

Tentative Rulings for April 10, 2026 Department 1

**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 <https://www.riverside.courts.ca.gov/OnlineServices/TentativeRulings/tentative-rulings.php>. 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 1 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear telephonically, 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.

TO APPEAR TELEPHONICALLY: On the day of the hearing, call into one of the phone numbers listed below, 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: **160 638 4172**

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.

For additional information and instructions on telephonic appearances, visit the court's website at <https://www.riverside.courts.ca.gov/PublicNotices/remote-appearances.php>

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.

CVRI2102498	GUILLEN VS COLUMBIA ALUMINUM PRODUCTS LLC	MOTION FOR APPROVAL OF PAGA SETTLEMENT
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Tentative Ruling: Grant; court will sign proposed order (correcting cost award to \$5,000) after hearing. Need to select date for review of report from administrator.

2.

CVRI2500132	CAZARIN VS THE GAMBLING COWBOY AND CHOPHOUSE SALOON, INC.	MOTION FOR PRELIMINARY APPROVAL
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Tentative Ruling: Appearances requested.

3.

CVRI2504702	GONZALEZ VS DOLPHIN CALIFORNIA MANAGEMENT, LLC	MOTION TO COMPEL ARBITRATION DEFENDANT DOLPHIN CALIFORNIA MANAGEMENT, LLC'S NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION
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Tentative Ruling: Appearances requested to discuss defense of unconscionability and whether the Court or the arbitrator is required to decide the issue as well as what opportunity plaintiff should have to respond to the declaration of Jose Antonio Nunez that was submitted with the reply papers.

4.

JCCP5265	MOJAVE BASIN WATER CASES	MOTION TO BIFURCATE ON 1ST AMENDED COMPLAINT
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Tentative Ruling:

THIS MATTER WILL BE HEARD IN DEPARTMENT 10, NOT DEPARTMENT 1.

The motion of SMR to bifurcate the trial of its cross-complaint from the trial of MWA's complaint and assign a preferential trial date is denied.

The SMR's request to dismiss MWA's complaint is denied.

The parties shall appear (in person or remotely as they prefer) to answer the questions posed below and otherwise to discuss the matter of trial setting.

Analysis

Scope of Cross-Complaint and Motion for Bifurcation & Preference

The scope of the motion is unclear because the motion appears to change the scope of the cross-complaint.

SMR's cross-complaint alleges five claims for declaratory relief: (1) that SMR is an overlying landowner with rights to pump groundwater underlying the SMR Property; (2) that SMR is not a party to and is not bound by the judgment entered in *City of Barstow v. City of Adelanto*, CIV208568; (3) "that the groundwater beneath the SMR Property is 'Supplemental Water,' as that term is defined under the judgment, and is therefore not subject to the Judgment;" (4) that MWA is interfering with SMR's constitutional right "to reasonably and beneficially use the groundwater aquifers underlying the SMR Property;" and (5) that SMR is not bound by the prior judgment and is not required to "prove up" its water rights.

In its motion, however, SMR characterizes its claims differently: "To be clear, SMR seeks only declaratory relief as to the amount of SMR's groundwater rights and whether such groundwater is hydrologically connected to the Mojave Basin." (Ntc. of Mtn., p. 2, ll. 16-17.)

In its trial setting conference statement, however, SMR reverts to the five issues pled in the cross-complaint. (Stmt., p. 3.)

Question 1: Are SMR's claims most correctly understood as alleged in its cross-complaint or as narrowed in its motion? If the latter, does the cross-complaint need to be amended?

Question 2: #2, #3, and #5 all seek a determination that the judgment does not bind SMR. Once that question is answered, is there any material difference between those three claims?

Question 3: It would appear that the issue of whether SMR is bound by the judgment would be rather simple to answer, particularly since WMA concedes that it is not. Why is a trial required to resolve that issue?

Question 4: As to ## 2 & 3, if SMR is not bound by the judgment, why would it be necessary to decide whether groundwater under SMR's property is "Supplemental Water" as that term is defined by an inapplicable judgment?

Preferential Trial Setting

SMR relies on Code of Civil Procedure section 1062.3, subdivision (a), which provides that a party seeking declaratory relief is entitled to preferential trial setting "[e]xcept as provided in subdivision (b)" Subdivision (b) provides that if a plaintiff or cross-complainant "seeks any relief, in addition to a declaration of rights and duties," preference shall be granted only upon "a showing that the action requires a speedy trial." In #5, SMR expressly seeks both "Declaratory Relief and Injunctive Relief," alleges that it will "seek a temporary restraining order and/or a preliminary injunction," and prays for both preliminary and permanent injunctions.

Question 5: Has such a showing been made? In particular, what evidence has been presented that a speedy trial is required to avoid prejudice to SMR?

Judicial Economy & Necessary Parties

It is unclear to the Court whether a bifurcation of the cross-complaint will save time and expense. Even SMR is unclear as to whether the resolution of the cross-complaint will resolve all issues between SMR and MWA alleged in MWA's FAC.

On the one hand, SMR repeatedly promises that resolution of the cross-complaint will necessarily resolve all claims alleged against it in MWA's complaint. (Notice of Mtn., p. 2, ll. 12-14 ["resolution of SMR's cross-complaint will necessarily result in the resolution of Mojave Water Agency's ("MWA") single cause of action raised against SMR"]; Ps & As, p. 4, ll. 8-9

[Bifurcation “will serve the interests of judicial efficiency, as resolution of SMR’s cross-complaint will necessarily also resolve MWA’s claims as against SMR.”]; *id.*, p. 9, ll. 4-5 [“Bifurcation would quickly dispose of SMR’s cross-complaint **and also** MWA’s claims against SMR.”.] (P. 9, ll. 4-5; emphasis in original.)

Elsewhere, however, SMR is more equivocal. In its reply, it concedes that if the aquifers under SMR’s property are found to be hydrologically disconnected, “that will impact a safe yield analysis, and that will impact any analysis of the parties’ correlative or other rights that may occur in subsequent phases.” (Reply, p. 2, ll. 13-15.) Presumably, those “subsequent phases” involve SMR in addition to other parties.

Most importantly, SMR appears to concede that a determination of the scope of SMR’s correlative overlying groundwater rights includes a determination of “the priority of those rights and to whom SMR’s rights are correlative.” (Reply, p. 3.) As SMR explained: “SMR claims a superior overlying right which is correlative as between all other overlying owners to the same water source who have established their overlying rights and is superior to any appropriative water rights claims. Therefore, it is “necessary for the trial court to determine whether such owners, considering all the needs of those in the particular water field, are putting the waters to any reasonable beneficial uses, giving consideration to all factors involved, including reasonable methods of use and reasonable methods of diversion.” (City of Barstow, *supra*, 23 Cal.4th at 1242.) In addition, this Court will need to determine whether SMR’s water source is hydrologically connected to the rest of the Basin and therefore SMR’s water rights are correlative to all other overlying rights holders who share that common source of supply.” (*Id.*, p. 6.) “[T]his Court must determine the scope, nature, and priority of SMR’s groundwater right, and then also confirm to whom that right is correlative depending on the water source and whether it is shared with other correlative overlying groundwater rights holders in the Basin who have proved their overlying right.” (*Id.*, p. 7.)

Question 6: Can the Court determine the “needs of those in the particular water field” and whether SMR rights are correlative to all other overlying rights holders without joining the “other overlying rights holders”? In short, can SMR litigate the nature and extent of its priority over other rights holders without joining those other parties?

Request to Dismiss

In SMR’s reply, it contends that “[t]his case should be dismissed.” (Reply, p. 2, fn. 1.) That request is denied. The Court does not consider requests for relief beyond those stated in the notice of motion. Besides, even if it had been timely, any such request is improper in the absence of a motion for summary judgment, a motion for judgment on the pleadings, or other dispositive motion.

Stipulations?

In its opposition, the MWA argues that four of the five controversies alleged in the cross-complaint do not actually exist because the MWA does not contest the position taken by SMR. (In response, SMR treats those arguments as challenges to the sufficiency of the pleading and argues that such challenges have been forfeited by the MWA’s failure to demur to the cross-complaint. No authority is presented for the proposition that the failure to demur to a pleading forfeits the right to challenge the sufficiency of that pleading. The Court rejects it. See, e.g., section 438.)

Question 7: Given that the MWA does not challenge the assertions made by SMR in four of the five causes of action, have the parties discussed the possibility of resolving those four causes of action by stipulation?

Trial Setting Issues

There is no to right to a jury trial to decide the claims asserted in the cross-complaint; they will be resolved by the Court without a jury.

Question 8. Do any of the claims asserted in the FAC entitle a party to a jury trial? If so, which claims are those?

In its opposition, the MWA concedes that the judgment does not bind non-parties such as SMR. (Oppo., p. 3.) Nevertheless, the MWA contends that the findings of that judgment would control some issues: "As to the Mojave Water Basin, many of the issues/matters to be determined in a groundwater adjudication have already been determined in City of Barstow, including determination of the geographic boundaries of the Mojave Basin Area, determination of overdraft and safe yield, and determination that 'all sources of water are hydrologically connected and inter-related.' Accordingly, there is no need to re-litigate or redetermine those same matters in this proceeding." (Oppo., p. 8, fn. omitted.)

Question 9: If the judgment previously entered does not bind those who were not parties to that proceeding, how can the trial court's findings bind the defendants in the present action? Does the WMA contend that res judicata, collateral estoppel, or some other form of claim preclusion prevents the re-litigation of one or more of those issues? How does the fact that the judgment resulted from stipulations affect that analysis?

Question 10: If the Court does not grant the motion to bifurcate and if the defendants in this case are not bound by the facts determined in the prior judgment, (a) when should the trial of this case begin and (b) what issues should be tried first?

For the parties' information, the Court is unavailable the following dates in the fall of 2026: October 8 – 18 (vacation), December 11-18 (covering Dept. 7), and December 21-31 (covering Dept. C1). The Court also has tentative plans for a vacation in November, on dates to be determined. In light of that schedule, the parties may wish to concentrate their efforts on available dates in January of 2027.