

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

<p>Y [REDACTED] L [REDACTED] et al Plaintiff/Petitioner(s) VS. Truck Insurance Exchange et al Defendant/Respondent (s)</p>	<p>No. 24CV063297 Date: 08/07/2025 Time: 11:52 AM Dept: 17 Judge: Sarah Sandford-Smith ORDER re: Ruling on Submitted Matter filed by Y [REDACTED] L [REDACTED] (Minor); Y [REDACTED] S [REDACTED] (Guardian Ad Litem); P [REDACTED] A [REDACTED] (Plaintiff) on 05/02/2025</p>
--	---

The Court, having taken the matter under submission on 07/30/2025, now rules as follows: The Motion of Plaintiffs Y [REDACTED] L [REDACTED]; Y [REDACTED] S [REDACTED]; and P [REDACTED] A [REDACTED] (“Plaintiffs”) for Summary Adjudication is GRANTED IN PART.

REQUEST FOR JUDICIAL NOTICE

Plaintiff’s Request for Judicial Notice is granted as to Exhibits A and B, which consists of California court records. (Evid. Code, § 452, subd. (d).) However, the Court does not take judicial notice of the truth of any of the facts asserted in the matters noticed. (See Fogel v. Farmers Group, Inc. (2008) 160 Cal.App.4th 1403, 1413 n. 7; Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort (2001) 91 Cal.App.4th 875, 882.)

Defendant’s Request for Judicial Notice is granted as to Exhibits 1 through 10, which consist of California court records. (Evid. Code, § 452, subd. (d).) However, the Court does not take judicial notice of the truth of any of the facts asserted in the matters noticed. (See Fogel v. Farmers Group, Inc. (2008) 160 Cal.App.4th 1403, 1413 n. 7; Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort (2001) 91 Cal.App.4th 875, 882.)

LEGAL STANDARD

“A motion for summary adjudication . . . shall proceed in all procedural respects as a motion for summary judgment.” (Code Civ. Proc. § 437c, subd. (f)(2).) In moving for summary judgment, a defendant has met his burden of showing that a cause of action has no merit if he has shown that one or more elements of the cause of action cannot be established, or that there is a complete

ORDER re: Ruling on Submitted Matter filed by Y [REDACTED] L [REDACTED] (Minor);
Y [REDACTED] S [REDACTED] (Guardian Ad Litem); P [REDACTED] A [REDACTED]
(Plaintiff) on 05/02/2025

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

defense to that cause of action. (Aguilar v. Atlantic Richfield Co. (2001) 25 Cal.4th 826, 849; Code Civ. Proc., § 437c, subd. (p)(2).) Once the defendant has met that burden, the burden shifts to the plaintiff to show that a triable issue of one or more material facts exists as to that cause of action or a defense thereto. (Aguilar, supra, 25 Cal.4th at p. 849; Code Civ. Proc., § 437c, subd. (p)(2).)

The party moving for summary judgment bears the burden of persuasion that there is no triable issue of material fact and that he is entitled to judgment as a matter of law. (Aguilar, supra, 25 Cal.4th at p. 850; Evid. Code, § 500.) A triable issue of material fact exists if the evidence would allow a reasonable trier of fact to find the underlying fact in favor of the nonmoving party. (Aguilar, supra, 25 Cal.4th at p. 850.) Papers are to be construed strictly against the moving party and liberally in favor of the opposing party; any doubts regarding the propriety of summary judgment are to be resolved in favor of the opposing party. (Kulesa v. Castleberry (1996) 47 Cal.App.4th 103, 112.)

DISCUSSION

After considering the evidence offered by the Parties, the Court finds that Defendant has met its burden in refuting Plaintiffs' evidence showing that Defendant proximately caused damages which were awarded in the judgment amounting to \$10 million.

As noted in *State Farm Mut. Auto. Ins. Co. v. Allstate Ins. Co.* (1970) 9 Cal.App.3d 508, "damages for breach of the duty to defend are not inexorably imprisoned within the policy limit but are measured by the consequences proximately caused by the breach." Here, a \$1 million policy limit was transformed into a \$10 million judgment, which cannot be deemed foreseeable or the proximate cause of Defendant's breach of its duty to defend contrary to Plaintiffs' claims. Thus, Defendant raises triable issues of material fact as to causation and damages (summary adjudication having already determined duty and breach.)

As to the affirmative defense of fraud or collusion, after considering the arguments of the parties, and further review of the papers filed in support of and in opposition to Plaintiffs' motion, the Court finds that Defendant has failed to meet its prima facie burden of showing that reasonable minds could differ as to the existence of collusion and fraud. After Defendant Truck informed A [REDACTED] it would not defend her, A [REDACTED] was entitled to proceed in a such a manner as to protect her interests. (See *Pruyn v. Agricultural Insurance Co.* (1995) 36 Cal.App.4th 500, 517; *Eigner v. Worthington* (1997) 57 Cal.App.4th 188, 196.)

Accordingly, Plaintiffs' Motion for Summary Adjudication is GRANTED IN PART, as to the affirmative defense of fraud or collusion. It is denied as to the cause of action for breach of contract.

OBJECTIONS TO EVIDENCE

Defendant's two objections are overruled.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

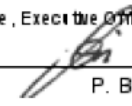
Rene C. Davidson Courthouse

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated : 08/07/2025



Sarah Sandford-Smith / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 08/07/2025
PLAINTIFF/PETITIONER: Y [REDACTED] L [REDACTED] et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Truck Insurance Exchange et al	P. Bir
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 24CV063297

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order re: Ruling on Submitted Matter filed by Youyi Liang (Minor); Yapi... entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Craig Tomlins
Freeman MAtis & Gray LLP
ctomlins@fmglaw.com

Dion N. Cominos
Gordon Rees Scully Mansukhani, LLP
dcominos@grsm.com

Joel M. Westbrook
Miles Westbrook & Deal LLP
joel@mileswestbrook.com

Julie Elizabeth Hayashida
BHC Law Group LLP
jhayashida@bhc.law

LAURA G. RYAN
GORDON REES SCULLY MANSUKHANI, LLP
lryan@grsm.com

Terrence Joseph Coleman
Pillsbury & Coleman LLP
tcoleman@pillsburycoleman.com

Dated: 08/07/2025

Chad Finke, Executive Officer / Clerk of the Court

By:



P. Bir, Deputy Clerk