

1. 22CV1554 VEGA v. VEGA

Motion to Enforce Settlement

See also Item 6 re: demurrer in the same case, below.

The parties, Alden (“Alden”) and Nelson Vega (“Nelson”) are engaged in a dispute over their tenancy-in-common interests in a single-family residence located in El Dorado County that they acquired as an investment property in 1992. Alden owns one-third and Nelson owns two-thirds interest in the property. Issues related to the income and expenses from the property are the subject of separate litigation in Monterey County, where both parties reside. The related action pending in Monterey County Superior Court (Case No. 22CV001866) was filed on June 30, 2022, before this El Dorado County Superior Court case was filed on October 17, 2022.

The Defendant/CrossComplainant in the El Dorado County action (Nelson Vega), is the Plaintiff in the Monterey County action. The Plaintiff in the El Dorado County action (Alden Vega) is the Defendant and Cross-Complainant in the Monterey County action. A trial setting conference is scheduled for April 2, 2024 in Monterey County.

The proceedings in Monterey County Superior Court relate to causes of action for breach of contract, breach of fiduciary duty, elder abuse and common counts (related to failure to pay property expenses). This action in El Dorado County is for partition of the property and the Cross-Complaint is for quiet title or, alternatively, equitable set-off in the partition action.

Nelson’s Cross-Complaint in the El Dorado County action alleges that Alden sold Nelson his interest in the property in 1993 for \$32,000, and seeks quiet title to the one-third interest claimed by Alden, or int the alternative, equitable set off against Alden’s interest for the property expenses to which Nelson alleges Alden failed to contribute.

Nelson was deposed on November 15, 2023, in the Monterey County case, and as part of that deposition was requested to produce any documents substantiating his position that Nelson had purchased Alden’s one-third interest in the property for \$32,000 in 1993. The only responsive document produced was Nelson’s 1993 tax return. See Declaration of Tracy Tumlin, dated February, 7, 2024. Alden represents that he never sold his one-third interest in the property and no agreement to sell his interest prior to the March, 2023 settlement agreement. Alden Declaration, ¶5.

The parties executed a settlement agreement on March 27, 2023, pursuant to which Alden agreed to sell his interest in Nelson. See Exhibit 1 to Declaration of Alden Vega (“Alden Declaration”), dated March 6, 2024. An appraisal showed a value of \$474,000, which the parties stipulated to be the value of the property for the purpose of their settlement. However, Nelson

did not make the anticipated payment of \$158,000, and instead filed an Answer and Cross-Complaint in this action on April 20, 2023.

Plaintiff moves to enforce the settlement agreement.

A Case Management Conference is scheduled for April 28, 2024.

At the hearing on Alden's demurrer held on July 28, 2023, the court on its own motion continued the matter to a date that was after the date for which the Monterey County trial was then scheduled. However, the trial in Monterey County has not yet occurred. The court will continue this matter for one year to allow for resolution of the issues in that case. Following resolution of the case in Monterey County the parties can file an ex parte application for an earlier date for additional proceedings in El Dorado County, if needed.

TENTATIVE RULING #1: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, APRIL 11, 2025, IN DEPARTMENT NINE. THE CASE MANAGEMENT CONFERENCE CURRENTLY SCHEDULED FOR 8:30 A.M. ON TUESDAY, APRIL 9, 2024, IN DEPARTMENT TEN IS VACATED. A CASE MANAGEMENT CONFERENCE IS SET FOR 8:30 A.M. ON TUESDAY, APRIL 15, 2025, IN DEPARTMENT TEN.

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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2. PC20210335 HODGKIN v. KNEPPEL, ET AL

Motion Leave to File Cross-Complaint

The parties are engaged in a dispute about the scope of an easement affecting neighboring properties. Defendants purchased the dominant tenement in 2016, which had a driveway encumbering a portion of the Plaintiff's property. When the parties found themselves in conflict about the width of and access to the easement Plaintiff brought this action for quiet title, declaratory relief, trespass, private and public nuisance and injunctive relief on July 1, 2021. Defendants filed an Answer on October 12, 2021.

Defendants now seek to file a Cross-Complaint for quiet title and declaratory relief. Defendants argue that the Cross-Complaint is compulsory because the claims arise out of the same transaction, occurrence or series of transactions or occurrences as the existing pleadings. The need for a Cross-Complaint became apparent after a property inspection conducted by Defendants' recently assigned counsel. Defendants sought a stipulation for the filing of a Cross-Complaint from Plaintiff but did not receive a response. See Declaration of Gregory Wayland, dated February 13, 2024.

According to the requirements of Code of Civil Procedure § 428.50 a Cross-Complaint must be filed at the same time as the party files an Answer to the Complaint:

- (a) A party shall file a cross-complaint against any of the parties who filed the complaint or cross-complaint against him or her before or at the same time as the answer to the complaint or cross-complaint.
- (b) Any other cross-complaint may be filed at any time before the court has set a date for trial.
- (c) A party shall obtain leave of court to file any cross-complaint except one filed within the time specified in subdivision (a) or (b). Leave may be granted in the interest of justice at any time during the course of the action.

Code of Civil Procedure § 426.50 provides:

A party who fails to plead a cause of action subject to the requirements of this article, whether through oversight, inadvertence, mistake, neglect, or other cause, may apply to the court for leave to amend his pleading, or to file a cross-complaint, to assert such cause at any time during the course of the action. The court, after notice to the adverse party, shall grant, upon such terms as may be just to the parties, leave to amend the pleading, or to file the cross-complaint, to assert such cause if the party who failed to

plead the cause acted in good faith. This subdivision shall be liberally construed to avoid forfeiture of causes of action.

The court finds that the motion is made in good faith and is unopposed.

TENTATIVE RULING #2: DEFENDANTS' MOTION FOR LEAVE TO FILE A CROSS-COMPLAINT IS GRANTED.

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3. 23CV1187 MOORE v. HANSEN

Demurrer

Motion to Compel Responses to Discovery

Motion to Deem Admitted Matters Specified in Request for Admissions

The parties are co-owners of a residential property, each holding a fifty percent share as tenants in common. The Complaint alleges that Defendant, who is Plaintiff's son, convinced Plaintiff to add him to the title in a manner that amounts to undue influence under elder abuse statutes. Plaintiff requests quiet title to a one hundred percent interest in the property, and additionally requests partition by sale of the property.

Defendant demurs to the Second (elder financial abuse) and Third (quiet title) Causes of Action.

Standard of Review - Demurrer

A demurrer tests the sufficiency of a complaint by raising questions of law. (*Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20, 223 Cal.Rptr. 806.) In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe, supra*, 7 Cal.4th at p. 638, 29 Cal.Rptr.2d 152, 871 P.2d 204; *Interinsurance Exchange v. Narula, supra*, 33 Cal.App.4th at p. 1143, 39 Cal.Rptr.2d 752.) The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. (*Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679, 197 Cal.Rptr. 145.)

In addition to the facts actually pleaded, the court considers facts of which it may or must take judicial notice. (*Cantu v. Resolution Trust Corp., supra*, 4 Cal.App.4th at p. 877, 6 Cal.Rptr.2d 151.)

Rodas v. Spiegel, 87 Cal. App. 4th 513, 517 (2001).

Second Cause of Action - Welfare & Institutions Code § 15610.30

The applicable statute provides, in pertinent part:

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

* * *

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes,

04-05-24
Dept. 9
Tentative Rulings

secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

* * *

Welfare & Institutions Code § 15610.70 specifies the meaning of “undue influence”:

(a) “Undue influence” means excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity. In determining whether a result was produced by undue influence, all of the following shall be considered:

(1) The vulnerability of the victim. Evidence of vulnerability may include, but is not limited to, incapacity, illness, disability, injury, age, education, impaired cognitive function, emotional distress, isolation, or dependency, and whether the influencer knew or should have known of the alleged victim's vulnerability.

(2) The influencer's apparent authority. Evidence of apparent authority may include, but is not limited to, status as a fiduciary, family member, care provider, health care professional, legal professional, spiritual adviser, expert, or other qualification.

(3) The actions or tactics used by the influencer. Evidence of actions or tactics used may include, but is not limited to, all of the following:

(A) Controlling necessities of life, medication, the victim's interactions with others, access to information, or sleep.

(B) Use of affection, intimidation, or coercion.

(C) Initiation of changes in personal or property rights, use of haste or secrecy in effecting those changes, effecting changes at inappropriate times and places, and claims of expertise in effecting changes.

(4) The equity of the result. Evidence of the equity of the result may include, but is not limited to, the economic consequences to the victim, any divergence from the victim's prior intent or course of conduct or dealing, the relationship of the value conveyed to the value of any services or consideration received, or the appropriateness of the change in light of the length and nature of the relationship.

(b) Evidence of an inequitable result, without more, is not sufficient to prove undue influence.

Defendant argues that the Complaint contains only conclusory allegations of undue influence with no specifics.

The Complaint states that “[Defendant] used undue influence to persuade, convince, connive, to have Plaintiff put [Defendant’s] name on the title to the subject Property, with the intent to take Plaintiff’s equity in the subject Property for [his] financial gain and the loss to Plaintiff.” Complaint, ¶24. The Complaint further alleges that “[Defendant] unduly influenced and persuaded [Plaintiff] to transfer her solely owned property into his name on the title, claiming it was the only means by which he would get the property in the event of her death.” Complaint, ¶31. The Complaint further alleges that Plaintiff was 65 years old at the time of these events. Complaint, ¶30.

The Complaint references Plaintiff’s age, which is an evidentiary factor in establishing vulnerability. Welfare & Institutions Code § 15610.70(a)(1). Defendant’s status as a family member is an evidentiary factor in establishing “the influencer’s apparent authority”. Welfare & Institutions Code § 15610.70(a)(2). “Use of . . . intimidation or coercion” is referenced by the statute, and is arguably included in the allegations of the Complaint that Defendant “persuade[d], convince[d], connive[d]” Plaintiff into altering the title to the property by “claiming it was the only means by which he would get the property in the event of her death.” Welfare & Institutions Code § 15610.70(a)(3)(B).

The court finds that the Complaint pleads the Second Cause of Action with sufficient particularity to withstand challenge under the standard of review applicable to the demurrer stage of the litigation.

Third Cause of Action – Quiet Title

Code of Civil Procedure § 761.020 specifies the requirements for a Complaint for quiet title:

The complaint shall be verified and shall include all of the following:

(a) A description of the property that is the subject of the action. . . . In the case of real property, the description shall include both its legal description and its street address or common designation, if any.

(b) The title of the plaintiff as to which a determination under this chapter is sought and the basis of the title. . . .

(c) The adverse claims to the title of the plaintiff against which a determination is sought.

(d) The date as of which the determination is sought. If the determination is sought as of a date other than the date the complaint is filed, the complaint shall include a statement of the reasons why a determination as of that date is sought.

(e) A prayer for the determination of the title of the plaintiff against the adverse claims.

Defendant argues that the Complaint fails to include details required by Code of Civil Procedure § 761.020. However, the Complaint is verified, and contains both a legal description and the address of the property. Complaint, ¶13. The Complaint further declares the nature of the title (tenants in common) and the respective ownership interests of the parties. Complaint, ¶¶4, 10. As to the adverse claims of the parties, the Complaint alleges that Defendant's title was obtained through undue influence in violation of elder abuse statutes. Complaint, ¶¶22-34. The Complaint seeks to quiet title to the property "as of the date of the Complaint." Complaint, ¶35.

The court finds that the Complaint meets the statutory requirements for pleading a quiet title action.

Discovery Sanctions

On November 1, 2023, Defendant served discovery on Plaintiff, including requests for admissions, special interrogatories, form interrogatories and requests for production. As of February 13, 2024, no discovery responses have been received. Defendant seeks to have the matters specified in the requests for admissions deemed admitted, an order compelling response to the other discovery requests, and monetary sanctions for failing to respond.

As to the failure to respond to form and special interrogatories, the propounding party may move for an order compelling a response to the demand. Code of Civil procedure § 2030.290(b). Monetary sanctions "shall" be awarded against a party who unsuccessfully opposes that motion, Code of Civil procedure § 2030.290(c), but no opposition has been filed in this case. Sanctions may be available if the responding party fails to comply with the court's motion to compel. Code of Civil procedure § 2030.290(c); 2023.010.

Similarly, the failure to respond to a request for production enables the propounding party to file a motion to compel. Code of Civil procedure § 2031.300(b). Monetary sanctions "shall" be awarded against a party who unsuccessfully opposes that motion, Code of Civil procedure § 2031.300(c), but no opposition has been filed in this case. Sanctions may be available if the responding party fails to comply with the court's motion to compel. Code of Civil procedure § 2031.300(c); 2023.010.

Code of Civil Procedure § 2033.280 addresses the failure to respond to requests for admissions:

If a party to whom requests for admission are directed fails to serve a timely response, the following rules apply:

(a) The party to whom the requests for admission are directed waives any objection to the requests, including one based on privilege or on the protection for work product

under Chapter 4 (commencing with Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

(1) The party has subsequently served a response that is in substantial compliance with Sections 2033.210, 2033.220, and 2033.230.

(2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

(b) The requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction under Chapter 7 (commencing with Section 2023.010).

(c) The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. It is mandatory that the court impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated this motion.

Defendant seeks to have the matters specified in the requests for admissions deemed admitted as a sanction for Plaintiff's failure to respond pursuant to Code of Civil Procedure § 2033.280(b). It is mandatory for the court to grant this motion, as well as to award monetary sanctions for the failure to respond that necessitated the filing of this motion. Code of Civil Procedure § 2033.280(c).

Defendant claims 2.3 hours of time to prepare discovery, 1.5 hours to prepare this motion and supporting documents, 1 hour to review an opposition brief, 3 hours to prepare a reply brief and one hour to make appearances at the hearing on the motion. The time spent preparing discovery (2.3 hours) should not be counted as part of the time required to bring a motion to compel responses on that discovery. There was no opposition brief filed (1 hour) and so no reply brief (3 hours) has been required. At Defendant's billing rate of \$350 per hour, the total cost of bringing the motion is 2.5 hours times \$350 per hour, for a total of \$875.

TENTATIVE RULING # 3:

(1) DEFENDANT'S DEMURRER IS OVERRULED.

(2) DEFENDANT'S MOTION TO COMPEL RESPONSES TO FORM AND SPECIAL INTERROGATORIES AND REQUESTS FOR PRODUCTION IS GRANTED; PLAINTIFF IS ORDER TO PROVIDE DISCOVERY RESPONSES WITHIN TEN (10) DAYS OF THIS ORDER.

(3) DEFENDANT'S REQUEST TO HAVE MATTERS IN THE REQUESTS FOR ADMISSIONS DEEMED ADMITTED IS GRANTED.

(4) DEFENDANT'S REQUEST FOR MONETARY SANCTIONS IN THE AMOUNT OF \$875 FOR COSTS INCURRED IN BRINGING THE MOTION TO COMPEL IS GRANTED.

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

Motion for Summary Judgment

Defendants Lyon Real Estate and Norcal Gold's motions for summary judgment were continued to this date in order to allow the court to consider motions for good faith settlement of the claims against those Defendants prior to hearing the summary judgment motions.

At the hearing held on March 15, 2024, the court approved the settlements of the claims against these two Defendants. Accordingly, the motions for summary judgment are moot.

TENTATIVE RULING #4: THE SETTLEMENTS OF CLAIMS AGAINST THE MOVING DEFENDANTS LYON REAL ESTATE AND NORCAL GOLD HAVING BEEN APPROVED BY THE COURT, THESE MOTIONS FOR SUMMARY JUDGMENT ARE DISMISSED AS MOOT.

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5. **23CV0248 DANKER, ET AL v. MORRISOE, ET AL**

Motion to Strike Complaint

Both Defendants in this case have filed motions to strike the Complaint as to the corporate Plaintiff PGO, Inc.

Both moving parties request the court to take judicial notice of the Order Granting Attorney's Motion to be Relieved as Counsel, filed February 14, 2024. 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, Defendants' request for judicial notice is granted.

As a result of the withdrawal of counsel the corporate Plaintiff PGO, Inc. has been unrepresented since February 14, 2024. A corporation may not appear in a judicial proceeding in *propria persona*. Merco Constr. Engineers, Inc. v. Mun. Ct., 21 Cal. 3d 724 (1978).

Although PGO, Inc. could obtain new counsel, it has not done so although it has been on notice of its attorney's motion to withdraw as its counsel since December 29, 2023, more than three months ago. The withdrawal was granted, and this motion was filed, more than a month ago and PGO, Inc. has not obtained new counsel to represent its interests in this proceeding.

TENTATIVE RULING #5: DEFENDANTS' MOTION TO STRIKE THE COMPLAINT AS TO PLAINTIFF PGO, INC. IS GRANTED.

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6. 22CV1554 VEGA v. VEGA

Demurrer

See also Item 1 re: motion to enforce settlement in the same case, above.

Alden demurs to the Cross-Complaint on the following grounds:

1. Statute of Frauds – Civil Code § 1624
2. Statute of Limitations – Code of Civil Procedure §§ 430.10(c), 338, 343
3. Venue
4. Prior Settlement

The demurrer is unopposed.

At the hearing on this demurrer held on July 28, 2023, the court on its own motion continued the matter to a date that was after the date for which the Monterey County trial was then scheduled. However, the trial in Monterey County has not yet occurred. The court will continue this matter for one year to allow for resolution of the issues in that case. Following resolution of the case in Monterey County the parties can file an ex parte application for an earlier date for additional proceedings in El Dorado County, if needed.

TENTATIVE RULING #6: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, APRIL 11, 2025, IN DEPARTMENT NINE. THE CASE MANAGEMENT CONFERENCE CURRENTLY SCHEDULED FOR 8:30 A.M. ON TUESDAY, APRIL 9, 2024, IN DEPARTMENT TEN IS VACATED. A CASE MANAGEMENT CONFERENCE IS SET FOR 8:30 A.M. ON TUESDAY, APRIL 15, 2025, IN DEPARTMENT TEN.

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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

04-05-24
Dept. 9
Tentative Rulings

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.

7. 24CV0280 NAME CHANGE OF JACKSON

Petition for Name Change

Petitioner filed a Petition for Change of Name on February 13, 2024.

Proof of publication was filed on March 13, 2024, as required by Code of Civil Procedure § 1277(a).

A background check has been filed with the court as required by Code of Civil Procedure § 1279.5(f).

TENTATIVE RULING #7: ABSENT OBJECTION, THE PETITION 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).

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8. 23CV1220 ORION 50 OUTDOOR, LLC, ET AL v. SUREWAY PAVING, INC.

Order of Examination Hearing

Proof of service of the Application and Order for Appearance and Examination by personal service was filed on February 29, 2024.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, APRIL 5, 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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9. PCL20190512 PEOPLE OF THE STATE OF CALIFORNIA v. RODRIGUEZ

Petition for Forfeiture

The People filed a petition for forfeiture of certain funds seized pursuant to the provisions of Health and Safety Code, §§ 11469, et seq. The unverified petition contends: the sum of \$2,775 in U.S. Currency was seized by the El Dorado County Sheriff's Office on or about March 28, 2019; such funds are currently in the hands of the El Dorado County District Attorney's Office; the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of Health and Safety Code, § 11358; the claimant/respondent filed a claim opposing forfeiture in which he contends the funds are his; a criminal case pertaining to the property and related allegations of violations of Health and Safety Code, §§ 11351, 11366, 11352(a), and 11379(a) has been filed under case number P19CRF0095; and claimant was arraigned on May 21, 2019. The People pray for a judgment declaring that the money is forfeited to the State of California.

The People state that they do not waive their right to a jury trial, they intend to try the asset forfeiture case in conjunction with the related criminal trial pursuant to Health and Safety Code, §§ 11488.4(i)(3) and 11488.4(i)(5), and the People intend to conduct civil discovery pursuant to Health and Safety Code, § 11488.5(c)(3). Claimant/Respondent Rodriguez filed a response to the petition denying the allegations of the unverified petition.

At the prior hearing on December 1, 2023, the court continued the hearing at the request of the Petitioner, and directed attorney for Petitioner to provide notice of the continued hearing. Proof of service of the notice of continued hearing was filed on December 12, 2023.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, APRIL 5, 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. PC20200443 PEOPLE OF THE STATE OF CALIFORNIA v. KRYLOV

Claim Opposing Forfeiture

On August 21, 2020, Claimant Victor Krylov filed a claim opposing forfeiture in response to a notice of administrative proceedings to determine that certain funds are forfeited. The People responded by filing a petition for forfeiture. The unverified petition contends: \$25,510 in U.S. Currency was seized by the El Dorado County Sheriff's Office; such funds are currently in the hands of the El Dorado County District Attorney's Office; and the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of Health and Safety Code, § 11358. The People pray for judgment declaring that the money is forfeited to the State of California. This matter has been continued since the original filings in order to allow time for the criminal proceeding to conclude.

On February 10, 2023, a competing claim of ownership was filed by Claimant Eugene Ivanov.

At the prior hearing on December 1, 2023, the court continued the hearing at the request of the parties, and found that the parties have waived further notice.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, APRIL 5, 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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04-05-24
Dept. 9
Tentative Rulings

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.