

Tentative Rulings for July 21, 2026 Department PS2

**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 PS2 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.

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- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252,
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- Meeting Number: **161 644 5616**

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.

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1.

CASE #	CASE NAME	HEARING NAME
CVPS2304017	MIRAMORE, LLC VS TYLER	MOTION TO COMPEL DEFENDANT BRIAN SULLIVAN'S RESPONSES TO FORM INTERROGATORIES, SET ONE; AND REQUEST FOR MONETARY SANCTIONS BY DEFENDANTS/X-DEFENDANTS AC PALM DESERT CORPORATION AND JOHN WHITE

Tentative Ruling: Matter taken off calendar by moving party per declaration filed July 14, 2026 as result of counsel meeting and conferring and resolving the instant disputed discovery issue(s).

2.

CASE #	CASE NAME	HEARING NAME
CVPS2304017	MIRAMORE, LLC VS TYLER	MOTION TO COMPEL DEFENDANT BRIAN SULLIVAN'S RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE; AND REQUEST FOR MONETARY SANCTIONS BY DEFENDANTS/X-DEFENDANTS AC PALM DESERT CORPORATION AND JOHN WHITE

Tentative Ruling: Matter taken off calendar by moving party per declaration filed July 14, 2026 as result of counsel meeting and conferring and resolving the instant disputed discovery issue(s).

3.

CASE #	CASE NAME	HEARING NAME
CVPS2304017	MIRAMORE, LLC VS TYLER	MOTION TO COMPEL PLAINTIFF'S FURTHER RESPONSES TO FORM INTERROGATORIES, SET ONE; AND REQUEST FOR MONETARY SANCTIONS BY DEFENDANTS/X-DEFENDANTS AC PALM DESERT CORPORATION AND JOHN WHITE

Tentative Ruling: Matter taken off calendar by moving party per declaration filed July 14, 2026 as result of counsel meeting and conferring and resolving the instant disputed discovery issue(s).

4.

CASE #	CASE NAME	HEARING NAME
CVPS2500227	ESTRADA VS HAKIM ISAC	MOTION TO BE RELIEVED AS COUNSEL FOR ALFREDO SANCHEZ

Tentative Ruling: No tentative ruling. Hearing will be conducted on Tuesday, July 21, 2026 at 8:30 a.m., Department PS2.

5.

CASE #	CASE NAME	HEARING NAME
CVPS2501236	SANCHEZ VS HAKIM ISAC	MOTION TO BE RELIEVED AS COUNSEL FOR ALFREDO SANCHEZ

Tentative Ruling: No tentative ruling. Hearing will be conducted on Tuesday, July 21, 2026 at 8:30 a.m., Department PS2.

6.

CASE #	CASE NAME	HEARING NAME
CVPS2505408	BONILLA NAVA VS VINTAGE ASSOCIATES, INC.	MOTION TO COMPEL COMPLIANCE WITH DEPOSITION SUBPOENA BY VINTAGE ASSOCIATES, INC.

Tentative Ruling: Granted.

Responding non party Hope & Healing Counseling Services is ordered to produce responsive documents within 15 days of this order becoming final.

Moving party to provide notice pursuant to CCP 1019.5.

This is an employment case. On 7/24/2025, Leticia Bonilla Nava ("Plaintiff") filed a complaint against Vintage Associates, Inc. ("Defendant") asserting the following causes of action: (1) sexual harassment; (2) disability discrimination; (3) failure to accommodate; (4) failure to engage in the interactive process; (5) retaliation; (6) failure to prevent and correct discrimination, harassment, and retaliation; and (7) wrongful constructive termination in violation of public policy.

Defendant now moves the court to compel third-party Hope & Healing Counseling Services ("Hope") to produce documents. Specifically, the documents requested are mental health records that Defendant states go to Plaintiff's claim of mental and emotional injuries, including distress, anxiety and depression, as well as continued ongoing psychological injuries. Defendant states Hope asked for an authorization signed by Plaintiff to release the records, but Plaintiff refused to do so. In response, Hope objected to the production of documents under the psychotherapist-patient privilege.

Hope filed an opposition to the motion, stating they are licensed psychotherapists and thus, without a signed authorization from Plaintiff, must assert the psychotherapist-patient privilege. Hope also requests that any determination of what records are deemed to be relevant be done by the court or the parties, "...as it would be outside the scope of [Hope's] role to make legal determinations as to what records (or portion thereof) may be determined to pertain to Plaintiff's claims...." (Hope's Opposition, p. 6:8-10.) Finally, Hope requests that to the extent the parties also want a deposition, "...the issue of testimony...be determined at the time to avoid the need for future court intervention." (*Id.* at p. 6:16-18.)

Plaintiff did not file any opposition to the motion.

Motion to Compel 3rd Party

Discovery may be obtained from a nonparty by oral deposition, written deposition, or a deposition for production of business records. (CCP § 2020.010.) "[T]he process by which a nonparty is required to provide discovery is a deposition subpoena." (CCP § 2020.010(b).) Personal service of a deposition subpoena obligates any California resident to appear, testify and produce the requested documents, and to appear in any proceedings to enforce the discovery. (CCP §

2020.220(c).) If a non-party refuses to comply with a subpoena, the subpoenaing party may seek an order compelling compliance. (CCP §§ 1987.1, 2025.480(a).) The motion shall be accompanied with a meet and confer declaration. (CCP § 2025.480(b).) As a preliminary matter, Defendant complied with the meet and confer requirement. (Declaration of Madison K. Moreno, ¶¶ 7-8.)

First, either the nonparty witness who has been subpoenaed, or a party to the action, may challenge the deposition subpoena by a motion to quash or modify the subpoena duces tecum. (*Southern Pac. Co. v. Superior Court in and for Los Angeles County* (1940) 15 Cal.2d 206, 209; CCP § 1987.1(a).) A motion to quash a subpoena may be granted on the grounds that the matters sought to be discovered are privileged, protected, or beyond the scope of discovery. (CCP § 2017.010; *Rudnick v. Superior Court* (1974) 11 Cal.3d 924, 929.) Hope made no motion to quash or motion for protective order. Plaintiff does not oppose the motion, nor did Plaintiff file any motion to quash or motion for protective order. There is no valid challenge to the subpoena.

Here, the main issue is the psychotherapist-patient privilege, “which is ‘an aspect of the patient’s constitutional right to privacy’ under article I, section 1 of the California Constitution.” (*Sorenson v. Superior Court* (2013) 219 Cal.App.4th 409, 445.) “The privilege is codified in Evidence Code section 1014, which provides that a patient, ‘whether or not a party,’ generally ‘has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and psychotherapist.’ ‘[F]or policy reasons the psychotherapist-patient privilege is broadly construed in favor of the patient, while exceptions to the privilege are narrowly construed.’ (*Story v. Superior Court* (2003) 109 Cal.App.4th 1007, 1014.).” (*McGovern v. BHC Fremont Hospital, Inc.* (2022) 87 Cal.App.5th 181, 198.)

The psychotherapist-patient privilege is not absolute. The “patient-litigant exception” to the privilege is codified in Evidence Code section 1016, which states that the psychotherapist-patient privilege is waived “as to a communication relevant to an issue concerning the mental or emotional condition of the patient if such issue has been tendered by (a) The patient; [or] (b) Any party claiming through or under the patient.” (Evid. Code § 1016.)

Generally, [e]motional distress alone, without more, is not enough to override the statutory protections. (See *Vinson v. Superior Court* (1987) 43 Cal.3d 833, 840-841 [mere allegation of mental distress does not waive privilege].) (Opposition, p. 3.) However, the *Vinson* court held that “Plaintiff’s present mental and emotional condition is directly relevant to her claim and essential to a fair resolution of her suit; she has waived her right to privacy in this respect by alleging continuing mental ailments.” (*Vinson*, *supra*, 43 Cal.3d at 842.)

Plaintiff placed her mental and emotional condition at issue by stating in responses to Form Interrogatories that she “...experiences ongoing psychological injuries...” and that her emotional distress, “...occurs on a daily basis and has been ongoing since April 2025.” (Declaration of Madison Moreno, Exhibit A, Responses to FROG Nos. 212.2, 212.3, and 212.7.)

There are no other objections or arguments in opposition and as stated above, Plaintiff did not file any motion to quash or motion for protective order to prevent disclosure or limit the scope in any way. Accordingly, the motion is granted. Hope’s request for the court to rule on a potential deposition or “testimony” must be rejected. This issue is not before the court and it would be improper to rule on an issue not properly noticed in Defendant’s moving papers given Plaintiff would not have a chance to respond or object.

7.

CASE #	CASE NAME	HEARING NAME
CVPS2507128	SHANNON VS DHSE, INC.	MOTION FOR RECONSIDERATION OF MOTION TO COMPEL AND ORDER FOR SANCTIONS

Tentative Ruling: Denied.

Responding party to provide notice pursuant to CCP 1019.5.

Motion For Reconsideration

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.) 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.

“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.)

Here, there are no new or different facts, circumstances or law that would permit the court to change its ruling from March 23, 2026.

8.

CASE #	CASE NAME	HEARING NAME
CVPS2507734	VOKOUN VS TOYOTA MOTOR CORPORATION, A JAPANESE CORPORATION	MOTION FOR RECONSIDERATION OF DENIAL OF MOTION TO QUASH BY ZAYED SAIF ALI SAIF ALQUBAISI

Tentative Ruling: Denied.

Responding party to provide notice pursuant to CCP 1019.5.

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.) 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.

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The court previously granted an opportunity for a hearing on the underlying motion to quash services of summons on this matter, moving party elected not to appear. No explanation has been provided why the alleged “new information” could not have been produced earlier.

9.

CASE #	CASE NAME	HEARING NAME
CVPS2600463	VILLALOBOS BUELNA VS ESTATE OF STEPHANY REYES (DECEASED)	SPECIAL DEMURRER ON COMPLAINT OF ANGEL VILLALOBOS BUELNA AS TO CAUSE(S) OF ACTION BY MARRIOTT HOTEL SERVICES, LLC [ERRONEOUSLY SUED AS MARRIOTT INTERNATIONAL, INC.]

Tentative Ruling: Sustained.

Plaintiff granted leave to file 1st Amended Complaint within 10 days of this order becoming final.

Moving party to provide notice pursuant to CCP 1019.5.

On January 8, 2025, decedent Stephany Reyes (“Reyes”) consumed an excessive quantity of alcohol at the JW Marriott Desert Springs Resort and Spa hotel bar on Country Club Drive in Palm Desert. Defendant Marriott Hotel Services (“Marriott”) is alleged to have owned, operated, managed, or controlled the bar. Reyes became severely intoxicated, exhibiting slurred speech, imbalance, confusion, and loss of motor coordination; bartenders continued serving her in rapid succession and no manager or supervisor intervened. Marriott employees, including valet or other on-site personnel, then affirmatively assisted her to her vehicle, opening the door, helping her inside, and permitting her to drive off. Reyes drove the wrong way on Country Club Drive at high speed and struck Plaintiffs’ Angel Villalobos Buelna and Jeremy Loredó (“Plaintiffs”) vehicle head-on, causing them catastrophic injuries.

On January 6, 2026, Plaintiffs filed their complaint alleging five (5) causes of action: 1) Negligence (Motor Vehicle) (against Estate of Reyes only); 2) Negligent Entrustment (against Does 1-100); 3) General Negligence; 4) Negligent Hiring, Supervision, and Retention; and 5) Voluntary Undertaking.

Marriott now demurs to the Third (General Negligence), Fourth (Negligent Hiring, Supervision & Retention), and Fifth (Voluntary Undertaking) causes of action under Code of Civil Procedure § 430.10(e) on the grounds each fails to state sufficient facts to constitute a claim.

Plaintiffs oppose and argue the demurrer rests on an “overbroad reading” of dram shop immunity and argue the Complaint pleads affirmative post-service misconduct, not mere furnishing. The dram immunity is narrowly tailored. The duty arises from Marriott’s own affirmative conduct that created/increased foreseeable risk. Marriott knew or should have known its bartenders had a propensity to overserve, and failed to train, supervise, or discipline. They also argue the negligent undertaking is specific: escorting, assisting into the vehicle, and permitting operation, which is reinforced by Marriott’s own policies requiring employees to stop serving intoxicated guests and to discourage driving. They argue if any deficiency is found, leave should be granted. They identify six separate categories of facts including employee-conduct details, written policies/trainings, training/supervision failures, prior overservice knowledge, ratification, and post-collision concealment.

Demurrer

A general demurrer lies where the pleading does not state facts sufficient to constitute a cause of action. (C.C.P., § 430.10(e).) In evaluating a demurrer, the court gives the pleading a reasonable interpretation by reading it as a whole and all of its parts in their context. (*Moore v. Regents of University of California* (1990) 51 Cal.3d 120, 125.) The court assumes the truth of all material facts which have been properly pleaded, of facts which may be inferred from those expressly alleged, and of any material facts of which judicial notice has been requested and may be taken. (*Crowley v. Katleman* (1994) 8 Cal.4th 666, 672.) However, a demurrer does not admit contentions, deductions or conclusions of fact or law. (*Daar v. Yellow Cab Company* (1967) 67 Cal.2d 695, 713.)

A pleading may also be challenged as uncertain where it is “ambiguous and unintelligible.” (C.C.P., § 430.10(f).) Uncertainty demurrers are disfavored and strictly construed, and they lie only where the pleading is so incomprehensible that the defendant cannot determine what issues must be admitted or denied. (*Khoury v. Maly’s of California, Inc.* (1993) 14 Cal.App.4th 612, 616.) “Such a demurrer should not be sustained where the allegations of the complaint are sufficiently clear to apprise the defendant of the issues which he is to meet.” (*People v. Lim* (1941) 18 Cal.2d 872, 882.)

If the complaint fails to state a cause of action, the court must grant the plaintiff leave to amend if there is a reasonable possibility that the defect can be cured by amendment. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.)

3rd Cause of Action - Negligence

Defendant demurs to the Third Cause of Action on the ground that it is barred by California’s dram-shop immunity statutes and does not allege facts sufficient to state a claim for post-service affirmative negligence independent of alcohol furnishing.

Business and Professions Code section 25602, subdivision (b), immunizes the furnishing of alcohol to an obviously intoxicated person from civil liability for resulting injuries. (Bus. & Prof. Code, § 25602, subd. (b).) Civil Code section 1714, subdivision (b), specifically allocates proximate cause by declaring that the furnishing of alcohol is not the proximate cause of injuries resulting from intoxication, and that consumption is the proximate cause. (Civ. Code, § 1714, subd. (b).) The immunity’s reach turns on the gravamen of the claim, not the pleader’s label. (*People v. Lopez* (1963) 60 Cal.2d 223, 238.) A plaintiff cannot avoid the statute by redescribing

the wrong as a post-service act if that act is causally inseparable from the intoxication produced by the alcohol service. (*Id.*)

The Third Cause of Action as currently pleaded does not adequately allege a theory of negligence independent of alcohol service. Plaintiffs allege that Marriott bartenders continued serving Reyes despite her severe intoxication and that Marriott employees escorted her through the premises, opened the vehicle door, helped her inside, and permitted her to operate the vehicle. (Compl. ¶¶ 9, 88.) While these allegations describe affirmative post-service acts, the conduct alleged remains causally dependent on Reyes's intoxication from Marriott's alcohol service. Escorting Reyes to the vehicle, opening the door, and helping her into the seat would not endanger Plaintiffs in any ordinary sense if Reyes were sober; those acts become dangerous only because she was intoxicated. This is precisely the kind of causal dependence that statutory immunity covers. (*DeBolt v. Kragen Auto Supply, Inc.* (1986) 182 Cal.App.3d 269.)

The present pleading sits closer to escort-and-release than to defendant-created peril. Under controlling authority, escorting an intoxicated patron to a car and allowing departure is treated as nonintervention rather than an undertaking that creates a new danger. (*Garden Grove Community Church v. Pittsburgh-Des Moines Steel Co.* (1983) 140 Cal.App.3d 251, 265.) The allegation that Marriott employees "knowingly permitted" Reyes to operate the vehicle does not materially change that analysis as currently pleaded. (Compl. ¶ 9.) The complaint does not presently allege specific facts showing Marriott had possession of the keys, control of the vehicle, an express undertaking to withhold access, or some other concrete act crossing the line from nonintervention into risk creation. SUSTAINED

4TH Cause of Action - Negligent Hiring, Supervision & Retention

Defendant demurs to the Fourth Cause of Action on the ground that it is barred to the extent its gravamen is alcohol furnishing and, independently, that it fails to allege ultimate facts showing Marriott's pre-incident knowledge of employee unfitness.

A negligent hiring, supervision, and retention claim against a licensed alcohol furnisher is not categorically nonviable, but it is legally barred to the extent its gravamen is the furnishing or overservice of alcohol to an adult patron. (*DeBolt, supra*, 182 Cal.App.3d 238.) The current complaint alleges both overservice and post-service assistance. To the extent the Fourth Cause of Action rests on Marriott's supervision of bartenders who overserved Reyes, the claim is barred by dram-shop immunity. (*Fiorini v. Gould* (2002) 105 Cal.App.4th 1359, 1365.)

Even assuming a narrow independent-theory lane exists for post-service assistance to the vehicle, the complaint does not adequately plead the Fourth Cause of Action. A plaintiff must allege facts showing the employer knew or should have known of the employee's dangerous propensities and that the particular harm was foreseeable. (*C.A. v. William S. Hart Union High School District* (2012) 53 Cal.4th 861.) A bare assertion that employees had a "history" or "propensity" to engage in harmful conduct, without supporting facts such as prior incidents, complaints, or other concrete notice, is insufficient at the pleading stage. (*Id.* at 875.)

The complaint alleges Marriott knew its bartenders had a "history and/or propensity to overserve patrons" and had actual knowledge of repeated overservice, prior knowledge of hazardous alcohol service practices, and willfully ignored prior complaints or patterns of misconduct. (Compl. ¶¶ 11, 46, 66.) However, none of these allegations identifies a prior incident, date, complaint, discipline record, named employee, customer report, or other concrete circumstance from which Marriott's actual or constructive notice can be inferred. The allegations are labels and conclusions, not pleaded ultimate facts. (*C.A., supra*, 53 Cal.4th at p. 875; *Feltham v. Solano County* (2004) 119 Cal.App.4th 857, 863-864.) SUSTAINED

5TH Cause of Action – Voluntary Undertaking

Under Restatement Second of Torts section 324A as adopted in California, one who undertakes to render services to another may owe a duty to third persons if the actor's failure to exercise reasonable care increased the risk of harm, or the actor undertook to perform a duty owed by another, or harm occurred because of reliance. (*Barenborg v. Sigma Alpha Epsilon Fraternity* (2019) 33 Cal.App.5th 70.) The defendant must specifically have undertaken to perform the very task alleged to have been performed negligently; without actual assumption of that specific task, no correlative duty arises. (*Id.*)

As presently pleaded, the Fifth Cause of Action sits very close to the dram-shop immunity line. Plaintiffs allege Reyes became severely intoxicated after being overserved at Marriott's bar, that Marriott employees observed that condition, and that they then assisted her to her vehicle, opened the door, helped her inside, and knowingly permitted her to drive while impaired. (Compl. ¶¶ 7, 9, 88.) These allegations describe affirmative post-service acts, but the asserted duty still depends on Reyes's impairment as the consequence of the alcohol Marriott allegedly furnished. In that sense, the pleaded theory resembles an asserted duty to supervise, control, or prevent departure by an intoxicated patron, which the immunity statutes bar. (*DeBolt, supra*, 182 Cal.App.3d at 269; *Biles v. Richter* (1988) 206 Cal.App.3d 325.)

The complaint also fails to allege the undertaking with the required specificity. Paragraph 88 alleges Marriott employees "voluntarily undertook to render assistance and exercise control over the circumstances surrounding Reyes" after she became impaired. (Compl. ¶ 88.) That is largely conclusory. The underlying facts pleaded are that employees escorted her through the premises, assisted her to the vehicle, opened the door, helped her inside, and permitted her to operate the vehicle. (*Id.* ¶¶ 9, 88.) The task Plaintiffs say Marriott performed negligently is preventing Reyes from driving while intoxicated and protecting the public from that danger. But the task Marriott is actually alleged to have undertaken in factual terms is assistance with Reyes's departure. Under controlling authority, the defendant must have specifically undertaken the very task alleged to have been negligently performed. (*Barenborg, supra*, 33 Cal.App.5th at 63.) Helping an intoxicated patron reach and enter a vehicle does not, without more, plead an undertaking to prevent her from driving that vehicle.

The current allegations do not adequately show affirmative worsening beyond a preexisting risk under Restatement section 324A, subdivision (a). Reyes was already severely intoxicated before the alleged assistance to the car. (Compl. ¶ 7.) The pleaded acts of escorting her, opening the car door, and helping her inside can be read as facilitating departure, but they can also be read as completing an ordinary escort or valet-type interaction. The complaint does not plead facts showing Marriott's intervention placed Reyes or the public in a worse position than if Marriott had done nothing, as opposed to merely failing to stop a risk that already existed. Under Restatement section 324A, subdivision (a), failure to eliminate a preexisting danger is not enough. (*Paz v. State of California* (2000) 22 Cal.4th 550, 559.)

The policy and training allegations do not cure the defect. Plaintiffs argue that Marriott's policies and trainings to stop service and discourage impaired driving show an assumed duty. However, internal policies do not themselves create a duty to third parties. (*T.L. v. City Ambulance of Eureka, Inc.* (2022) 83 Cal.App.5th 864.) Paragraph 10 alleges Marriott failed to train employees and provided no protocols for preventing intoxicated guests from operating vehicles. (Compl. ¶ 10.) Elsewhere, the complaint alleges failure to enforce existing policies. (*Id.* ¶ 44.) This internal contradiction underscores the deficiency: if Marriott lacked functioning policies and protocols, those nonexistent policies cannot simultaneously supply the specific undertaking Plaintiffs say Marriott assumed. SUSTAINED.

10.

CASE #	CASE NAME	HEARING NAME
CVPS2600463	VILLALOBOS BUELNA VS ESTATE OF STEPHANY REYES (DECEASED)	MOTION TO STRIKE COMPLAINT ON COMPLAINT OF ANGEL VILLALOBOS BUELNA BY MARRIOTT HOTEL SERVICES, LLC [ERRONEOUSLY SUED AS MARRIOTT INTERNATIONAL, INC.]

Tentative Ruling: Moot as result of operative complaint demurrer motion being sustained.

Moving party to provide notice pursuant to CCP 1019.5.