

**1. SLATER v. RALEY'S SOUTH Y CENTER, SC20210019****Defendant's Motion to Deem Matters Admitted**

Before the court is defendant's motion to deem matters admitted on the ground that plaintiff failed to serve a timely response to defendant's Request for Admission (Set One). Plaintiff claims that defendant's motion is moot because plaintiff has since served a substantially compliant, verified response.

A responding party's service of substantially compliant responses before the hearing on the "deemed admitted" motion defeats a propounding party's attempt under Code of Civil Procedure section 2033.280 to have the requests for admission deemed admitted. (Code Civ. Proc., § 2033.280, subd. (c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776, 778.) In other words, if the responding party manages to serve the responses before the hearing, the judge has no discretion but to deny the motion. (*Id.* at p. 776.)

Plaintiff's counsel submitted a declaration stating that he completed the discovery response and was serving it contemporaneously with his declaration. (Woelfel Decl., ¶ 4.) Although plaintiff did not submit a copy of the discovery response, defendant does not appear to dispute plaintiff's claim.

Based on the above, the court denies the motion to deem matters admitted.

**TENTATIVE RULING # 1: THE MOTION TO DEEM MATTERS ADMITTED IS DENIED. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**

**2. FORWARD FINANCING, LLC v. FLIGHT DECK SPORTS BAR & GRILL, LLC, 24CV1735**

**Petition to Confirm Arbitration Award**

To date, there is no proof of service in the court's file showing that the petition or notice of hearing was served upon respondent Flight Deck Sports Bar & Grill, LLC.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, OCTOBER 11, 2024, IN DEPARTMENT FOUR.**

**3. De LOIA, ET AL. v. CEFALU, ET AL., 23CV2066****Motion for Protective Order**

On September 25, 2024, the court granted in part defendant John Cefalu's ("defendant") motion for a protective order. The court ordered that defendant shall not be required to appear for deposition in this matter on or before October 11, 2024. The court continued the matter to October 11, 2024, for an update as to defendant's medical condition. To date, there is no status update in the court's file.

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, OCTOBER 11, 2024, IN DEPARTMENT FOUR.**

**4. KUSHNER v. GO DADDY, INC., ET AL., 24CV2042**

**Fee Waiver Hearing**

On September 19, 2024, the court issued an order stating it needs more information to decide whether to grant plaintiff's request for a fee waiver, as plaintiff's alleged expenses far exceed his stated monthly income. To date, no further information has been provided to the court.

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, OCTOBER 11, 2024, IN DEPARTMENT FOUR.**