

February 28, 2025

Dept. 9

Tentative Rulings

1.	24CV0105	COCHRAN v. MARSHALL MEDICAL
Attorney Withdrawal		

Counsel for the Plaintiff Cindy Cochran 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 there is an irreconcilable breakdown in the attorney-client relationship and 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 counsel for Defendant was filed on January 16, 2025. The Plaintiff is not listed on the Proof of service. The parties later entered a Stipulation to continue several hearing dates, including the hearing for Attorney Withdrawal from February 14, 2025, to today. However, that was not served on Plaintiff either. According to both proofs of service, Plaintiff has no notice of this Motion.

The proposed Order included with this Motion lists several hearing dates, which are no longer accurate according to the Stipulation entered into by the parties, which the Court granted. This case is set for a Case Management Conference on April 8, 2025, at 8:30 AM in Dept. 10; Defendant's Motion for Summary Judgment and Plaintiff's Motion for Leave to Amend are set to be heard on April 25, 2025, at 8:31 AM in Dept. 9. No amended Order was filed with the accurate hearing dates.

Defendant filed an Opposition, noting the errors identified by the Court above. Due to the lack of service of Plaintiff, the motion is denied.

TENTATIVE RULING #1:

MOTION 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).

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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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.	23CV1361	DITLOW v. JTL GENERAL CONTRACTORS, ET AL
Motion for Judgment		

Anthony Illers (“Illers”), individually and as agent for service of process for JTL General Contractors, Inc. (“JTL”), was personally served with the Summons, Complaint, and Civil Cover Sheet on March 29, 2024. No responsive pleading was filed by Illers or JTL and Entries of Default were entered on May 22, 2024. Plaintiff states that the Requests for Entry of Default were mailed to Illers and JTL on May 22, 2024. Pursuant to the facts stated in her Declaration, Plaintiff is seeking a monetary judgment in the amount of \$25,575.75 against JTL and Illers.

Pursuant to California Code of Civil Procedure §585(a), the Court hereby grants Plaintiff’s Motion for Entry of Judgment.

TENTATIVE RULING #2:

MOTION GRANTED.

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.	24CV0053	GRAY v. ZBS LAW LLP
Motion for Entry of Judgment		

Plaintiff filed a Request for Entry of Default (“Request”) on January 21, 2025. On January 27, 2025, the Court rejected Plaintiff’s Request, stating in part, that Plaintiff’s proof of service did not indicate effective service. Specifically, per the various proofs of service of the complaint, service was either by mail or electronic, which the court finds were not effective means to have jurisdiction over the Defendants. As such, the request for entry of judgment is denied.

TENTATIVE RULING #3:

REQUEST FOR ENTRY OF JUDGMENT DENIED.

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4.	24CV1621	WATERMARK ON THE LAKE HOA v. BRADLEY
Motion to Set Aside Default		

Plaintiff filed a Request for Entry of Default against Defendant Junko Bradley, which was granted on December 11, 2024. Thereafter, Defendant filed a Motion to Set Aside Default on January 8, 2025, stating that service of the Summons and Complaint had not occurred. The parties met and conferred, and Plaintiff agreed to set aside the default; that agreement was finalized in a Stipulation that Defendant never signed.

Defendant filed a proposed Answer on January 21, 2025, which the Court accepted in error. Plaintiff has now filed a Non-Opposition to Defendant's Motion, and requests that the Court set aside the default, and allow Defendant the opportunity to file an Answer or an Order deeming the Answer filed after this hearing date.

TENTATIVE RULING #4:

- 1. MOTION TO SET-ASIDE DEFAULT IS GRANTED.**
- 2. DEFENDANT'S ANSWER DEEMED FILED AS OF FEBRUARY 28, 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).

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5.	23CV2042	WELLS FARGO BANK v. MURRAY HOLDINGS, ET AL
Motion to Continue Trial and Other Dates		

Defendants filed a Motion to Continue Trial, Mandatory Settlement Conference, and Related Dates. The Notice does not comply with Local Rule 7.10.05(C). However, Plaintiff does not oppose the Motion.

TENTATIVE RULING #5:

APPEARANCES REQUIRED ON FRIDAY, FEBRUARY 28, 2025, AT 8:30 AM IN DEPARTMENT NINE TO SELECT NEW DATES.

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