# Tentative Rulings for June 30, 2026
# Department 6

## To request oral argument, you must notify Judicial Secretary Crystal Marias at (760) 904-5722 and inform all other counsel no later than 4:30 p.m.

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at Riverside Superior Court-Tentative Rulings.. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 6 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear remotely, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

For information and instructions on remote appearances via **ZOOM**, visit the court's website at Riverside Superior Court-Remote Appearances

You may also make a Telephonic Appearance: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252, 1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: 161 830 3643

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

**Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.**

**1.**

| CASE # | CASE NAME | HEARING NAME |
|---|---|---|
| CVRI2401587 | AVILA VS RAMIREZ II | MOTION TO CONSOLIDATE |

**Tentative Ruling:**

The Motion to Consolidate is unopposed. Motion is granted. Submitted proposed order has been signed by the Court and ordered filed. Case **CVRI2401587** is the lead case. All future dates associated with **CVRI2500120** are vacated.

Case Management Conference calendared for 6/30/2026 is continued to 7/30/2026 at 8:30 in Dept. 6.

Moving party to give notice of ruling and of continued CMC.

**2.**

| CASE # | CASE NAME | HEARING NAME |
|---|---|---|
| CVRI2502621 | UNITED STATES FIRE INSURANCE COMPANY VS CAPITAL LOGISTICS & WAREHOUSING GROUP, INC. | MOTION FOR RELIEF FROM DEFAULT (CODE CIV. PROC. § 473) |

**Tentative Ruling:**

22000 Opportunity Way, LP. does not have standing to bring a motion to set aside default judgment on behalf of Capital Logistics, Inc. Indeed, Capital Logistics, Inc. is not a named defendant in this action. The named Defendants are:

CAPITAL LOGISTICS & WAREHOUSING GROUP, INC.
CAPITAL LOGISTICS & WAREHOUSING WEST INC.
CAPITAL LOGISTICS SERVICES WEST, INC.
CAPITAL FREIGHT SYSTEMS INC
PAUL GREENSPAN
22000 OPPORTUNITY WAY, LP

Counsel, Graig Robson's declaration begins with:

> "I am an attorney at law, duly licensed to practice before all courts in the State of California, and I am a partner at Corfield Feld LLP. Corfield Feld LLP is co-counsel of record for Defendant 22000 Opportunity Way, LP in the above-captioned matter."

Counsel does not declare that he is the attorney for any other defendant in this action. The motion is denied without prejudice.

**3.**

| CASE # | CASE NAME | HEARING NAME |
|---|---|---|
| CVRI2502637 | EIFERMAN VS JASSO | MOTION TO SET ASIDE |

**Tentative Ruling:**

A motion to set aside a default judgment is generally governed by California Code of Civil Procedure §473(b). A motion to set aside a default judgment under CCP §473(b) must be based on either: declarations or other evidence showing "mistake, inadvertence, surprise, or excusable neglect" (in which event, relief is discretionary), or an attorney affidavit of fault (in which event, relief is mandatory).

Counsel, Amir Kordab declares the following:

> "At the time the declaration pursuant to Local Rule 3116 was due, the prior handling attorney, Ricardo Chavez, responsible for handling this matter, was no longer employed with our firm. The transferring of this case resulted in an inadvertent breakdown in calendaring and an oversight of the applicable deadline. As a result of this transition, the deadline to submit the required declaration was not properly tracked, and the declaration was not timely filed. This failure was a result of mistake, inadvertence, and excusable neglect, and was not willful. Upon learning of the Court's dismissal, I took immediate steps to investigate the status of the case and to prepare this request to that the matter may proceed on its merits."

Under CCP §473(b), the court is <u>required</u> to vacate any default or dismissal "whenever an application for relief is made no more than six months after entry of judgment, is in proper form, and is accompanied by an attorney's sworn affidavit attesting to his or her mistake, inadvertence, surprise, or neglect."

**Mistake, Inadvertence, Surprise or Neglect**

The grounds for relief under the discretionary and mandatory provisions of CCP §473(b) are identical ("mistake, inadvertence, surprise") except for one distinction: whereas only "excusable" neglect is a basis for relief under the discretionary provision, any neglect is a basis for relief under the mandatory provision. Thus, where an attorney affidavit of fault is filed, relief must be granted even where the default results from inexcusable neglect by the defendant's attorney. *Standard Microsystems Corp. v. Winbond Electronics Corp.* (2009) 179 CA4th 868, 897, 102 CR3d 140, 163.

The Court finds that the 4/7/2026 dismissal was due to attorney neglect. Motion to set aside Dismissal is granted.

The Court sets the matter for a Case Management Conference on 8/27/2026 at 8:30 a.m. in Dept. 6. The Court also sets the matter for an OSC as to why sanctions of up to $1,500 or a dismissal should not be imposed for the Plaintiff's failure to timely file

proof of service on all defendants (CRC 3.110.(b)&(f)) on 8/27/2026 at 8:30 a.m. in Dept. 6

**4.**

| CASE # | CASE NAME | HEARING NAME |
|---|---|---|
| CVRI2402618 | MUTUKU VS CITY OF RIVERSIDE* | MOTION FOR RECONSIDERATION OF PRIOR ORDER – SEVERANCE OR, ALTERNATIVELY, MOTION FOR CONSOLIDATION |

**Tentative Ruling:**

Plaintiffs' move this court to reconsider the ruling made by Judge Choi on 3/10/2026 in granting severance. The Motion for Reconsideration was filed on 5/6/2026 and served on the same day. Defendant admittedly did not serve Plaintiffs with notice of ruling on the Motion for Severance. A motion for reconsideration must be brought within 10 days of the service of the written notice of entry of the order (C.C.P. §1008(a)), while a renewal of a motion under C.C.P. §1008(b) has no explicit time limit. As no written notice of entry of the 3/10/2026 order was served, this motion is timely made.

A motion for reconsideration must be based on new or different facts, circumstances or law. (C.C.P. §1008(a).) The legislative intent was to restrict these motions to circumstances where a party offers the court some fact or circumstance not previously considered, and some valid reason for not offering it earlier. (*Gilberd v. AC Transit* (1995) 32 Cal.App.4th 1494, 1500.) The burden is comparable to that of a party seeking a new trial on the ground of newly discovered evidence; that is, the information must be such that the moving party could not, with reasonable diligence, have discovered or produced it at trial. (*New York Times Co. v. Superior Court* (2005) 135 Cal.App.4th 206, 212-13.)

"The 'different state of facts' language in the statute requires that the party seeking reconsideration provide both newly discovered evidence and an explanation for the failure to have produced such evidence earlier." (*Robbins v. Los Angeles Unified School Dist.* (1992) 3 Cal.App.4th 313, 317.) "The moving party's burden is the same as that of a party seeking new trial on the ground of 'newly discovered evidence, which he could not, with reasonable diligence, have discovered and produced at the trial.'" (*Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1198.) And so the moving party must provide the trial court with a satisfactory explanation as to why he or she failed to produce the evidence at an earlier time. (*Mink v. Superior Court* (1992) 2 Cal.App.4th 1338; *Lucas v. Santa Maria Public Airport Dist.* (1995) 39 Cal.App.4th 1017, 1028.)

Plaintiffs argue that "since the Court entered its March 10, 2026, Order ("Order") on Defendant City of Riverside's Motion to Sever Plaintiffs' Complaint. ("Severance Motion"), Plaintiffs James Mutuku ("James") and Victoria Mutuku ("Victoria") (collectively "Plaintiffs") conducted six depositions of key witnesses to the harassment, discrimination, and retaliation Plaintiffs endured, including the Chief of police and other

high-ranking decisionmakers, whose testimony demonstrates that Order should be reconsidered and severance should be denied. (Motion, page 9, line 13-18)

Plaintiffs, in conclusory fashion, state that they "diligently sought the depositions that give rise to the new facts justifying this Motion. Illustratively, Plaintiffs first noticed the deposition of Chief Larry Gonzalez (the final decision maker for the adverse actions Plaintiffs suffered) on December 20, 2024; and of Devin Hill (witness to pervasive racism at RPD) on August 11, 2025. (Gage Dec. ¶13; Exhs. 10 and 11) Plaintiffs' counsel engaged in meet and confers with defense counsel regarding the depositions of Chief Gonzalez and others and were even forced to file a Motion to Compel the depositions of DJ Floyd and Karla Corbett before Defendants would agree to produce them for deposition" (Motion page 10, lines 19-25).

The Court notes that one motion to compel the depositions of Karla Corbett and Daniel Floyd was filed on 2/27/2025 and then taken off calendar 4/14/2025. No other motions to compel have been filed.

The bulk of this motion for reconsideration is a rearguing of the merits of the motion to sever which is not relevant to the issue this Court must decide, that of reconsideration under CCP 1008. Very little argument is made as to whether there is new or different facts, circumstances or law that Plaintiffs could not, with reasonable diligence, discovered or produced.

The only argument by Plaintiffs as to new or different facts is that depositions of the "Chief of police and other high-ranking decisionmakers" were taken after the Court decided the motion to sever on 3/10/2026. Nowhere in the motion or declaration by Mr. Gage is it discussed what facts, specifically, are new or different and that could not have been discovered prior to the motion with reasonable diligence. Indeed, Mr. Gage declares that:

> "Plaintiffs diligently sought the depositions that give rise to the new facts justifying this Motion. Illustratively, Plaintiffs first noticed the deposition of Chief Larry Gonzalez (the final decision maker for the adverse actions Plaintiffs suffered) on December 20, 2024 (Second through Fifth Notices of Taking the Deposition of Chief Gonzalez were served on August 11, 2025, November 21, 2025, January 9, 2026 and February 26, 2026, respectively and relevant pages are attached hereto as Exhibit 10); and of Devin Hill (witness to pervasive racism at RPD) on August 11, 2025 (Second and Third Notices of Devin Hill's deposition were served on November 21, 2025 and January 13, 2026 and copies of the notices are attached hereto as part of Exhibit 11)" (Gage Decl. ¶ 13)

The fact that Plaintiffs first noticed the deposition for Chief Gonzalez on 12/20/2024, but did not take the deposition of the Chief until some time after March 10, 2026 does not show diligence.

The trial court does retain the inherent authority to change its decision at any time prior to the entry of judgment, whether it is changing its conclusion of law or

findings of fact. (*Darling, Hall & Rae v. Kritt* (1999) 75 Cal.App.4th 1148, 1156; *Nave v. Taggart* (1995) 34 Cal.App.4th 1173, 1177.) The court's inherent powers to reevaluate its prior rulings on its own motion is unaffected by the jurisdictional limitations of C.C.P. §1008 governing motions for reconsideration, so as long as the court exercises due consideration before modifying, amending, or revoking its prior orders. (*Schachter v. Citigroup, Inc.* (2005) 126 Cal.App.4th 726, 737.) However, if the court is inclined to reconsider on its own motion, whether at the prompting of a motion that fails to meet with the procedural requirements of C.C.P. §1008 or because of "'an unprovoked flash of understanding in the middle of the night,'" "[t]o be fair to the parties, if the court is seriously concerned that one of its prior interim rulings might have been erroneous, and thus that it might want to reconsider that ruling on its own motion… it should inform the parties of this concern, solicit briefing, and hold a hearing." (*Le Francois v. Goel* (2005) 35 Cal.4th 1094, 1108.)

The Court denies Plaintiffs' request to exercise its discretion under CCP 1008 and reconsider the Court's decision of 3/10/2026.

The Court does not find that the Plaintiffs have met their burden and demonstrated that new or different facts, circumstances or law have been discovered as no new or different facts are discussed in the Plaintiffs motion. Additionally, the Plaintiffs have failed to demonstrate to this Court's satisfaction that Plaintiffs acted with diligence in their efforts to set the depositions of witnesses they argue provided any new or different facts.