

Tentative Rulings for June 10, 2026 Department PS1

**To request oral argument, you must notify Judicial Secretary
Carol Delfosse-Kidd 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 PS1 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.**

COUNSEL AND SELF-REPRESENTED PARTIES ARE ENCOURAGED TO APPEAR AT ANY LAW AND MOTION DEPARTMENT TELEPHONICALLY WHEN REQUESTING ORAL ARGUMENTS.

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: **160 520 9376**

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
CVPS2500579	ALZUBAIDI VS AYALA	DEFENDANT'S MOTION TO COMPEL ABBASI TO PRODUCE HIS 2014 TOYOTA PRIUS IN RESPONSE TO DEMAND FOR INSPECTION OF THE VEHICLE BY WAY OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS; REQUEST FOR ORDER IMPOSING CONTEMPT, FORFEITURE, MONETARY SANCTIONS BY ALEXIS RICARDO AYALA

Tentative Ruling: Under CCP § 2020.220(c), “[p]ersonal service of any deposition subpoena is effective to require all of the following of any deponent who is a resident of California at the time of service . . . (2) Any specified production, inspection, testing, and sampling.” If a nonparty fails to comply with a deposition subpoena, the subpoenaing party can ask the court to compel compliance with the subpoena. (CCP § 2025.480(b).) Before a motion to compel compliance under CCP § 2025.480(b) can be brought, the moving party must meet and confer with the deponent. (CCP § 2025.480(b).) A meet and confer requires a “reasonable and good faith attempt either in **person**, by **telephone** or by **videoconference**, to informally resolution of each issue presented by the motion.” (CCP § 2016.040.) A good faith meet and confer attempt requires more than just an attempt to persuade the objector of the error of his or her ways. It requires counsel to talk the matter over, compare their views, consult, and deliberate. (*Clemente v. Alegre* (2009) 177 Cal.App.4th 1277, 1294.) It requires a serious attempt by the moving party to informally resolve each issue with the responses. (*Id.* at 1293.) The evidence provided by Defendant does not support a good faith meet and confer attempt.

When discovery is sought from a third party, it should be structured in a manner which is least burdensome to them. (See *Calcor Space Facility v. Superior Court* (1997) 53 Cal.App.4th 216, 222.) Abbasi lives in Palm Desert. Based on counsel’s declaration, it appears that Defendant may have originally wanted to inspect Abbasi’s vehicle in Signal Hill, approximately 120 miles away. (Declaration of Dwayne S. Beck, ¶ 10.) Defendant then attempted to get Abbasi to agree to having the vehicle inspected at counsel’s office in Riverside – 68 miles away from Abbasi’s home, with compensation of \$150. (*Id.*) When Abbasi refused, Defendant sent the deposition subpoena for the Riverside location and threatened to take him to court and obtain an order and sanctions, if he did not produce the vehicle. (*Id.* at ¶ 8.) Defendant at some point in time offered to have the inspection in Redlands. (*Id.* at ¶ 11.) However, that’s still approximately 58 miles away from Abbasi’s home. None of these locations are reasonably located near Abbasi. It appears that Abbasi would have to travel for at least an hour each way to accommodate Defendant’s request. When Abbasi did not appear, Defendant’s attorney filed this motion the next day with no further attempt to resolve this issue. Defendant provides no reason why the vehicle could not have been inspected in the city that Abbasi lived in.

Sanctions are not warranted under CCP § 2025.480(j) if imposing them would be unjust or if the opposing party acted with substantial justification. Based on the facts (even without the improper meet and confer), imposing sanctions is unjust and Abbasi’s refusal to bring the vehicle to Signal Hill or Riverside does not merit imposing them. Defendant

asserts that sanctions under CCP § 1992 should be awarded. However, said sanctions can only be obtained by filing an independent civil action. (*New York Times Co. v. Superior Court* (1990) 51 Cal.3d 453, 464.)

Motion for Order Compelling Firdous Jamal Abbasi to Produce His 2014 Toyota Prius is MOOT.

Request for Sanctions DENIED.

Case Management Conference continued to 7.22.26, Plaintiff's counsel ordered to file new and updated Case Management Statement 10 days in advance of hearing regarding status of Discovery/ Alternative Dispute Resolution/ compliance of CRC 3.724 & LR 3218. Failure to do so will result in sanctions. Defendant is not ordered to submit an updated Case Management statement.

2.

CASE #	CASE NAME	HEARING NAME
CVPS2504351	MCDONALD, AN INDIVIDUAL, VS WALTER FAMILY PARTNERSHIP	MOTION TO BE RELIEVED AS COUNSEL AS TO ELIZABETH MCDONALD, AN INDIVIDUAL

Tentative Ruling:

Motion to be Relieved as Counsel for Elizabeth McDonald GRANTED.

Attorneys D. Aaron Brock and Brigid O'Reilly are relieved as counsel of record for Plaintiff, effective upon the filing of the proof of service of the signed court order upon the client.

Trial Setting Conference is confirmed for 7.09.26, and an OSC re status of representation for Plaintiff Elizabeth McDonald shall be set for the same date.

The court notes there are three discovery motions by Defendant scheduled for 8.07.26. For now, that date shall remain, with the understanding that date will likely be modified following the TSC/OSC on 7.09.26.

3.

CASE #	CASE NAME	HEARING NAME
CVPS2507742	BERRY VS DIETERLE	MOTION TO SET ASIDE DEFAULT JUDGMENT ON 1ST AMENDED COMPLAINT OF BERRY DAWSON BY DAVID DIETERLE, JACQUELINE DIETERLE, WILLIAM L. DIETERLE, TRUSTEE OF THE DIETERLE FAMILY TRUST

Tentative Ruling: An application for mandatory relief based on an attorney affidavit of fault must be made "no more than six months after entry of judgment." (C.C.P. §473(b).) Unlike the excusable neglect provisions, there need be no showing of diligence in seeking relief short of the six-month time limit. (*Metropolitan Service Corp. v. Casa de Palms, Ltd.* (1995) 31 Cal.App.4th 1481, 1488.) The six-month period starts with entry of the default

judgment, not the default. (*Sugasawara v. Newland* (1994) 27 Cal.App.4th 294, 297.) The application for relief “shall be accompanied by a copy of the answer or other pleading proposed to be filed ... otherwise the application shall not be granted.” (C.C.P. § 473(b).)

Relief must be granted even where the default resulted from inexcusable neglect by defendant's attorney, “so long as the attorney affidavit of fault shows the error was the fault of the attorney rather than the client.” (*Jimenez v. Chavez* (2023) 97 Cal.App.5th 50, 57.) An admission of fault that does not include an explanation of the reason for the fault may still be sufficient (*Martin Potts & Associates, Inc. v. Corsair, LLC* (2016) 244 Cal.App.4th 432, 442-443), but because the court may deny relief if it finds the default or dismissal “was not in fact caused by the attorney’s mistake, inadvertence, surprise, or neglect” (*Jimenez*, 97 Cal.App.5th 50, 57), the explanation of the reasons “can serve as a causation testing device” in determining whether the neglect was caused by the client or the attorney. (*Martin Potts & Associates*, 244 Cal.App.4th 432, 442 [internal quotation marks omitted].)

When relief is granted based on an attorney affidavit of fault, sanctions of reasonable compensatory legal fees and cost” to the opposing counsel or parties are mandatory. [C.C.P. §473(b).] The court may also impose sanctions against the culpable attorney of monetary sanctions up to \$1,000 to opposing parties, \$1,000 to the State Bar Client Security Fund, or “other relief as is appropriate.” (C.C.P. §473(c)(1)(A), (B) and (C).)

Here, the court notes that in his affidavit, the Defendant’s attorney admits fault in failing to file a timely answer due to attempts to obtain better copies of what he described as illegible documents. Upon learning of the default, actions were taken to have the default set aside within less than two months. Defendant has attached a copy of the proposed answer and cross-complaint to the motion to set aside default.

Motion to Set Aside and Vacate Default GRANTED.

Defendants’ Answer and Cross-Complaint shall be deemed filed as of the date of this order.

Sanctions in the amount of \$250 shall be paid to Plaintiff within 30 days.

The Order to Show Cause re default judgment is vacated. A Case Management Conference is set for 10.07.26, 8:30 a.m.

4.

CASE #	CASE NAME	HEARING NAME
CVPS2507790	BUCKMAN VS VILLASENOR PEREZ	DEMURRER ON 1ST AMENDED COMPLAINT FOR FRAUD OF SHIRIN BUCKMAN BY AURORA VILLASENOR PEREZ

Tentative Ruling: No opposition filed by Plaintiff.

Request for Judicial Notice GRANTED. The court takes judicial notice of the following:

1. Plaintiff Shirin Buckman’s 2nd Amended Complaint in CVPS 2400148
2. Motion for Leave to file 3rd Amended Complaint in CVPS 2400148

3. Opposition of Defendant Aurora Perez to the Motion for Leave in CVPS 2400148
4. Notice of Ruling by Dept. 3 on Plaintiff's Motion for Leave to file 3rd Amended Complaint in CVPS 2400148

Demurrer to the 1st Amended Complaint GRANTED, with leave to amend. Plaintiff to file amended complaint in 10 days.

Case Management Conference continued to 7.21.26.

5.

CASE #	CASE NAME	HEARING NAME
CVPS2507790	BUCKMAN VS VILLASENOR PEREZ	MOTION TO STRIKE 1ST AMENDED COMPLAINT FOR FRAUD OF SHIRIN BUCKMAN BY AURORA VILLASENOR PEREZ

Tentative Ruling: No opposition filed by Plaintiff.

Motion to Strike 1st Amended Complaint GRANTED, with leave to amend. Plaintiff to file amended complaint in 10 days.

Case Management Conference continued to 7.21.26.

6.

CASE #	CASE NAME	HEARING NAME
CVPS2603197	GALVIN VS HOFFMAN	HEARING RE: ENTRY OF FOREIGN-COUNTRY MONEY JUDGMENT

Tentative Ruling: No tentative ruling. On court's own motion, hearing is taken off calendar. No documents submitted in support of the hearing, no proof of service on file.