
PARTIES/ATTORNEYS

Plaintiff	Flagstar Bank NA	Edward A. Treder Melissa A. Vermillion Barrett Daffin Frappier Treder & Weiss, LLP
Defendant	Heidi De Mayo Alfred L. Oseguera Sunrun, Inc.	Daniel J. Knight Law Offices of Daniel J. Knight
Defendant	Alfred L. Oseguera	Adrian Andrade
Defendant	Sunrun, Inc.	No appearance

RECOMMENDATION

For all the reasons discussed below, the motion is denied.

This is an action to correct a scrivener's error regarding the legal description of real property located at 1148 Pino Solo Dr. Santa Maria, California in several recorded instruments affecting title to real property. Specifically, paragraph 1 of the legal description fails to include the word "area" after "unincorporated", and paragraph 2 is missing a space between the words "below" and "a" and instead presents it as "belowa." Plaintiff Flagstar Bank NA brought the action against owners Heidi De Mayo and Alfred Oseguera, and Sunrun, Inc., which recorded a Notice of an Independent Solar Energy Producer Contract on June 1, 2021, in the event it may have a lien interest against the property.

Defendant Heidi De Mayo moves to consolidate this action with *De Mayo v. Oseguera*, Case No. 24CV03208, in which De Mayo seeks partition and damages from Oseguera. She also sought damages from Flagstar Bank for its role in how the loan transaction was structured, but on June 11, 2025, the court sustained Flagstar's demurrer to her second amended complaint without leave to amend.

The motion to consolidate was originally filed in both cases on April 7, 2025. Plaintiff withdrew it in this case on May 19, 2025 and the motion was taken off calendar by the court on June 11, 2025 in *De Mayo v. Oseguera*, Case No. 24CV03208. De Mayo's second motion to consolidate was filed in both cases on July

29, 2025. Flagstar filed its opposition in this case on August 22, 2025.¹ No opposition was filed in *De Mayo v. Oseguera*, Case No. 24CV03208.

Consolidation is a procedure for uniting separate lawsuits for trial, where they involve common questions of law or fact and are pending in the same court. (See Code Civ. Proc. § 1048.) The purpose is to enhance trial court efficiency (i.e., to avoid unnecessary duplication of evidence and procedures); and to avoid the substantial danger of inconsistent adjudications. (See *Todd-Stenberg v. Dalkon Shield Claimants Trust* (1996) 48 Cal.App.4th 976, 978-979.) Consolidation under Code of Civil Procedure section 1048 is permissive, and it is for the trial court to determine whether the consolidation is for all purposes or for trial only. (*Hamilton v. Asbestos Corp., Ltd.* (2000) 22 Cal.4th 1127, 1149.)

De Mayo asserts that “a complete consolidation would lead to the best outcome for judicial efficiency, avoiding unnecessary costs, and a just outcome. Both cases revolve around the property interests in the Subject Property with multiple parties claiming different property interests. Consolidating the two cases brings all parties to the table to properly define the individual property interests in one judgement as opposed to two judgements that could be at odds or render one of the other cases moot.” (Motion, p. 6, ll. 18-24.)

The court disagrees. Case No. 24CV05188 does not revolve around an ownership interest in the property. Flagstar merely seeks to correct a scrivener’s error in the deed of trust and confirm its first priority security interest against the property. The court sees no outcome where the judgments could be at odds or render one of the other cases moot, and De Mayo’s sweeping statements have not described any such outcome.

De Mayo points out that Flagstar failed to fulfill its duty to file a Notice of Related Case in this matter, implying this might support an order to consolidate the matters.² Under California law, consolidating actions and ordering them related under California Rules of Court, rule 3.300 are distinct procedural mechanisms with different purposes and effects. Consolidation under Code of Civil Procedure section 1048 allows the court to merge or combine cases to varying degrees, while ordering cases related maintains the separateness of cases but facilitates their joint management. As these are different procedures, the court is not persuaded that the failure to file a Notice of Related Case serves any analytical purpose to this motion. In any event, the court has already ordered the cases related. (See May 19, 2025, Order.)

¹ Plaintiff asserts that no opposition was filed in this case, which is incorrect.

² The Rules of Court do not impose the duty to file a Notice on just one party; the duty goes to any party who or learns that the action or proceeding is related to another action or proceeding. (See Calif. Rules of Court, rule 3.300(b)—“Whenever a party in a civil action knows or learns that the action or proceeding is related to another action or proceeding . . . the party must serve and file a Notice of Related Case.” [Emphasis added.])

The motion is denied.

The parties are instructed to appear at the hearing for oral argument. Appearance by Zoom Videoconference is optional and does not require the filing of Judicial Council form RA-010, Notice of Remote Appearance. (See [Remote Appearance \(Zoom\) Information | Superior Court of California | County of Santa Barbara](#).)