

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sara Burgess, et al. v. Alternative Sierra Investments, LLC, et al.

Burgess · No. 1:23-cv-01641 JLT BAM · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations concerning Alternative Sierra Investments, LLC’s motion for leave to file a third-party complaint in a CERCLA action. The court granted the motion and ordered ASI to file the third-party complaint within 21 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	1:23-cv-01641 JLT BAM
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations concerning Alternative Sierra Investments, LLC's motion for leave to file a third-party complaint under Federal Rule of Civil Procedure 14. No party filed objections.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	unknown

TOPICS

- third party practice
- cercla
- environmental law
- civil procedure

PRACTICE AREAS

- Civil procedure
- Environmental law
- Commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations regarding ASI's motion for leave to file a third-party complaint.
2. Whether ASI should be granted leave under Federal Rule of Civil Procedure 14 to file its untimely third-party complaint.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations after conducting de novo review.
2. ASI was granted leave to file its third-party complaint despite the untimeliness of its motion.

KEY QUOTATIONS

“The Court concludes that the Findings and Recommendations are supported by the record and proper analysis.” (at 1)

FACTUAL BACKGROUND

The action arises under CERCLA and concerns alleged tetrachloroethylene and trichloroethylene contamination originating from Heritage Dry Cleaners, with contamination present in and migrating through groundwater beneath or near the property. The plaintiffs settled their claims, leaving crossclaims between Alternative Sierra Investments, LLC and Frederick and Judy A. Wentworth. ASI sought leave to bring a third-party complaint against the estate of Russell L. Hoenes and Greg L. Hoenes as trustee, although its motion was untimely.

PROCEDURAL HISTORY

Plaintiffs' CERCLA claims had been settled, leaving crossclaims between Alternative Sierra Investments, LLC and Frederick and Judy A. Wentworth. ASI moved for leave to file a third-party complaint against the estate of Russell L. Hoenes and Greg L. Hoenes as trustee. The magistrate judge recommended granting leave despite the motion's untimeliness. After the objection period expired without objections, the district court conducted de novo review, adopted the findings and recommendations, granted leave, and ordered ASI to file the third-party complaint within 21 days.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)