

**1. YESAIAN, ET AL. v. TAHOE KEYS RESORT INC., ET AL., SC20190154****Compromise: Minor's Claim**

On September 3, 2017, the minor, age 6 at the time, was playing in the living room of a vacation rental located at 1786 High Meadow Trail, South Lake Tahoe, California, when she stepped onto a hole covered by duct tape. The duct tape broke, causing the minor's right foot to become stuck in the hole and resulting in injury. Presently before the court is a Petition to Approve Compromise of Disputed Claim, filed on behalf of the minor by her parent, Ofelya Hovhannisyan.

The petition states the minor suffered a right ankle fracture, as well as injury to her right leg, back, and pelvic tilt. Following the incident, the minor was evaluated and received medical treatment from multiple providers. The petition states the minor has completely recovered from the effects of the accident and there are no permanent injuries.

The total amount offered by defendants is \$90,000. The petition states there are no medical liens and no medical expenses to be paid from the proceeds. The total amount of requested attorney fees (\$22,500) and costs (\$1,937.72) is \$24,437.72, which the court finds is a reasonable fee. (Local Rules of the El Dorado County Superior Court, rule 7.10.12.A(8); Cal. Rules of Ct., rule 7.955.) Additionally, the minor's parents, who are also named plaintiffs, are to each receive \$5,000 for pain and suffering. The court notes that general damages for mental pain and suffering are recoverable in a tort action of deceit, as alleged in the third cause of action. (See *Sprague v. Frank J. Sanders Lincoln Mercury, Inc.* (1981) 120 Cal.App.3d 412, 418.)

The proposed disposition is to deposit the net proceeds of \$55,562.28 in insured accounts in one or more financial institutions in this state, subject to withdrawal only upon the authorization of the court.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED—INCLUDING THE PERSONAL APPEARANCE OF PETITIONER AND THE MINOR UNLESS, PRIOR TO THE HEARING, THEIR PERSONAL APPEARANCES ARE EXCUSED—AT 1:30 P.M., FRIDAY, JULY 28, 2023, IN DEPARTMENT FOUR.**

**2. PEREZ v. HERNANDEZ, ET AL., SC20180192****Status of Bankruptcy**

This matter was continued from December 9, 2022, and January 27, 2023. At the December 9, 2022, hearing, defendants informed the court that their bankruptcy action is resolved. Defendants were directed to provide plaintiff with the bankruptcy settlement paperwork prior to the January 27, 2023, hearing.

On February 10, 2023, the court granted the motion to be relieved filed by plaintiff's prior counsel.

No further status report concerning this action has been filed since the last hearing.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, JULY 28, 2023, IN DEPARTMENT FOUR.**

**3. REGIONAL BUILDERS v. HALLMAN, ET AL., PC20210296****Change of Venue**

Pending is plaintiff's motion to transfer the case from the South Lake Tahoe Session to the Cameron Park Session.

By way of background, on June 7, 2021, plaintiff filed the Complaint in the Cameron Park Session. The case was assigned to Judge Dylan Sullivan in Department Nine. On September 23, 2021, Defendant Thomas Hallman, through his previous counsel, filed a peremptory challenge to Judge Sullivan under Code of Civil Procedure section 170.6. On September 23, Judge Sullivan issued a minute order transferring the action to the South Lake Tahoe Session for assignment by the Presiding Judge. In January 2023, Judge Gary Slossberg replaced Judge Sullivan in Department Nine.

In May 2023, plaintiff asked defendants to stipulate to the transfer of the case back to Cameron Park "given that Judge Sullivan was no longer assigned to that Department." (Mot. at 3:17–19.) Defendant Lakeview Loan Servicing, LLC agreed to plaintiff's request but defendant Hallman did not. In support of its motion, plaintiff alleges that "[a]ll of the witnesses and counsel in the case reside much closer to the Cameron Park Session" than the South Lake Tahoe Session. (Mot. at 3:13–14.)

To date, defendant Hallman has not opposed the motion. The proof of service to the motion declares that defendant was served via his attorney with the moving papers by regular U.S. Mail on June 30, 2022. Defendant Hallman's opposition papers were due no later than 9 court days prior to the hearing. If opposition papers are not timely filed, the court, in its discretion, may deem it a waiver of any objections and treat it as an admission that the motion is meritorious and may grant the motion. (Local Rules of the El Dorado County Superior Court, rule 7.10.02(C).)

Because a change of venue would be more convenient for the parties and witnesses and would promote judicial efficiency, and given defendant Hallman's nonopposition, the

motion to change venue to Cameron Park is granted, subject to the express consent of the Presiding Judge.

**TENTATIVE RULING # 3: PLAINTIFF'S MOTION TO CHANGE VENUE TO CAMERON PARK IS GRANTED, SUBJECT TO THE EXPRESS CONSENT OF THE PRESIDING JUDGE. 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.**

**4. SYNCHRONY BANK v. GERHARDT, 23CV0349****Motion to Deem Matters Admitted**

Pending before the court is plaintiff's motion to deem matters admitted.

A party served with requests for admission must serve a response within 30 days. (Code Civ. Proc., § 2033.250.) Failure to serve a response entitles the requesting party, on motion, to obtain an order that the genuineness of all documents and the truth of all matters specified in the requests for admission be deemed admitted. (Code Civ. Proc., § 2033.280, subd. (b).) When such a motion is made, the court must grant the motion and deem the requests admitted unless it finds that prior to the hearing, the party to whom the requests for admission were directed has served a proposed response that is in substantial compliance with the provisions governing responses. (Code Civ. Proc., § 2033.280, subd. (c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776, 778; see also *Demyer v. Costa Mesa Mobile Home Estates* (1995) 36 Cal.App.4th 393, 395–396 [“two strikes and you’re out”].)

In this case, plaintiff's counsel declares that Request for Admission (Set One) was served on defendant on April 14, 2023. (Mot., Boone Decl., ¶ 3 & Ex. 1.) Defendant failed to serve any verified responses by the statutory deadline for doing so. (*Id.*, ¶¶ 4, 5.) Further, defendant had not served any verified responses by the date of counsel's declaration, May 30, 2023.

Plaintiff's motion to deem matters admitted is granted.

**TENTATIVE RULING # 4: PLAINTIFF'S MOTION TO DEEM MATTERS ADMITTED IS GRANTED. THE TRUTH OF ALL MATTERS SPECIFIED IN PLAINTIFF'S FOR REQUEST FOR ADMISSION (SET ONE) ARE DEEMED ADMITTED. 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.