

# Tentative Rulings for July 24, 2024 Department 1

**To request oral argument, you must notify Judicial Secretary  
Vanessa Siojo 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.

CVRI2305206	LAM VS ROHR, INC.	MOTION TO STRIKE 2ND AMENDED COMPLAINT FOR ENVIRONMENTAL/TOXIC TORT OF DANIEL LAM BY ROHR, INC.
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**Tentative Ruling:** Grant as to the first through fifth causes of action with 20 days' leave to amend to allege facts showing class-wide harm. Deny as moot as to the sixth cause of action. Grant as to the seventh cause of action with 20 days' leave to amend.

2.

CVRI2305206	LAM VS ROHR, INC.	DEMURRER TO SECOND AMENDED COMPLAINT
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**Tentative Ruling:** Overrule as to causes of action one through five. Sustain as to the sixth cause of action without leave to amend. Sustain as to the seventh cause of action with 20 days' leave to amend.

3.

CVRO2300518	SOTO JUAREZ V. RANCHO FRESCO MARKETS, INC.	MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION
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**Tentative Ruling:** Plaintiff asserts the doctrine of integrated enterprise can be used to show that all six entities can be constrictively held to be a single employer. In *Laird v. Capital Cities/ABC, Inc.* (1988) 68 Cal.App.4th 727, 737 (disapproved on other grounds in *Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 524), the court acknowledged federal authority where two corporations may be treated as a single employer for purposes of liability under Title VII of the federal 1964 Civil Rights Act; accordingly, it could be considered for FEHA claims. Initially, plaintiff has provided no California authority that has applied the integrated enterprise doctrine to wage and hour claims. (See *Castaneda v. Ensign Group, Inc.* (2014) 229 Cal.App.4th 1015, 1024 (noting the federal authority but declining to decide whether it applies in California wage and hour violations.)

The integrated enterprise theory is not alleged in the complaint and, of course, the complaint defines the issues on which summary adjudication may be granted. *Laabs v. City of Victorville* (2008) 163 Cal.App.4th 1242, 1258 (complaint limits issues to be addressed at the motion for summary judgment because "it is the allegations in the complaint to which the summary judgment motion must respond.")

Assuming that the integrated enterprise doctrine could apply, plaintiff fails to establish it. The test has four factors: interrelation of operations, common management, centralized control of labor relations and common ownership or financial control. *Laird*, 68 Cal.App.4th at 737. "[C]ommon ownership or control is never enough to establish parent liability." *Id.* at 738. The most important factor is centralized control of labor relations. *Id.* The key question is the parent's final decisions regarding employment matters; general policy statements are insufficient. *Id.* The parent must control the day-to-day employment decisions. *Id.* It is not sufficient to show that the officers report to the parent corporation or that the parent benefits from the subsidiary since these are in every parent –subsidiary relationship; rather, the plaintiff must demonstrate that the parent has exercised control that exceeds normal control. *Id.*

The stipulated facts show that there is no parent corporation for any of the six corporations. tip. ¶ 13. Further, each corporation has its own banking, payroll, insurance, tax returns, separate bills which are paid from sperate bank accounts. No money from one corporation is used by or

transferred to any other of the corporations. Stip. ¶ 14. Therefore, the integrated enterprise doctrine cannot be established even if it applied (and were alleged in the complaint).

Separately, plaintiff attempts to expand the class because she was allegedly an employee of the individual owners. However, this argument is also unpersuasive. While the individual owners may have some input in the overall day-to-day management and policies, as described above, the corporations are all separate entities with no parent corporation or parent subsidiary relationship. Stip. ¶ 13-14. Further, there are additional owners and/or officers for three of the corporations that also have some general management responsibilities. Stip. ¶ 5. There are also on-site managers for all six corporations that have day-to-day management responsibilities. Stip. ¶ 7.

Plaintiff was not directly employed by the four other separate corporations that she now seeks to expand this action to include. Neither the integrated enterprise test nor any other factor warrant the expansion plaintiff seeks. Plaintiff has not and cannot state she was injured by any entity for which she was not employed. *Simons*, supra 151 Cal.App.3d at 845.

Therefore, plaintiff's motion is denied and defendants' motion is granted.