

1. 23CV0494 CITIBANK v. HADDOCK

Motion for Judgment on the Pleadings

Request for Judicial Notice

Defendant has filed a Request for the court to take judicial notice of the September 1, 2023, Order in this case. Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 collectively govern the circumstances in which judicial notice of a matter may be taken. Evidence Code Section 452 lists matters of which the court may take judicial notice, including “records of (1) any court in this state or (2) any court of record of the United States.” Evidence Code § 452(d). A trial court is required to take judicial notice of any matter listed in section 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453. Accordingly, Defendant’s request for judicial notice is granted.

Motion for Judgment on the Pleadings

On September 28, 2023, this court issued an Order deeming certain facts admitted based on Defendant’s failure to respond to Requests for Admissions propounded by Plaintiff. Based on those admitted facts Plaintiff moves for judgment on the pleadings pursuant to Code of Civil Procedure § 438. Plaintiff’s counsel filed a declaration confirming his meet and confer efforts prior to filing the motion as required by Code of Civil Procedure § 439, to which Defendant’s counsel did not respond.

All elements of the cause of action for common counts having been conclusively established by the court’s Order, there is no possibility that granting leave to amend would alter the result.

Proof of service of notice of the hearing was filed on October 23, 2023. There is no opposition in the court’s file.

TENTATIVE RULING #1: THE MOTION FOR JUDGMENT ON THE PLEADINGS IS GRANTED WITHOUT LEAVE TO AMEND.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

2. 23CV0457 CRAMER v. EL DORADO COUNTY

(1) Demurrer to Third Amended Complaint

(2) Motion to Strike Third Amended Complaint

On June 30, 2023, Plaintiff filed a Third Amended Complaint (“TAC”) alleging (1) negligence, (2) violation of Government Code § 815.6 on the part of El Dorado County (“County”) and (3) requesting a preliminary injunction preventing the County from allowing any structures on a specified 9.5 acre parcel of land designated as “Open Space” within the Auburn Lake Trails Development as contrary to the County’s zoning ordinance, which prohibits the building of structures on Open Space parcels of less than 10 acres.

Request for Judicial Notice

In support of the demurrer, County has filed a request for judicial notice of Plaintiff’s First, Second and Third Amended Complaints in this action, specified provisions of the El Dorado County Zoning Ordinance; Plaintiff’s claim filed with the County prior to initiating this litigation, and the County’s response to that claim.

Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code §§ 451, 452, and 453 collectively govern the circumstances in which judicial notice of a matter may be taken. Section 452 sets forth matters which may be judicially noticed, including “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy” Evidence Code § 452(h).

Evidence Code § 452(b) authorizes the court to take judicial notice of “regulations and legislative enactments issued by or under the authority of the of the United States or any public entity in the United States.” Evidence Code § 452(e) allows the court to take judicial notice of “official acts of the legislative, executive and judicial departments of the United States and of any state of the United States.”

Evidence Code § 452(d) permits judicial notice of “records of (1) any court in this state or (2) any court of record of the United States.” The court takes judicial notice of the court filings, legislative enactments and official acts specified in the County’s request.

Demurrer

County has filed a demurrer to the Third Amended Complaint pursuant to Code of Civil Procedure § 430.10(e) on the grounds that the TAC fails to state facts sufficient to constitute a cause of action. The specific grounds for the demurrer are as follows:

1. The claimed violation of Government Code § 815.63¹ and the claim of negligence are both barred because Plaintiff failed to present a claim pursuant to Government Code §§ 905 et seq. prior to filing this action.
2. Both causes of action in the TAC are barred by applicable statutes of limitations.
3. Government Code § 815.6 does not set forth any mandatory duty to perform any affirmative act, and even if any such duty were established, Plaintiff has not alleged that any breach of such duty was the proximate cause of damages listed in the TAC.
4. Plaintiff's claim for negligence is barred by Government Code § 815(a)² because it does not set forth any statutory grounds for liability.
5. Plaintiff's claims are barred by statutory immunities for public agencies set forth in Government Code §§ 815.2, 818.2, 821, 818.4 and 821.2.

Plaintiff alleges that he presented a Government Code claim on January 8, 2023, with respect to the issuance of a building permit in 2015. This claim was rejected by the county as untimely under the time limits for presenting claims listed in Government Code § 911.2. Although Plaintiff's claims asserting a right to injunctive relief might not be subject to those time limits for submitting government claims, they are separately barred by the applicable 90-day statute of limitations set forth in Government Code § 650095³ and in the three-year statute of limitations pursuant to Code of Civil Procedure § 338.

Motion to Strike

Defendant moves to strike Plaintiff's request for a preliminary injunction "preventing El Dorado County from allowing any structures" on the specified parcel. Defendant's motion to strike argues that:

¹ Government Code § 815.6 provides: "Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty."

² Government Code § 815 provides: "Except as otherwise provided by statute: (a) A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person."

³ Government Code § 65009(c)(1) provides: Except as provided in subdivision (d), no action or proceeding shall be maintained in any of the following cases by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days after the legislative body's decision:

* * *

(E) To . . . determine the reasonableness, legality, or validity of any condition attached to a variance, conditional use permit, or any other permit.

(F) Concerning any of the proceedings, acts, or determinations taken, done, or made prior to any of the decisions listed in subparagraphs (A), (B), (C), (D), and (E).

1. Injunctive relief is not available to prohibit or restrain a completed act such as a building that has already been constructed. Huntingdon Life Scis., Inc. v. Stop Huntingdon Animal Cruelty USA, Inc., (2005) 129 Cal. App. 4th 1228, 1266.
2. Completion of a building project pursuant to a building permit renders moot a challenge to the issuance of a building permit that authorized the construction. Parkford Owners for a Better Cmty. v. Cnty. of Placer, (2020) 54 Cal. App. 5th 714, 725.
3. To the extent Plaintiff's injunction addresses proposed permitting of additional structures on the referenced parcel, Plaintiff's appeal against such approvals was upheld by the County Board of Supervisors on January 10, 2023. TAC at p. 2.

A trial court's decision on whether to grant a preliminary injunction rests on “(i) the likelihood that the party seeking the injunction will ultimately prevail on the merits of his [or her] claim, and (ii) the balance of harm presented, i.e., the comparative consequences of the issuance and nonissuance of the injunction.” The burden is on the party seeking the preliminary injunction to show all of the elements necessary to support issuance of a stay.

Saltonstall v. City of Sacramento, 231 Cal. App. 4th 837, 856, (citations omitted).

Defendant argues that an injunction is not available to void the building permit that authorized a building that was constructed in 2015, where Plaintiff has not alleged any facts demonstrating any likelihood that the county will permit additional structures on the property in the future. To the contrary, Plaintiff's appeal to the County Board of Supervisors objecting to proposed structures that were subject to a November 10, 2022, hearing before the Planning Commission was upheld. There is no proposed action from which Plaintiff would benefit through the protection of an injunction.

While the court agrees with Defendant's arguments in support of its motion to strike, the motion is rendered moot by the court's ruling sustaining Defendant's demurrer to the Third Amended Complaint.

This hearing was continued from its original date of October 27, 2023, due to a recent loss in Plaintiff's family. The court granted leave for the parties to file additional pleadings. Plaintiff filed an Opposition to Demurrer to which Defendant filed a Reply. Nothing in these pleadings changed the court's original determination that the demurrer should be sustained without leave to amend, rendering the motion to strike moot.

TENTATIVE RULING #2: DEFENDANT'S DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND. DEFENDANT'S MOTION TO STRIKE IS DEEMED MOOT BY VIRTUE OF THE COURT SUSTAINING THE DEMURRER.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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3. PC20210396 ESTATE OF SHANNON v. APPLE MOUNTAIN, L.P.

Motion for Leave to File Second Amended Complaint

Plaintiff seeks to amend its Complaint to include a prayer for punitive damages that Plaintiff claims are supported by evidence revealed through discovery.

Code of Civil Procedure § 473(a)(1) provides:

The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect; and may, upon like terms, enlarge the time for answer or demurrer. The court may likewise, in its discretion, after notice to the adverse party, allow, upon any terms as may be just, an amendment to any pleading or proceeding in other particulars; and may upon like terms allow an answer to be made after the time limited by this code.

California Rules of Court, Rule 3.1324(a) requires that a motion to amend a pleading before trial must:

- (1) Include a copy of the proposed amendment or amended pleading, which must be serially numbered to differentiate it from previous pleadings or amendments;
- (2) State what allegations in the previous pleading are proposed to be deleted, if any, and where, by page, paragraph, and line number, the deleted allegations are located; and
- (3) State what allegations are proposed to be added to the previous pleading, if any, and where, by page, paragraph, and line number, the additional allegations are located.

Plaintiff has not filed a copy of the proposed amended Complaint that complies with this requirement.

TENTATIVE RULING # 3: PLAINTIFF'S MOTION FOR LEAVE TO AMEND THE COMPLAINT IS CONTINUED TO 8:30 A.M. ON JANUARY 26, 2023, IN DEPARTMENT NINE, TO ALLOW PLAINTIFF AN OPPORTUNITY TO FILE A COPY OF THE PROPOSED AMENDMENT THAT COMPLIES WITH CALIFORNIA RULES OF COURT, RULE 3.1324.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

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4. 23CV1915 IN THE MATTER OF J.G. WENTWORTH ORIGINATIONS, LLC

Transfer of Payment Rights

Prior to approving a petition for the transfer of payment rights, this court is required to make a number of express written findings pursuant to Cal. Insurance Code § 10139.5, including the following:

1. That the transfer is in the best interests of the Payee, taking into account the welfare and support of Payee's dependents. The payee's Declaration, dated October 25, 2023 and filed with this court on October 31, 2023, supports this finding.
2. That the Payee has been advised in writing by the Petitioner to seek independent professional advice) and has either received that advice or knowingly waived in writing the opportunity to receive that advice. This finding is supported by Exhibits B and E to the Petition.
3. That the transferee has complied with the notification requirements. The proof of service dated and filed with this court on November 7, 2023, supports this finding.
4. That the transfer does not contravene any applicable statute or the order of any court or government authority. The payee's Declaration, dated October 25, 2023 and filed with this court on October 31, 2023, supports this finding.

In addition to the express written findings required by the applicable statutes, Cal. Ins. Code § 10139.5(b) requires the court to determine whether, based on the totality of the circumstances and considering the payee's age, mental capacity, legal knowledge, and apparent maturity level, the proposed transfer is fair and reasonable, and in the payee's best interests. The court so finds, based on the payee's Declaration, dated October 25, 2023 and filed with this court on October 31, 2023.

The Petition submitted generally contains the information required by the Insurance Code for court approval of this transaction.

TENTATIVE RULING #4: ABSENT OBJECTION, THE PETITION IS APPROVED AS REQUESTED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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5. 23CV1415 IN THE MATTER OF SEASONS 68, LLC

Transfer of Payment Rights

Prior to approving a petition for the transfer of payment rights, this court is required to make a number of express written findings pursuant to Cal. Insurance Code § 10139.5, including the following:

1. That the transfer is in the best interests of the Payee, taking into account the welfare and support of Payee's dependents. The payee's Declaration, dated November 29, 2023 and filed with this court on December 1, 2023, supports this finding.
2. That the Payee has been advised in writing by the Petitioner to seek independent professional advice) and has either received that advice or knowingly waived in writing the opportunity to receive that advice. This finding is supported by the payee's Declaration as well as Exhibits 5 and 6 to the Petition.
3. That the transferee has complied with the notification requirements. The proof of service dated and filed with this court on December 11, 2023, supports this finding.
4. That the transfer does not contravene any applicable statute or the order of any court or government authority. The payee's Declaration, November 29, 2023, and filed with this court on December 1, 2023, supports this finding.

In addition to the express written findings required by the applicable statutes, Cal. Ins. Code § 10139.5(b) requires the court to determine whether, based on the totality of the circumstances and considering the payee's age, mental capacity, legal knowledge, and apparent maturity level, the proposed transfer is fair and reasonable, and in the payee's best interests. The court so finds, based on the payee's Declaration, dated November 29, 2023 and filed with this court on December 1, 2023,.

The Petition submitted generally contains the information required by the Insurance Code for court approval of this transaction.

TENTATIVE RULING #5: ABSENT OBJECTION, THE PETITION IS APPROVED AS REQUESTED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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6. 22CV0690 MALAKHOV v. MARTINEZ

Motion for Leave to File First Amended Complaint

Plaintiffs move for leave to amend the Complaint pursuant to Code of Civil Procedure § 473 to (1) make non-substantive clerical corrections; (2) correct the name of one of the Defendants; (3) amend existing causes of action for clarity; (4) add causes of action based on facts already pleaded; (5) add causes of action based on newly-discovered facts; and (6) make additions to Plaintiff's prayer based on the proposed additions and amendments to the causes of action. A proposed amended Complaint, fifteen pages with no revision marks, has been submitted for the court's consideration.

The proof of service in the court's file declares that on October 31, 2023, notice of the hearing and copies of the moving papers were served by electronic mail on the other parties.

Defendant Brian Morrow has filed an Opposition to the motion, indicating that as of December 7, 2023, he had not received a copy of the motion. The proof of service on file with the court does include the email addresses listed on the header of the Opposition filed on his behalf.

Code of Civil Procedure § 473(a)(1) provides:

The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect; and may, upon like terms, enlarge the time for answer or demurrer. The court may likewise, in its discretion, after notice to the adverse party, allow, upon any terms as may be just, an amendment to any pleading or proceeding in other particulars; and may upon like terms allow an answer to be made after the time limited by this code.

California Rules of Court, Rule 3.1324(a) requires that a motion to amend a pleading before trial must:

- (1) Include a copy of the proposed amendment or amended pleading, which must be serially numbered to differentiate it from previous pleadings or amendments;
- (2) State what allegations in the previous pleading are proposed to be deleted, if any, and where, by page, paragraph, and line number, the deleted allegations are located; and
- (3) State what allegations are proposed to be added to the previous pleading, if any, and where, by page, paragraph, and line number, the additional allegations are located.

Plaintiff's motion does not meet these requirements.

TENTATIVE RULING #6: PLAINTIFF'S MOTION FOR LEAVE TO AMEND THE COMPLAINT IS CONTINUED TO 8:30 A.M. ON JANUARY 26, 2023, IN DEPARTMENT NINE, TO ALLOW PLAINTIFF AN OPPORTUNITY TO SERVE NOTICE OF THE MOTION AND TO FILE A COPY OF THE PROPOSED AMENDMENT THAT COMPLIES WITH CALIFORNIA RULES OF COURT, RULE 3.1324.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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7. 22CV0689 LORD v. CLARK

Compromise Minor's Claim

This is a petition to compromise a minor's claim in a wrongful death action. The petition states the minor was riding as a passenger in a vehicle operated by the Defendant when the vehicle rolled over and his father was killed, causing emotional distress. Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of \$125,942.54.

The petition states the minor's settlement is not subject to any reimbursement for medical expenses.

The petition states that the minor has not recovered from the emotional trauma, although there are no permanent physical injuries.

There is no claim for attorney's fees or costs to be deducted from the settlement amount designated for the minor. The minor's attorney is to be compensated from \$1,174,057.46 in settlement funds designated for the minor's mother for the wrongful death claim.

The petition requests an order to deposit money in a single premium deferred annuity subject to withdrawal only upon authorization of the court, as authorized in Probate Code § 3611(b). The order includes the name and address of the depository, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A(7).

Although the court finds that the Petition is in order, Local Rules of the El Dorado County Superior Court, Rule 7.10.12D requires that the minor appear before the court can approve the Petition.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 22, 2023, IN DEPARTMENT NINE.

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8. 23UD0347 KLEIN v. TESSIER

Motion to Quash

In this unlawful detainer action Defendants have filed a Declaration, dated November 20, 2023, stating that when the Summons and Complaint were attempted to be served at the Defendants' residence, the process server handed Defendant Tessier two envelopes he said, "These are for you and your girl," without further explaining the contents of the envelopes. Defendants further declare that the Summons and Complaint was never handed to Defendant Zmerli and never arrived at the residence address by mail.

The proof of service of summons form (POS-010) indicates that the documents were delivered by personal service, but contains no information about any verbal exchange between the process server and the Defendants. Further, the process server did not check the box indicating that the forms were also served by mail, as is required by Code of Civil Procedure § 415.20.

Code of Civil Procedure § 415.20(b) provides:

If a copy of the summons and complaint cannot with reasonable diligence be personally delivered to the person to be served, . . . a summons may be served by leaving a copy of the summons and complaint at the person's dwelling house, usual place of abode, . . . , in the presence of a competent member of the household . . . , at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing.

There is no opposition to the motion on file with the court.

TENTATIVE RULING #8: ABSENT OBJECTION, THE MOTION IS GRANTED AS REQUESTED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

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9. 22CV0103 GUNN v. GARDNER

Prove Up Hearing

TENTATIVE RULING #9: IN ACCORDANCE WITH PLAINTIFFS' REQUEST, THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, MARCH 15, 2024, IN DEPARTMENT NINE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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10. PC20080086 TATE. v. FIESELER

Motion to Rescind Roadway Easement

On October 4, 2023, the court via ex parte minute order directed the parties to mediate the issues before the court with Attorney Neil Forrester. The matter was continued to December 22, 2023. The court is in receipt of communications from Mr. Forrester indicating that the mediation is ongoing and that a continuance of 90 days might be sufficient to allow the parties an opportunity to resolve the matter. The court continues the matter to March 22, 2024 at 8:30 a.m. in Department 9.

TENTATIVE RULING #10: THE COURT CONTINUES THE MATTER TO MARCH 22, 2024 AT 8:30 A.M. IN DEPARTMENT 9.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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11. 22CV0722 BRYANT v. PIONEER UNION SCHOOL DISTRICT

This is a Petition to compromise a minor's claim.

At the hearing on December 15, 2023, the court continued the matter to allow counsel an opportunity to file receipts for expenses and the address of the financial institution where the funds are proposed to be deposit, in accordance El Dorado County Superior Court, Rules 7.10.12A.(6) and 7.10.12A(7).

Nothing new having been filed with the court since the hearing, the matter is continued to allow Petitioner an opportunity to file the required documentation.

TENTATIVE RULING #11: THE MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, DECEMBER 29, 2023, IN DEPARTMENT NINE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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12. 23CV0247 GRIFFITHS v. DUSTY NEIGHBORS, ET AL

Motion for Summary Judgment

This is an action for breach of contract and enforcement of a mechanics lien for construction services for repair of a residential property (“Property”) pursuant to a contract between Defendants Neighbors and Llewellyn and Plaintiff, a licensed contractor.

According to the Amended Complaint, the undisputed facts as set forth in the pleadings of the parties and matters of which the court has taken judicial notice:

On May 27, 2020, Defendants Neighbors and Llewellyn obtained a loan to purchase the Property secured by a Deed of Trust recorded on November 9, 2020, in the El Dorado County Recorder’s Office under the name of the original lender, United Wholesale Mortgage (“Deed of Trust”). In April of 2022 Defendants Neighbors and Llewellyn were informed in writing that Defendant Carrington Mortgage acquired servicing rights for the loan, and that going forward they should direct their loan payments to Defendant Carrington Mortgage.

In 2021 Plaintiff and Defendants Neighbors and Llewellyn entered into an agreement whereby Plaintiff would perform construction services on the Property. Although Plaintiff performed those services, Defendants Neighbors and Llewellyn did not pay him. Plaintiff recorded notice of a mechanic’s lien against the Property for the unpaid services on September 29, 2022, and recorded a Lis Pendens on January 12, 2023.

Defendant Carrington Mortgage has filed a motion for summary judgment, arguing that Plaintiff has no claim against Defendant for breach of contract or common counts, since Carrington Mortgage was not a party to the contract for construction services, and that its lien on the property through the Deed of Trust has priority over Plaintiff’s mechanic’s lien.

Request for Judicial Notice

Both parties have filed Requests for Judicial Notice. Defendant requests judicial notice of the Deed of Trust and the mechanics’ lien recorded on the Property. Plaintiff requests the court to take judicial notice of an online news report, an online index search of El Dorado County records with specified search parameters, and an online real property listing on the Zillow.com website.

Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 collectively govern the circumstances in which judicial notice of a matter may be taken. Evidence Code § 452(c) allows the court to take judicial notice of “official acts of the legislative, executive and judicial departments of the United States and of any state of the United States,” which would include a document recorded with the County Recorder’s Office of El Dorado County. Ragland v. U.S. Bank Nat’l Assn., 209 Cal. App. 4th 182, 194, (2012) (“A recorded deed

is an official act of the executive branch, of which this court may take judicial notice. (Evid.Code, §§ 452, subd. (c), 459, subd. (a); *Evans v. California Trailer Court, Inc.* (1994) 28 Cal.App.4th 540, 549, 33 Cal.Rptr.2d 646; *Cal–American Income Property Fund II v. County of Los Angeles* (1989) 208 Cal.App.3d 109, 112, fn. 2, 256 Cal.Rptr. 21.”)

A trial court is required to take judicial notice of any matter listed in section 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453. Accordingly, Defendant’s request for judicial notice is granted.

However, the scope of judicial notice does not include news reports, document searches or online real property listings. Defendant objects to these items as lacking in foundation (Evidence Code § 403) and inadmissible hearsay (Evidence Code § 1200). The court need not reach these evidentiary objections at this stage because whether or not these items constitute admissible evidence, they are at least not proper subjects of judicial notice. For this reason, Plaintiff’s request for judicial notice is denied.

Motion for Summary Judgment

[S]ummary judgment or summary adjudication is to be granted when there is no triable issue of material fact and the moving party is entitled to judgment as a matter of law.” (*Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 894–895, 83 Cal.Rptr.3d 146.) The “party moving for summary judgment bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he carries his burden of production, he causes a shift, and the opposing party is then subjected to a burden of production of his own to make a prima facie showing of the existence of a triable issue of material fact.” (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 861–862, 107 Cal.Rptr.2d 841, 24 P.3d 493.)

“A defendant seeking summary judgment bears the initial burden of proving the cause of action has no merit by showing that one or more of its elements cannot be established or there is a complete defense to it.... [Citations.]” (*Cucuzza v. City of Santa Clara* (2002) 104 Cal.App.4th 1031, 1037, 128 Cal.Rptr.2d 660.)

Alvarez v. Seaside Transportation Servs. LLC, 13 Cal. App. 5th 635, 641–42 (2017).

Defendant argues that summary judgment should be granted as to all three causes of action because 1) as to the claim for breach of contract, Defendant has not entered into any contract with Plaintiff; 2) as to the cause of action for common counts, because it is duplicative of other causes of action that are unmeritorious as a matter of law 3) as to the cause of action

for foreclosure of a mechanics' lien, Defendant's mortgage lien has priority over Plaintiff's mechanic's lien.

As to the breach of contract cause of action, there is no dispute that the contract for construction services was between Plaintiff and Defendants Neighbors and Llewellyn, and Defendant Carrington Mortgage was not a party to that agreement. This is established on the face of the mechanics lien, executed and verified by Plaintiff and attached to the Complaint, which states that Plaintiff performed services "under contract with" Defendants Neighbors and Llewellyn. It is further reinforced by the language of the Amended Complaint, which states that "Plaintiff was hired by Defendant Dusty Neighbors and Jamie Lynn Llewellyn". Amended Complaint at 2:8-9. As to Defendant Carrington Mortgage, then, there is no genuine issue of material fact as to whether it entered into a contract with Plaintiff and so no action can be maintained against it for breach of any contract with Plaintiff.

The parties' principal arguments center around the recordation of Plaintiff's mechanics lien against the property, and whether that lien has priority over the mortgage lien held by Defendant Carrington Mortgage under Civil Code § 8450(a), which states:

A [mechanics] lien under this chapter, . . . , has priority over a lien, mortgage, deed of trust, or other encumbrance on the work of improvement or the real property on which the work of improvement is situated, that (1) attaches after commencement of the work of improvement or (2) was unrecorded at the commencement of the work of improvement and of which the claimant had no notice.

In this case, Plaintiff's work commenced in 2021, after the Deed of Trust on the Property was recorded on November 9, 2020. It appears that Plaintiff would not dispute that the mortgage lien, if held by the original lender United Wholesale Mortgage, would take priority over Plaintiff's mechanic's lien under the clear language of the statute. Plaintiff contends that Defendant Carrington Mortgage has not proved that it has an interest in the Deed of Trust that was recorded on the Property as a lien for the payment of the mortgage loan, and thus has no standing to assert that the lien established by recording the Deed of Trust has priority over the mechanics lien. The only indication of Defendant Carrington Mortgage's interest in the Deed of Trust is the April, 2022 letter sent to Defendants Neighbors and Llewellyn informing them that Carrington Mortgage would be servicing the loan and that future loan payments should be sent to Carrington Mortgage. Plaintiff did not name United Wholesale Mortgage in either the Complaint or the mechanics lien.

While it is true that Defendant Carrington Mortgage has not produced any recorded assignment of the Deed of Trust from United Wholesale Mortgage, Plaintiff identified Carrington Mortgage as a Defendant in this case, and as the lender when Plaintiff recorded the mechanics lien. Having been hauled into the case by Plaintiff's pleadings, it is illogical to argue that Carrington Mortgage has no standing to move that the claim for foreclosure of the

mechanics lien be dismissed. If Carrington Mortgage had no beneficial interest in or legal relationship to the Deed of Trust it could simply move to be dismissed as an improper party in the litigation.

Plaintiff argues that if Carrington Mortgage had a legally recognizable interest in the loan secured by the Deed of Trust, it should have recorded that assignment, and since it did not, Plaintiff's mechanic's lien has priority as the first recorded interest. However, Civil Code § 8450(a) only gives a mechanics lien priority over a "deed of trust" that is unrecorded and regarding which the Plaintiff had no notice. The Deed of Trust at issue, regardless of the identity of the holder, had been recorded and had attached to the Property prior to the commencement of Plaintiff's work, and Plaintiff had notice of its existence. The statute does not reference any requirement of recording transfers of interests in recorded instruments. The Deed of Trust itself contemplates the possibility of sale of a whole or partial interest in the debt it secures, and states that the borrower will be provided with written notice of such transfer of interest, but nowhere indicates that the transfer must be newly recorded to be valid. Deed of Trust, ¶20.

As a matter of law, the Deed of Trust recorded on November 9, 2020, has priority over the mechanics lien recorded on September 29, 2022, for work performed in 2021. Civil Code § 8450(a).

As to the common counts cause of action, Defendant Carrington Mortgage is correct in arguing that it depends on some underlying debt or promise of payment for which there is no factual support in the record as between Plaintiff and Defendant Carrington Mortgage.

This holding only relates to Carrington Mortgage as a party, and does not affect Plaintiff's causes of action as to the remaining Defendants.

TENTATIVE RULING #12:

- (1) DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IS GRANTED.**
- (2) PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IS DENIED.**
- (3) DEFENDANT CARRINGTON MORTGAGE'S MOTION FOR SUMMARY JUDGMENT IS GRANTED AS TO DEFENDANT CARRINGTON MORTGAGE ONLY.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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13. PC20200155 FOSTER v. LYON REAL ESTATE, ET AL

- (1) Motion to Compel - Form Interrogatories**
- (2) Motion to Compel - Special Interrogatories**
- (3) Motion to Compel – Request for Production of Documents**

After these motions were filed with the court, Plaintiffs' September 15, 2023, Opposition to this motion indicated that compliant discovery responses have been provided. Defendant Remax filed a Reply to the Opposition, stating that the request for discovery sanctions remains at issue. As discussed in Defendant's Reply, the court "shall impose a monetary sanction . . . against any party who unsuccessfully makes or opposes a motion to compel a response to a demand for inspection, copying, testing, or sampling, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Code of Civil Procedure § 2031.300(c).

Plaintiff's Opposition detailed the circumstances that led to the delayed discovery responses. The court finds that these facts present substantial justification for delayed discovery responses that would make the imposition of sanctions unjust.

TENTATIVE RULING #13: DEFENDANT'S REQUEST FOR IMPOSITION OF DISCOVERY SANCTIONS IS DENIED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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14. 22CV0135 LIGHT v. CAMERON PARK SENIOR LIVING

Motion to Compel

On December 8, 2023, Plaintiffs filed a Declaration regarding the status of meet and confer efforts on the Motion to Compel Responses to Special Interrogatories, Set One, Nos. 19, 20, 21, 23 and 24, and Requests for Production, Set One, Nos. 74 and 75.

The Declaration states that counsel for the parties have exchanged emails in an effort to meet and confer on this motion, but as of December 8, 2023, no agreement has been reached.

Special Interrogatories #19-21

Interrogatory No. 19 requests “all facts upon which you base your response to” Special Interrogatory No.18 (“Do you contend that YOU maintained a staff size that would ensure the safety of PLAINTIFF while she was a resident of the FACILITY?”) Interrogatory No. 20 requested all documents supporting this response. Interrogatory No. 21 requests the names, addresses and telephone numbers of all persons who have knowledge of the facts related to the response to Special Interrogatory No. 18.

Defendant responded to these interrogatories by submitted a staffing schedule for a period from 2020 to 2021. Defendant has indicated in its verified response that it does not have additional responsive materials, with the following statement:

After reasonable and diligent inquiry, Defendant is unaware of the existence of additional documents responsive to this request because they have been lost, destroyed, misplaced and/or [are] no longer in the possession of the responding party. Discovery and investigation are ongoing.

Plaintiffs argue that this response is incomplete because the information provided:

1. is incomplete in that it only shows dates between 2020-January 2021, whereas Plaintiff’s residence was from 2017-2021;
2. shows a planned staffing schedule but not actual staffing that could be produced through payroll records or timecard details;
3. is missing patient data that would show whether staffing was adequate in relation to patient populations.

As to the records covering the time period requested by Plaintiffs, the court addressed this issue in the tentative ruling dated January 20, 2023 addressing a related discovery motion in this case: “[I]t is unclear how service levels from the 2017-2018 period would be probative when the first incident of negligence alleged by Plaintiffs did not occur until July of 2019.

Likewise, the entirety of records from 2019 may not be necessary but only a period of time within that year.”

To the extent that Defendant argues that response to the contested discovery is burdensome or of probative value that does not justify the effort required to produce such records, if the Defendant is legally required by applicable laws to keep responsive records it would not be overly burdensome to produce such records. Plaintiffs, however, overstate record-keeping requirements in their assertions that Defendant must necessarily have additional records to produce. Of the statutory requirements cited by Plaintiffs, 22 Cal. Code Regs. § 87411 requires adequate staffing but does not specify record-keeping requirements. 22 Cal. Code Regs. § 87508 requires the facility to maintain a register of current residents but does not specify any requirement to archive such registers. 22 Cal. Code Regs. § 87506 requires detailed personal and medical information to be kept as to each patient, and requires these individual records to be maintained for three years. However, these records of individual residents would not be responsive to Plaintiffs’ requests for population or census information for patients at particular times barring a burdensome process to extrapolate population data from individual records. As the court stated in the tentative ruling dated January 20, 2023, each of such records “would need to be individually reviewed and redacted to protect the privacy rights of every individual.”

Similarly, Labor Code § 1174 requires employers to keep employee records for a period of three years, and employers must allow free access to these records to the Division of Labor Standards Enforcement in the event of a wage and hour dispute. These records include the names, addresses, hours worked and wages paid to all employees. These records could not establish staffing levels or staffing schedules, and contain private information of employees.

Plaintiff has not cited any regulatory requirements that Defendant keep on hand any documentation of past resident census information, or actual staffing records of shifts at particular facilities. Defendant has represented, under oath, that it has produced responsive information in its possession. The court finds that to require additional disclosure of redacted individual records of patients or employees in order to construct responsive data from those individual records would be overbroad and burdensome.

This request is reminiscent of Requests for Production Nos. 81-82 that were addressed in the court’s January 20, 2023 tentative ruling, pursuant to which Plaintiff requested “service levels and census information for the time of [decedent’s] residency.” Plaintiffs’ motion to compel a response to those Requests for Production was denied as burdensome because of the need to review and redact individual resident records for a period beyond what would be directly relevant to the incidents related to decedent’s harm, and because Plaintiffs requested

proof of a particular proposition without identifying the documents sought with reasonable particularity.

With respect to the names and contact information of individuals with knowledge that would support Defendant's response to Special Interrogatory No. 18, Defendant's Opposition represents that it has provided the names of "a number" of employees who worked at the facility during decedent's residence who Plaintiffs may arrange to depose, and that Plaintiff may also discover potential witnesses. Plaintiff's Separate Statement with respect to Special Interrogatory No. 21 discusses the production of documents and does not offer any argument as to why additional contact information for individuals who have not already been identified in Defendant's discovery response should be provided.

Accordingly, the motion to compel as to Special Interrogatories Nos. 19, 20, 21, 23 and 24 is denied.

Special Interrogatories #23-24

Special Interrogatory No. 22 asks "Do you contend that YOUR staff properly monitored PLAINTIFF to keep her safe during her residency at the FACILITY?" to which Defendant responded in the affirmative. Special Interrogatory No. 23 asks for "all facts upon which you base your response." Special Interrogatory No. 24 requests any documents that support the response to No. 22.

The court agrees with the Defendant that the term "properly monitored" is vague and ambiguous. Additionally, to the extent the phrase "properly monitored" is intended to address staffing levels at Defendant's facility during decedent's time of residency, Special Interrogatories Nos. 23-24 are functionally duplicative of Special Interrogatories Nos. 19, 20 and 21, and the same analysis discussed above would apply.

Request for Production Nos. 74 and 75

Document Request No. 74 requests "the complete business file for PATRICIA LIGHT." This represents a record that is required to be maintained with respect to individual residents of Defendant's facility pursuant to 22 Cal. Code Regs. § 87506. Defendant produced a "business file", identified as Exhibit 9.

Document Request No. 75 requested the production of "all invoices (hard copy and electronic) related to Plaintiff PATRICIA LIGHT." In response, Defendant produced Exhibit 10, consisting of six invoices, which Plaintiff argues is incomplete because they only cover the period between 2017-2018, while decedent was resident in the facility until 2021.

Both of Defendant's responses included the following accompanying statement:

After reasonable and diligent inquiry, Defendant is unaware of the existence of additional documents responsive to this request because they have been lost, destroyed, misplaced and/or [are] no longer in the possession of the responding party. Discovery and investigation are ongoing.

Code of Civil Procedure § 2031.230 states:

A representation of inability to comply with the particular demand for inspection, copying, testing, or sampling shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand. This statement shall also specify whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party. . . .

Plaintiff objects that the responses to both requests do not represent the entire period of decedent's residency at Defendant's facility. Plaintiff further argues that Defendant's responses are not Code-compliant because, while it asserts that the records have been "lost, destroyed, misplaced and/or [are] no longer in the possession of the responding party," Defendant does not specify which of those circumstances applies to the missing elements of the requested file.

Defendant responds that Plaintiff has not specified any documents that are missing from the file, and that it provided the materials without redaction.

The court agrees with Plaintiff that Defendant's response, which appears to concede that at least part of the file is unavailable, "shall also specify" which of the statutory circumstances describes the missing elements of the decedent's file.

Sanctions

Given that both parties prevailed in elements of their arguments on this motion, the court finds that each party acted with substantial justification and the court declines to issue any sanctions.

TENTATIVE RULING #14:

- (1) PLAINTIFFS' MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES NOS. 19, 20, 21, 23, 24 IS DENIED.**
- (2) PLAINTIFFS' MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION NOS. 74 AND 75 IS GRANTED. DEFENDANT IS ORDERED TO PROVIDE CODE-COMPLIANT RESPONSES TO REQUESTS FOR PRODUCTION NOS. 74 AND 75 WITHIN TEN DAYS OF THIS ORDER.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

15. 23CV0116 LITWIN v. SPECIALIZED LOAN SERVICING

Motion to Compel

Plaintiff's June 30, 2023, Opposition to this motion indicates that discovery responses have been provided since the Motion to Compel was filed on May 8, 2023. Defendant Specialized Loan Servicing has not filed a Reply to such Opposition. However, the request for sanctions remains at issue.

At the hearing of September 29, 2023, the court continued this matter to allow the parties to meet and confer to the extent that further responses may be required, or if issues related to Plaintiff's responses require judicial intervention, to allow Defendant to file a Reply to the Opposition if it takes the position that Plaintiff's response is inadequate.

Defendant was required to file any additional pleadings as to the adequacy of Plaintiff's discovery responses or the issue of sanctions by December 1, 2023, but no additional pleadings have been filed.

Plaintiff's Opposition has asserted substantial justification for its delayed response to discovery. Defendant has filed no Reply to take issue with that assertion.

TENTATIVE RULING #15: THE MOTION TO COMPEL HAS BEEN MOOTED BY PLAINTIFF'S RESPONSE TO DISCOVERY. DEFENDANT'S REQUEST FOR SANCTIONS IS DENIED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS

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Tentative Rulings

ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

16. PC20190143 DEWATER v. HOSOPO CORP., ET AL

Review Hearing

TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 22, 2023, IN DEPARTMENT NINE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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17. 23CV0039 FRITZ v. PERDICHIZZI

Motion to be Relieved as Counsel

At the hearing on December 8, 2023, the court requested an amended proposed Order to include the corrected hearing dates for the matter, in accordance with California Rules of Court. A corrected proposed Order having been filed with the court, the Motion is granted.

TENTATIVE RULING #17: ABSENT OBJECTION, THE MOTION IS GRANTED. COUNSEL IS DIRECTED TO SERVE A COPY OF THE SIGNED ORDER (FORM MC-053) ON THE CLIENT AND ALL PARTIES THAT HAVE APPEARED IN THE CASE IN ACCORDANCE WITH CALIFORNIA RULES OF COURT, RULE 3.1362(E).

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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