December 20, 2024
Dept. 9
Tentative Rulings

1.	**22CV1328**	**5059 GREYSON CREEK DRIVE, LLC v. PERSERVERE LENDING**
Motion to Be Relieved		

Counsel for the Plaintiff has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362. A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating that the client has breached the terms of the engagement agreement by failing to pay outstanding attorneys' fees and there has been a breakdown I communication.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Proof of service of the motion on the Plaintiff at their last known address and on counsel for Defendants was filed on October 31, 2024.

There is a Case Management Conference scheduled on February 18, 2025, which is not listed on the proposed Order. Counsel is directed to prepare an Amended Order.

TENTATIVE RULING #1:

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). ORDER IS EFFECTIVE UPON FILING OF PROOF OF SERVICE INDICATING SERVICE OF SIGNED ORDER ON CLIENT.

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.

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.	**23CV0917**	**BANK OF AMERICA v. CARABALLO**
Entry of Judgment		

On or about July 10, 2023, Plaintiff Bank of America, N.A. ("Plaintiff") and Defendant Ricky E. Caraballo Jr. ("Defendant") entered into a verbal agreement for a "Stipulation for Entry of Judgment." The agreement was reduced to a writing and signed by the parties. As part of the agreement, the parties agreed that judgment would not be entered so long as Defendant timely made monthly payments on the agreed settlement amount, and that the court would retain jurisdiction to enforce the settlement until performance in full of the terms of the agreement.

The matter was dismissed on August 8, 2023, in accordance with Code of Civil Procedure § 664.6. Defendant has defaulted pursuant to the terms of the agreement by failing to timely make payment as agreed. Defendant last paid on or around June 21, 2024. Plaintiff requests that the Court Set Aside and Vacate its Prior Order of Dismissal and for Entry of Judgment for the amount prayed for in its complaint, less credit for payments received, plus previous court costs.

Where the parties executed a written agreement to settle the case, the court may, upon motion, enter judgment pursuant to the terms of the settlement. (Cal. C.C.P. § 664.6).

TENTATIVE RULING #2:

1. **THE AUGUST 8, 2023, DISMISSAL IS SET ASIDE AND VACATED.**
2. **THE COURT HEREBY ENTERS JUDGMENT IN FAVOR OF PLAINTIFF AGAINST DEFENDANT IN THE AMOUNT OF $5,582.76.**

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.

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.

3.	**24CV0263**	**CITIBANK v. HUNTER**
Motion		

Defendant's Motion to Set Aside was heard on November 15, 2024. The hearing was continued because there was no proof of service in the Court's file. There is still no proof of service filed. However, Plaintiff does oppose the Motion, so it is assumed that Plaintiff had notice. Plaintiff argues that there was valid service of the summons and Complaint, and that there is no mistake, inadvertence, surprise and/or excusable neglect on behalf of Defendant. Given Plaintiff filed a response that references the Motion, the court reasonably infers that the Motion was served as required by law and adjudicates the Motion on its merits, finding good cause to excuse the defect of not filing a formal proof of service.

In her Motion, Defendant admits she sought legal counsel and provided a letter from an attorney at Senior Legal Services. On page 1 of her proposed Answer, Defendant writes "attachment from my lawyer when I had one." In its Opposition, CitiBank argues that it could not speak directly with Defendant because she had an attorney. It seems there was a mistake or misunderstanding as to whether Defendant had actual legal representation and whether she was responsible for filing a response.

California Code, Code of Civil Procedure - CCP § 473

(b) The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken. . . . .

> [B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default (*Waite* v. *Southern Pacific Co*. (1923) 192 Cal. 467, 470-471 [221 P. 204]; *Carli v. Superior Court* (1984) 152 Cal.App.3d 1095, 1099 [199 Cal.Rptr. 583] [in the context of deemed admissions § 473 should be applied liberally "so cases can be tried on the merits"]; *Flores v. Board of Supervisors, supra*, 13 Cal.App.3d at p. 483.) . . . A motion seeking such relief lies within the sound discretion of the trial court, and the trial court's decision will not be overturned absent an abuse of discretion. (*Weitz v. Yankosky* (1966) 63 Cal.2d 849, 854 [48 Cal.Rptr. 620, 409 P.2d 700]; *Martin v. Cook* (1977) 68 Cal.App.3d 799, 807 [137 Cal.Rptr. 434].)

Elston v. City of Turlock, 38 Cal. 3d 227, 233, 695 P.2d 713 (1985).

Recognizing the strong public policy in favor on resolving cases on their merits and given Defendant's apparent mistake as to whether the attorney with which she spoke would file a response for her, the court finds good cause to set aside the default under CCP § 473(b).

TENTATIVE RULING #3:

THE COURT SETS ASIDE THE DEFAULT UNDER CCP § 473(B). DEFENDANT IS ORDERED TO FILE A RESPONSE WITHIN 30 DAYS.

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.

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.

4.	**23CV0499**	**TAPIA et al v. HAMLIN**
Compromise of Claim		

This is a Petition to compromise a minor's claim. The Petition states the minor sustained neck pain, back pain, and a head injury resulting from an auto accident in November 2021. A copy of the accident investigation report was not filed with the Petition, as required by Local Rule 7.10.12A(4). Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of $55,000.00.

The Petition states the minor incurred $13,559.00 in medical expenses, of which $7,327.50 will be deducted from the settlement. Copies of invoices for the claimed medical expenses are attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

The Petition states that the minor has fully recovered and there are no permanent injuries. A doctor's report concerning the minor's condition and prognosis of recovery is attached, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(3).

The minor's attorney requests attorney's fees in the amount of $13,750.00, which represents 25% of the gross settlement amount. The court uses a reasonable fee standard when approving and allowing the amount of attorney's fees payable from money or property paid or to be paid for the benefit of a minor or a person with a disability. (Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(8); California Rules of Court, Rule 7.955(a)(1).) The Petition does include a Declaration by the attorney as required by California Rules of Court, Rule 7.955(c).

The minor's attorney also requests reimbursement for costs in the amount of $3,170.67. There are copies of bills substantiating the claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

With respect to the $30,751.83 due to the minor, the Petition requests that they be deposited into a single-premium deferred annuity with Pacific Life Insurance, subject to withdrawal with court authorization. See attachment 18(b)(3), which 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).

The minor's presence at the hearing will be required in order for the court to approve the Petition. Local Rules of the El Dorado County Superior Court, Rule 7.10.12.D.

TENTATIVE RULING #4:

APPEARANCES REQUIRED ON FRIDAY, DECEMBER 20, 2024, AT 8:30 AM 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).

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.

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.

5.	**22CV1598**	**BROWN v. BROWN et al**
Order to Compel		

Defendant Jeff Brown ("Defendant") filed a Motion to Compel ("Motion") Plaintiff Eugene Brown ("Plaintiff") to Provide Responses to Written Discovery and for Sanctions Against Plaintiff.

The Motion notes that Plaintiff not only failed to serve timely responses to written discovery, but had not served any responses at all despite meet and confer efforts. Defendant asks the Court to order Plaintiff to fully respond to the discovery requests without objection within 15 days of the order. On July 31, 2024, Defendant served Supplemental Interrogatories, Set One, and Request for Production of Documents, Set Two. On August 1, 2024, Defendant served Special Interrogatories, Set Two. On August 20, 2024, Defendant served Request for Production of Documents, Set Three, and the responses to this request were due September 19, 2024. As of the filing of the Motion on November 1, 2024, Defendant was not in receipt of discovery responses.

Defendants asks the Court to award sanctions in the amount of $3,460.00. Counsel for Plaintiff changes $400 per hour in this case and declares he spent 1 hour meeting and conferring with opposing counsel, 2.5 hours drafting the Motion, and anticipated 5 hours for reviewing the opposition, drafting a reply and attending the hearing.

Plaintiff filed a Non-Opposition to the Motion, stating that Plaintiff has since complied with the discovery requests in full. Plaintiff asks that the Court not impose sanctions, as he is not opposing the Motion and has fully complied, despite earlier difficulty in obtaining the necessary information. In his Reply, Defendant argues that many of Plaintiff's responses are incomplete or contain objections that have been waived due to his failure to respond timely.

The Court notes that there was a significant delay in complying with the discovery requests, which required rescheduling of the deposition, and that Defendant was reasonable in allowing Plaintiff extra time to respond, as well as meeting and conferring with Plaintiff's counsel prior to brining the Motion.

The Court awards Defendant 2.5 hours for counsel's efforts in drafting the Motion, and 2 hours for reviewing the non-opposition and preparing a reply, for a total of 4.5 hours at $400 or $1,800. The Court also grants awards Defendant $60 for the Motion filing fee. Sanctions in the amount of $1,860 are awarded to Defendant, payable by Plaintiff before January 20, 2025.

TENTATIVE RULING #5:

1. **MOTION TO COMPEL IS GRANTED.**
2. **SANCTIONS IN THE AMOUNT OF $1,860.00 ARE AWARDED TO DEFENDANT, PAYABLE BY PLAINTIFF BEFORE JANUARY 20, 2025.**

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.

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.

6.	**PC20180565**	**RANDHAWA et al v. GILL et al**
Compliance		

Case was heard on November 1, 2024, and the Court granted Defendants' Motion to Enforce Settlement. This hearing was set to address compliance.

TENTATIVE RULING #6:

APPEARANCES REQUIRED ON FRIDAY, DECEMBER 20, 2024, AT 8:30 AM 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).

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.

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.

7.	**24CV0958**	**PETERSON v. FORD MOTOR COMPANY**
Discovery Motion		

The parties filed a Joint Statement regarding Meet and Confer Efforts, and pursuant to the parties' efforts, Plaintiff agreed to withdraw its Motion to Compel.

TENTATIVE RULING #7:

HEARING DROPPED FROM CALENDAR.

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.

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.

8.	**24CV0949**	**PINO GRANDE LLC et al v. WADSWORTH et al**
Motion to Vacate Dismissal		

On October 18, 2024, the Court heard Plaintiffs Pino Grande LLC and Jeffrey Bruce Wadsworth's (collectively "Plaintiffs") Motion for Leave to File First Amended Complaint. The Court denied the Motion, finding that Plaintiffs brought the Complaint for partition by sale and upon learning the consequences of that cause of action, sought to undo it, which the Court found was not a fair result to Defendants and that any amendment to remove that cause of action for partition by sale was prejudicial to Defendants.

Plaintiffs took the Court's decision and then filed a Request for Dismissal of all parties and all causes of action, which was granted on October 22, 2024. The sole cause of action in the Complaint was for partition by sale.

Defendants Debbie Wadsworth, Carol Kristy Dulany, and Stephen J. Medeiros ("Defendants") now bring this Motion to Vacate Dismissal ("Motion").

Under California's Partition of Real Property Act, a plaintiff's filing of a complaint for partition by sale affords the defendants to that action—the co-owners of the subject property—certain rights with respect to the sale of the property. Specifically, in any action for partition filed on or after January 1, 2023, the Court "shall" determine the fair market value of the subject property under the process set forth in Code of Civil Procedure (CCP) § 874.316, and "shall" notify the parties that any non-partitioning cotenant may purchase the partitioning cotenants' interests in the subject property under CCP § 874.317. (See CCP § 874.311.) To wit: "If any cotenant requested partition by sale, the court shall, after the determination of value under Section 874.316, send notice to the parties that any cotenant except a cotenant that requested partition by sale may buy all the interests of the cotenants that requested partition by sale." (CCP § 874.317(a)). Upon receipt of said notice, the non-partitioning cotenants are provided 45 days to elect to purchase the partitioning cotenants' interests in the Property. (CCP § 874.317(b). Defendants filed a Request for Valuation and Right of First Refusal on July 15, 2024.

As noted in the prior Order, it is obvious that Plaintiffs regret bringing a cause of action for partition by sale, which triggered the Partition Act. Defendants argue that: (1) a statutory right of first refusal to purchase a plaintiff's interest in commonly owned property "supplants" the plaintiff's procedural ability to dismiss and a plaintiff cannot voluntarily dismiss after a defendant invokes a statutory right of first refusal; (2) that Plaintiffs cannot voluntarily dismiss this action after pretrial procedure has effectively disposed of a case; (3) the Court already reviewed these arguments and rejected Plaintiffs' position in its October 18, 2024 Order; and (4) Plaintiffs may not voluntarily dismiss because Defendants invoked affirmative relief in their General Denial, Amended Answer, and the Request for Valuation, and they are entitled to litigation that affirmative relief.

Plaintiffs oppose, arguing that: (1) they have an absolute right to dismiss the Complaint because the Court has not ruled on the merits of the case in a substantively dispositive proceeding; (2) the Court has not commenced any action to appraise the property; (3) trial has not commenced; (4) the Court's October 18, 2024, Order did not preclude dismissal; and (5) Defendants pleaded no affirmative relief in their responsive pleading.

Plaintiffs cite to *In re Skinner & Eddy Corp.* (1924) 265 U.S. 86, to support their argument of an absolute right to dismiss; however, even the Court in that case stated:

> "The usual ground for denying a complainant in equity the right to dismiss his bill without prejudice at his own costs is that the cause has proceeded so far that the defendant is in a position to demand on the pleadings an opportunity to seek affirmative relief and he would be prejudiced by being remitted to a separate action."

The Supreme Court further noted that the defendant had not taken any such action in that case that it would be prejudiced by a dismissal. That is different than our case, where, again, Defendants have taken action by filing the Request for Valuation and Right of First Refusal, and they would absolutely be prejudiced by a dismissal. Additionally, that case was superseded by rule in *Mehle v. Trinity Highway Products, LLC* (2015) 131 F.Supp.3d 857. The Court does not agree that Plaintiffs have an absolute right to dismiss, nor does the caselaw cited by Plaintiffs support that proposition.

Next, the fact that the Court has not commenced any action to appraise the property should not be held against the Defendants, nor do Plaintiffs provide any authority supporting this argument. Plaintiffs argue that in this case, unlike in *Guttman*, the Court has not appointed an appraiser, and no analysis has been done. Plaintiffs state that within 6 months from the motion in *Guttman* invoking a buyout the Court ordered an appraisal. In our case, Defendants filed their Request in July 2024, and we are just now approaching the 6-month mark. There is no authority provided which states the time frame within which the Court must act. The Court does not find that because the Court has not taken any action to appraise the property, that Plaintiffs maintain a right to dismiss.

Plaintiffs argue that trial has not commenced. Ironically, Plaintiffs cite to *Cole v. Hammond* (2019) 37 Cal.App.5th 912, 921 where the court agreed with the defendants and found that "the right of a plaintiff to voluntarily dismiss an action before commencement of trial is not absolute." In *Cole*, the court found that defendants' right to mandatory dismissal for failure to bring the case to trial within five years trumped plaintiff's right to voluntary dismissal. Similarly, in this case, while Plaintiffs may seek voluntary dismissal under CCP §581, that right is not absolute, and §581 itself provides limitations, including subsection (i). While the Court agrees that trial has not commenced and that the October 18, 2024, Order does not preclude dismissal, the Court does not find that Plaintiffs have an absolute right to dismissal.

Plaintiffs argue that Defendants have not sought any affirmative relief and therefore, Plaintiffs maintain an absolute right to dismiss the case. Plaintiffs cite cases that are distinguishable from the instant case, because in those cases, there was no statutory scheme invoked by the defendants prior to dismissal being sought. As stated by Defendants, the Partition Act requires the Court to take several steps to implement the buyout procedure and Plaintiffs fail to point to any requirement that Defendants must file a motion or request a hearing.

The Court agrees with Defendants that of all the cases cited, the one most analogous to the instant case is *Guttman v. Guttman* (2021) 72 Cal.App.5th 396. In that case, the parties were coequal general partners of a family limited partnership. The plaintiff sued to dissolve the partnership, defendants initiated a statutory procedure to buy out plaintiff's interest, and after the valuations occurred, plaintiff dismissed his complaint. The court found that once it granted the buyout motion, the dissolution was stayed, and that allowing plaintiff to dismiss his action would frustrate a statutory scheme. As the court explained, while granting the buyout motion did not address the merits of the dissolution action, it did effectively dispose of the cause of action in that there would be no trial on the claim.

In this case, while the Court did not yet order the valuation, once a partition by sale cause of action is brought, CCP §874.316 mandates that the court determine the fair market value of the property before taking additional steps. It does not require that the cotenants take any action for the valuation to occur, in fact, the cotenants are not even required to make their intention to buy all the interests of the cotenant that requested partition by sale known, until after the court has determined the value. Based on the differences between the Partition Act and the statutory scheme at issue in *Guttman*, it would be unfair and unjust to say that because the Court had not yet taken its necessary actions, that the case can be dismissed. Just as in *Guttman*, allowing Plaintiffs to dismiss this case would frustrate a statutory scheme, namely the Partition Act.

TENTATIVE RULING #8:

1. **DISMISSAL VACATED.**
2. **THE COURT ORDERS THE PARTIES TO APPEAR TO MEET AND CONFER AND THEREAFTER ADVISE THE COURT ON HOW TO PROCEED WITH THE PROCEDURE AS SET FORTH IN CALIFORNIA CODE OF CIVIL PROCEDURE §874.316 ET SEQ., INCLUDING A PROCESS TO SELECT A NEUTRAL APPRAISER FOR THE PROPERTY.**
3. **NO HEARING SHALL BE HELD ON THE COURT'S ORDER TO VACATE THE DISMISSAL UNLESS ORAL ARGUMENT IS PROPERLY REQUESTED PER THE PROCESS BELOW.**

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.

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.

9.	**22CV1011**	**SHINGLE SPRINGS BAND OF MIWOK INDIANS v. FLINTCO PACIFIC, INC et al**
Motion for Attorney's Fees		

TENTATIVE RULING #9:

On August 29, 2024, Cross-Defendant Urata filed a motion for attorney's fees and costs against Cross-Complainant Flintco. Flintco filed an opposition on October 1, 2024, following by a reply by Urata on October 8, 2024. Attached to the declaration of Urata's primary counsel are about 500 pages of billing statements from the attorneys as well as from the experts. Due to the sheer volume of statements, the court continued the matter to December 20, 2024 to afford it adequate time to review the statements.

The court has reviewed the entirety of the statements submitted by Urata, including going line by line through the attorney billing statements and expert billing statements. Urata requests $187,850.78 in attorney's fees and costs, comprised of $90,102 in attorney's fees, $5,179.53 in costs, and $87,269.25 in expert fees. Flintco argues that the fees requests are excessive and unreasonable. Specifically, Flintco contends that the tasks conducted by attorneys were duplicative, the billing was padded, and several of the entries were substantially redacted to prevent Flintco and the court from adequately evaluating them. In reply, Urata argues that the work conducted by its attorneys was reasonable and not duplicative or padded. Further, Urata contend that attorney bills are privileged, and there is no requirement for it to produce these statements. It adds that Urata offered to provide the invoices in their entirety to the court for an *in camera* review.

The court agrees with Flintco that billing statements of the attorneys reflect significant duplication of tasks, including multiple document reviews by several attorneys without substantiation, as well as what the court deems to be padding of time entries. The court further finds that, while the majority of entries are not redacted, a significant amount of entries have all but a few words redacted which deprive the court of meaningfully evaluating the entry and determining the reasonableness of the work conducted.

While in its reply Urata cites to the California Supreme Court's holding in *Los Angeles County Bd. of Supervisors v. Superior Court* (2016) 2 Cal.5th 282 for the proposition that attorney bills are privileged in their entirety, the court finds that Urata overstates this holding. Rather, the Supreme Court explicitly declined to adopt "the conclusion that all information in attorney invoices is categorically privileged." (*Id.* at 299.) Instead, the court drew distinctions between active and concluded litigation and between contents of an invoice which "communicate information for the purpose of legal consultation or risk exposing information that was communicated for such a purpose" and those that do not. (*Id.* at 300.) In the present matter, where the litigation on the merits of the action is completed and only a determination of fees

and costs remains and where information can be redacted from invoices to only disclose the nature of the work and not to disclose confidential legal communications, the court finds that Urata can provide more information that what was redacted to allow the court to meaningfully review the heavily-redacted billing entries.

At the same, the court is cognizant that Urata is not obligated to provide billing statements at all; rather, the court can evaluate the motion based on declarations or other information that gives the court a fair indication of the amount and the general substance of the work its attorneys conducted. The court then could determine what fees to award, if any, based on the sufficiency of this information. In this case, Urata has provided substantial information for the court to evaluate, and the court has relied upon this information, noting what information is lacking from some entries, in arriving at an appropriate fee award.

Upon its review, the court finds that the attorney fees rates are reasonable. While separate declarations from each attorney on the case was not provided to justify their rates, the court finds that all of the rates are reasonable for each attorney based upon their position in the firm (i.e., partner versus senior attorney versus associate). As to the number of hours charged, however, the court as noted above reduced the amounts significantly, finding that many of the tasks were duplicative and/or padded or otherwise not substantially justified per the information provided by Urata. The court further relied on its own experience to assess the reasonable number of hours to conduct certain tasks.

The court awards the following amounts per attorney, using the labeling as contained with the billing statements themselves: for KJG 28.7 hours at $215 per hour and 51.3 hours at $265 per hour, for AMM3, 47.4 hours at $195 per hour and 11.3 hours at $245 per hour, for KI1 4 hours at $125 per hour, for VP1 3 hours at $105 per hour, for CNM 11.1 hours at $195 per hour, for ARP 19.3 hours at $245 per hour, for JMB 17.7 hours at $245 per hour. A paralegal also conducted work (DH) at a rate of $90 per hour, which court finds to be reasonable. Based on its review, the court awards 4 hours of paralegal work in this matter. In sum, this amounts to $33,999 in fees. Additionally, for Attorney Bryan Pyles who submitted a separate declaration, the court finds the reasonable time to spend on the tasks described is 7 hours, which at $265 per hour, yields additional fees of $1,855. With this amount included, the court arrives at a total attorney's fee award of $46,036.

As to costs, excluding those of the experts, the court finds the costs to be reasonable with the a slight reduction of $98.32, with the court using its discretion to disallow the food expenses during the inspections. In total, the court awards Urata $5,081.21. In awarding these costs, the court notes Flintco's objection for Urata's apparent failure to timely file a Memorandum of Costs under Cal. Rules of Court. 3.1700; however, upon review of the file, the court finds that there is no entry of order aside from the court's own ex parte minute order, which the court deems to not be the same as a formal order. As such, the court cannot find that the time for requesting costs had elapsed. The court further uses its discretion to deem the

motion to substantively comply with the requirement to provide notice to the other party of its claimed costs and declines to deny the motion based on any purported procedural deficiency.

As to the expert costs, the court agrees with Flintco that there is a lack of information to meaningfully evaluate the tasks conducted by the experts due to what the court deems to be block billing. Nonetheless, the court finds that expert work generally to be reasonable and necessary in the matter. However, due to the block billing, the court uses its discretion to reduce the allowable costs by 30% , finding such a reduction to be reasonable under the circumstances. As such, the court determines the total recoverable expert costs to be $61,088.48.

Altogether, the court awards Urata $46,036 in attorney's fees, $5,081.21 in costs, and $61,088.48 in expert fees, for a grand total of $112,205.69, payable by Flintco within 60 days of service of the signed order.

TENTATIVE RULING #9:

THE COURT AWARDS URATA $46,036 IN ATTORNEY'S FEES, $5,081.21 IN COSTS, AND $61,088.48 IN EXPERT FEES, FOR A GRAND TOTAL OF $112,205.69, PAYABLE BY FLINTCO WITHIN 60 DAYS OF SERVICE OF THE SIGNED 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.

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.

10.	**22CV1015**	**GABLER v. SMITH**
Motion for Attorney's Fees		

The court notes that it stayed this matter on March 29, 2024 pending further order of the court. This stay was in order to allow the related family law case to be resolved first. The court finds that a stay remains appropriate. Once the stay has been lifted, the Court will resolve the Motion.

TENTATIVE RULING #10:

HEARING DROPPED FROM CALENDAR.

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.

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.

11.	23CV1941	CHANG et al v. YOUNG
Motion to Enforce Compliance		

Janet Wong Young ("Defendant") moved for an order quashing the seven deposition subpoenas for production of business records, and for an order requesting reasonable attorney's fees and expenses. Two of Defendant's siblings – Virginia Chang and Phillip Wong – are Plaintiffs ("Plaintiffs"). At the hearing on September 20, 2024, the Court denied the Motion to Quash.

Defendant now brings this Motion for an Order to Enforce Compliance with Deposition Subpoena for Production of Business Records and for Expenses of the Motion. Defendant's Motion does not comply with Local Rule 7.10.05.

Background

Mr. and Mrs. Wong acquired numerous rental properties during their marriage, and they gifted several properties to their five children. Plaintiffs and Defendant are three of the Wongs' five children. Mr. Wong managed the properties given to the children, via Power of Attorney, and he collected the rents and paid the expenses. Defendant states that Mr. Wong paid himself what he felt was owed for his management and also distributed income to some of the children. On October 14, 2022, Mr. Wong died, and Mrs. Wong took over the management, with the children's consent. Defendant claims that Mrs. Wong deposited the rent in East West Bank, Golden One Credit Union and Poppy Bank.

In December 2022, Mrs. Wong wanted help handing her finances, so she granted power of attorney to Defendant. Plaintiffs allege that Defendant collected rents totaling $452,885.00, but Defendant claims she never did so. Defendant states she is an authorized signer for the East West Bank and Golden One Credit Union accounts, but that she does not have access to Poppy Bank.

There are three properties subject to the allegations in the Complaint – 912 Oak Street (owned 50% by Plaintiff Virginia Chang and 50% by Defendant), 368A-372 12th Street (interest owned by Plaintiffs and Defendant), and 170 10th Street (interest owned by Plaintiff Phillip Wong). All interests are held as tenants-in-common. Plaintiffs allege that Defendant has had control of and collected rent from all three properties, and that Defendant has had possession or control either directly or as agent under Mrs. Wong's power of attorney.

The parties have engaged in informal discovery and Defendant has provided some financial records. Defendant alleges that in the records she has produced, that there is no indication that she collected any rents and that Plaintiffs subpoenas of her personal records are without a reasonable basis.

Plaintiffs argue that the subpoenas will help them obtain objective, primary documents that will trace the flow of funds to determine whether Defendant improperly handled rental

income and expenses from the properties, and they are aiming to establish a clear link between the rental income and Defendant's involvement with the financial transactions.

The subpoenas are for credit card accounts with Capital One Bank, JP Morgan Chase Bank and Citibank, N.A. Defendant informally produced bank statements from East West Bank, which reference an account owned by Mr. and Mrs. Wong's trust ("trust"), and the account received rental income and included numerous payments towards the credit card accounts. Plaintiffs offered Defendant the option of redacting entries with the production of a privilege log, but Defendant's counsel was allegedly nonresponsive. Plaintiffs subpoenaed records for Cathay Bank which is a savings account owned by the trust, where proceeds from the sale of a real property were deposited and funds may have been used on the three subject properties. Plaintiffs subpoenaed East West Bank, Golden One Credit Union and Poppy Bank, where Defendant admits rental income was deposited.

Opinion

The filing includes a Notice of Motion and Declaration of Peter P. Vlautin in Support of the Motion, but no actual Motion was filed. However, considering that Defendant is seeking records from East West Bank, which was one of the subpoenas issued by Plaintiffs, which Defendant sought to quash but the Court upheld, it seems the parties could meet and confer to cure this issue themselves.

TENTATIVE RULING #11:

HEARING DROPPED FROM CALENDAR.

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.

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.