alleged work product is absolutely protected. (*Coito v. Superior Court* (2012) 54 Cal.4th 480, 500.) If, instead, the materials have qualified protection, then defendants bear the burden to establish “that denial of disclosure will unfairly prejudice the party in preparing its claim or defense or will result in an injustice.” (*Id.* at 499.)

Here, the challenged materials are absolutely protected attorney work product. The declaration of Marcus Turner establishes the retention of Bollard Acoustical as a consulting expert and the reports generated therefrom reflect counsel’s impressions, conclusions, opinions, and legal theories about the litigation that were the product of his effort, research, and thought in preparing plaintiffs’ case. Plaintiffs paying the invoices does not alter the analysis. Similarly, the confidential discussions with Charles M. Salter Associates are absolutely protected attorney work product.

Waiver occurs through “failing to assert the protection, by tendering certain issues, [] by conduct inconsistent with claiming the protection . . . [and] an attorney's voluntary disclosure or consent to disclosure of the writing to a person other than the client who

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has no interest in maintaining the confidentiality of the contents of the writing.”
(*McKesson HBOC, Inc. v. Superior Court* (2004) 115 Cal.App.4th 1229, 1239.)

Here, there is insufficient evidence that plaintiffs waived the attorney work product protections.

Accordingly, defendants’ motion is denied.

Plaintiffs’ request for sanctions is denied.

Plaintiffs’ Motion to Quash Deposition Subpoena for Production of Business Records to Bollard Acoustical Consultants, Inc. or Alternatively for Relief Under C.C.P. Section 473(b)

Plaintiffs move to quash defendants Ryan A. Pickett and Traci L. Pickett deposition subpoena for production of business records on Bollard Acoustical Consultants, Inc.

The court may make an order quashing the subpoena entirely, modifying it, or directing compliance with it upon those terms or conditions as the court shall declare. (Code Civ. Proc., § 1987.1, subd. (a).)

Plaintiffs motion to quash the subpoena to Bollard Acoustical Consultants, Inc. is granted because the materials sought are absolutely protected attorney work product and plaintiffs did not waive the protections. (Code Civ. Proc., § 1987.1.) The subpoena issued to Bollard Acoustical Consultants, Inc. is hereby quashed in its entirety.

Plaintiffs’ request for sanctions is denied.

Plaintiffs Motion to Quash Deposition Subpoena for Production of Business Records to Wendy Young Designs, Inc.

Plaintiffs move to quash defendants Ryan A. Pickett and Traci L. Pickett deposition subpoena for production of business records on Wendy Young Designs, Inc.

The court may make an order quashing the subpoena entirely, modifying it, or directing compliance with it upon those terms or conditions as the court shall declare. (Code Civ. Proc., § 1987.1, subd. (a).)

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Plaintiffs motion to quash the subpoena to Wendy Young Designs, Inc. is granted. (Code Civ. Proc., § 1987.1.) The subpoena issued to Wendy Young Designs, Inc. is hereby quashed in its entirety.

Both parties' requests for sanctions are denied.

6. S-CV-0053860 GASCON, HALEY v. SUTTER MEDICAL FOUNDATION

At the direction of the Presiding Judge, the two motions for summary judgment are continued to **Friday, October 16, 2026, at 8:30 a.m. in Department 1** to be heard by the **Honorable Christine S. Dehr**. The two reserved motion to seal hearings are dropped from calendar as no moving papers were filed with the court.

7. S-CV-0057901 BROWN, JAMIE v. KRANTZ, KATHERINE

Plaintiff's Motion to Cancel Improperly Recorded Instrument

The motion to cancel improperly recorded instrument is continued to December 3, 2026, at 8:30 a.m. in Department 3. If defendants' motion to set aside default is granted, defendants may file and serve an opposition on or before November 18, 2026. Plaintiff may file and serve a reply on or before November 24, 2026.