

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

Tentative Ruling

2025CUPO045559: HANNAH KAYLEY LESSER, AN INDIVIDUAL vs UNITED TRACK CLUB, INC., A CALIFORNIA NON-PROFIT CORPORATION, et al.

06/18/2026 in Department 43

Motion to Compel Plaintiff to Appear for a Neuropsychological Examination as Previously Stipulated and for Imposition of Sanctions Against Plaintiff and Her Counsel for Failing to Appear at Neuropsychological Evaluation per Stipulation

The morning calendar in courtroom 43 will normally begin at 8:45. Please arrive for your hearing no later than 8:30 a.m. The door will be opened before the calendar is called.

The Court allows appearances by CourtCall and Zoom. Refer to the Courtroom 43 webpage for more information about remote appearances. If appearing by CourtCall, call in no later than 8:30 a.m. If you wish to appear by CourtCall, you must make arrangements with CourtCall by 4:00 p.m. the court day before your scheduled hearing. Requests for approval of a CourtCall appearance made on the morning of the hearing will not be granted. No exceptions will be made.

For Zoom appearances, all counsel appearing by Zoom must email the court at Courtroom43@ventura.courts.ca.gov with a simultaneous copy to all other counsel/self-represented parties no later than 3:00 p.m. the court day before the hearing. INCLUDE THE PHRASE "ZOOM APPEARANCE ON (DATE OF HEARING)" IN THE SUBJECT LINE OF YOUR EMAIL. The email must identify the person who will make the appearance. You will receive the login information for your appearance in reply to your email. If appearing by Zoom, log into the hearing no later than 8:30 a.m. The Court will transfer you to the meeting room when your matter is called. Additional instructions can be found on the Courtroom 43 webpage. When you log in to Zoom, be sure that your name and the case name are used as your Zoom name. IF YOU DO NOT FOLLOW ALL OF THESE INSTRUCTIONS, YOU WILL NOT BE PERMITTED TO APPEAR BY ZOOM AT THE HEARING.

With respect to the tentative ruling below, no notice of intent to appear is required. If you wish to submit on the tentative ruling you can fax notice to Judge Coats's secretary, Ms. Brantner at 805-477-8790, stating that you submit on the tentative. Or you may email Courtroom43@ventura.courts.ca.gov with all counsel copied on the email. Do not call in lieu of sending a fax or email. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. If you are the moving party and do not advise the Court that you submit on the tentative, or you do not appear at the hearing, the Court may deny your motion irrespective of the tentative.

Unless stated otherwise at the hearing, if a formal order is required but not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

Motion: Motion to Compel Attendance at IME and Sanctions

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Tentative Ruling: The Motion to Compel has been withdrawn and appropriate sanctions are the only remaining issue. The Court orders Plaintiff's counsel to reimburse Defendant for Dr. Mitrushina's \$3,000 cancellation fee on or before July 17, 2026. Plaintiff violated the express terms of the stipulation and sanctions are appropriate in this circumstance. Defendant should not be required to bear the cost of Plaintiff's counsel's late cancellation.

Plaintiff's April 10th "please re-schedule" email conflicted with the stipulation's no joint-examination condition. Plaintiff attempted to impose a new condition on an unconditional contractual obligation. The April 10th email is also equivocal ("technically on the hook," is conditional phrasing) rather than a clean cancellation, and the actual non-appearance/cancellation notice came at 8:10 a.m. on exam day. Under these circumstances, reimbursement for the hard cost of late cancellation (\$3,000) is an appropriate sanction. Plaintiff's counsel should have complied with the stipulation by clearly communicating cancellation of the IME on April 10th to avoid any confusion.

Moving party is ordered to serve notice of the Court's ruling.