1. DELGADILLO, ET AL. v. AMERICAN FAMILY MUT. INS. CO., ET AL., 25CV1336

(A) Defendant Goldfarb's Demurrer

(B) Defendants American Family's and Homesite's Demurrer

Defendant Goldfarb's Demurrer

On September 1, 2026, pursuant to Code of Civil Procedure section 430.10, subdivisions (e) and (f), defendant Julianne Marie Goldfarb ("defendant") filed a demurrer to the third (fraud), fourth (elder abuse), and sixth (intentional infliction of emotional distress ("IIED")) causes of action in plaintiffs Ana Delgadillo's Edelmira Barrera's and Brandt Stites's (collectively, "plaintiffs") third amended complaint ("TAC"). Defense counsel declares she attempted to meet and confer with plaintiffs via telephone, and thereafter met and conferred with plaintiffs in writing. (Tauscher Decl., ¶¶ 6–9 & Exs. A–C.)

On October 19, 2026, plaintiffs filed a joint opposition. On October 23, 2026, defendant filed a reply.

1. Legal Principles

"[A] demurrer challenges only the legal sufficiency of the complaint, not the truth or the accuracy of its factual allegations or the plaintiff's ability to prove those allegations." (*Amarel v. Connell* (1998) 202 Cal.App.3d 137, 140.) A demurrer is directed at the face of the complaint and to matters subject to judicial notice. (Code Civ. Proc., § 430.30, subd. (a).) All properly pleaded allegations of fact in the complaint are accepted as true, however improbable they may be, but not the contentions, deductions or conclusions of fact or law. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; *Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604.) A judge gives "the complaint a reasonable interpretation, reading it as a whole and its parts in their context." (*Blank*, *supra*, 39 Cal.3d at p. 318.)

2. Discussion

3.1. Third C/A for Fraud

As an initial matter, plaintiffs contend defendant waived her right to challenge the fraud cause of action in the TAC where she did not raise the issue in any demurrer to the previous complaints. Plaintiffs point out that, in response to the first and second amended complaints, both of which asserted a cause of action for fraud against defendant, defendant filed an answer. The court notes, however, that defendant's answer to both the first and second amended complaints did include the affirmative defense that each cause of action asserted within the respective complaint fails to state facts sufficient to constitute a cause of action. Even if defendant had not included such affirmative defense in her answer to the prior pleadings, the filing of an amended complaint supersedes the previous complaint(s), "which ceases to perform any function as a pleading. [Citations.]" (*Fireman's Fund Ins. Co. v. Sparks Construction, Inc.* (2004) 114 Cal.App.4th 1135, 1144.) And lastly, a party cannot actually waive an objection based on failure to state facts sufficient to constitute a cause of action; this objection can be raised at any time, even if not asserted by demurrer or answer. (Code Civ. Proc., § 430.80, subd. (a); *Henry v. Associated Indemnity Corp.* (1990) 217 Cal.App.3d 1405, 1413, fn. 8.)

Turning to the merits of the demurrer, "[a] complaint for fraud must allege the following elements: (1) a knowingly false representation by the defendant; (2) an intent to deceive or induce reliance; (3) justifiable reliance by the plaintiff; and (4) resulting damages." (*Service by Medallion*, *Inc. v. Clorox Co.* (1996) 44 Cal.App.4th 1807, 1816.) "In California, fraud must be pled specifically; general and conclusory allegations do not suffice. [Citations.]" (*Lazar v. Superior Court* (1996) 12 Cal.4th 631, 645.)

The TAC alleges defendant "fraudulently excluded and/or undervalued all of the repairs" that defendant represented needed to be completed and also that defendant

represented she would include in the estimate or bid she submitted to Homesite. (TAC, ¶¶ 59, 60.)

The TAC fails to allege defendant intended to deceive plaintiffs or induce their reliance; the TAC also fails to allege justifiable reliance by plaintiffs on defendant's alleged misrepresentation.

The court sustains the demurrer without further leave to amend, as plaintiffs have had a previous opportunity to do so.

3.2. Fourth C/A for Elder Abuse

Plaintiffs' opposition indicates plaintiffs do not assert the elder abuse claim against defendant. The court sustains the demurrer to this cause of action on the grounds of uncertainty, as it is labelled in the TAC as being asserted "Against all Defendants." Based on plaintiffs' representation that they do not intend to assert this cause of action against defendant, the court denies leave to amend.

3.3. Sixth C/A for IIED

Plaintiffs' opposition indicates plaintiffs do not assert the elder abuse claim against defendant. The court sustains the demurrer to this cause of action on the grounds of uncertainty, as it is labelled in the TAC as being asserted "Against all Defendants." Based on plaintiffs' representation that they do not intend to assert this cause of action against defendant, the court denies leave to amend.

Defendants American Family's and Homesite's Demurrer

On September 1, 2026,[1] pursuant to Code of Civil Procedure section 430.10, subdivisions (e) and (f), defendants American Family Mutual Insurance Company ("American Family") and Homesite Insurance Company of the Midwest ("Homesite"; collectively, "defendants") filed a demurrer to the fourth (elder abuse) and sixth (intentional infliction of emotional distress ("IIED")) causes of action in plaintiffs Ana

[1] On September 10, 2026, defendants filed an amended notice of demurrer.

Delgadillo's Edelmira Barrera's and Brandt Stites's (collectively, "plaintiffs") third amended complaint ("TAC"). Defense counsel declares she met and conferred with plaintiffs in writing before filing the instant demurrer. (Meconis Decl., ¶¶ 3–4.)

On October 19, 2026, plaintiffs filed a joint opposition. On October 23, 2026, defendants filed a joint reply.

1. Discussion

1.1. Fourth C/A for Elder Abuse

On June 26, 2026, the court sustained defendants' demurrer to the elder abuse cause of action in plaintiffs' second amended complaint without leave to amend. Because plaintiffs were not authorized to assert the elder abuse claim against defendants in the TAC, the court, on its own motion, strikes this cause of action against defendants. (Code Civ. Proc., § 436, subd. (b).) Having stricken this cause of action, the defendants' demurrer to this cause of action is moot.

1.2. Sixth C/A for IIED

Defendants claim the sixth cause of action for IIED fails to allege "extreme and outrageous" conduct and fails to allege severe emotional distress.

The elements of a cause of action for IIED are: "(1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff has suffered severe or extreme emotional distress; and (3) the defendant's outrageous conduct was the actual and proximate causation of the emotional distress." (*Jackson v. Mayweather* (2017) 10 Cal.App.5th 1240, 1265.) "A defendant's conduct is 'outrageous' when it is so " ' "extreme as to exceed all bounds of that usually tolerated in a civilized community." ' " (Citation.] And the defendant's conduct must be " ' "intended to inflict injury or engaged in with the realization that injury will result.' " ' [Citation.]" (*Hughes v. Pair* (2009) 46 Cal.4th 1035, 1050–1051.) " 'Liability for intentional infliction of emotional distress " 'does not extend

to mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities.' [Citation.]" [Citations.] …' " (*Bock v. Hansen* (2014) 225 Cal.App.4th 215, 233.)

It is generally true that "outrageous conduct" may be demonstrated where a defendant (1) abuses a relation or position which gives him power to damage the plaintiff's interest; (2) knows the plaintiff is susceptible to injuries through mental distress; or (3) acts intentionally or unreasonably with the recognition that the acts are likely to result in illness through mental distress. (*Bock*, *supra*, 225 Cal.App.4th at p. 233, quoting *Hailey v. Cal. Physicians' Service* (2007) 158 Cal.App.4th 452, 474.) But, whether plaintiffs' claim measures up is the question.

The TAC alleges, "[d]efendants committed and engaged in outrageous conduct by abusing the position that gave AFICS / Homesite actual and/or apparent authority over Plaintiffs and the power to affect Plaintiff's interest, knowing Plaintiff would be susceptible to injuries through mental distress due to Plaintiff Barrera's fragile condition and the fact that Plaintiffs Delgadillo and Stites had used their life-savings to fix-up the Home they bought with Mrs. Barrera." (TAC, ¶ 81.)

The SAC included virtually the same allegation. On June 26, 2026, the court found that such allegation did not sufficiently allege extreme and outrageous conduct. The court sustained the demurrer to this cause of action in the SAC with a final leave to amend.

The TAC now alleges, "AFICS / Homesite also knew Plaintiffs would be particularly susceptible to the outrageous conduct that wrongly accused them of engaging in felony crimes because Plaintiffs Delgadillo and Barrera have dual citizenship with Mexico, and the clear insinuation from Defendants' threats was Barrera and Delgadillo would be deported for felony insurance fraud. Defendants' outrageous conduct was deliberately intended to harass, threaten and intimidate Plaintiffs to the point where they would be too afraid to pursue the roof-related damages and agree to just drop their legitimate Policy claim." (TAC, ¶ 83.)

This allegation is insufficient for multiple reasons. First, there is no allegation that American Family or Homesite knew plaintiffs Delgadillo and Barrera have dual citizenship with Mexico. Additionally, the allegations do not "clearly insinuate" that plaintiffs Barrera and Delgadillo would be deported for felony insurance fraud, as plaintiffs assert.

Even assuming, *arguendo*, the TAC sufficiently alleged extreme and outrageous conduct, the court agrees with defendants that the TAC does not sufficiently allege severe emotional distress. "Severe emotional distress means emotional distress of such substantial quality or enduring quality that no reasonable [person] in civilized society should be expected to endure it." (*Potter v. Firestone Tire & Rubber Co.* (1993) 6 Cal.4th 965, 1004 (brackets in original; internal quotes omitted).) Additionally, the defendant's outrageous conduct must be the actual and proximate cause of plaintiff's emotional distress. (*Hughes v. Pair* (2009) 46 Cal.4th 1035, 1050.)

Plaintiffs point to the following allegation in the TAC: "Plaintiffs informed AFICS / Homesite that the damages to their Home became much worse over the winter of 2024, and Plaintiffs were physically sick from fear that the damages will continue to worsen exponentially if their Home was not repaired as soon as possible. Plaintiffs also informed AFICS / Homesite that their fear was reasonable because reputable local contractors had told Plaintiffs that their Home's roof-related damages will keep getting worse and reach the point where their entire Home is so uninhabitable it needs to be torn down and rebuilt." (Opp. at 5:19–24, citing TAC, ¶ 82.)

The allegation that plaintiffs were "physically sick from fear" does not constitute distress of such substantial or enduring quality that no reasonable person in civilized society should be expected to endure it. Additionally, the alleged distress is not causally connected to defendant's alleged conduct. Rather, the TAC alleges plaintiffs feared "the damages will continue to worsen exponentially if their Home was not repaired as soon as possible."

The court sustains defendants' demurrer to this cause of action without further leave to amend.

TENTATIVE RULING # 1:

DEFENDANT GOLDFARB'S DEMURRER: THE DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND.

DEFENDANTS AMERICAN FAMILY'S AND HOMESITES' DEMURRER: THE DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND.

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.

If a party previously registered to appear remotely for the hearing but does not request oral argument and does not intend to appear at the hearing, the party **must** cancel their remote appearance registration through the online self-registration platform. The Court cannot cancel a remote appearance on behalf of a party. If a party fails to cancel their remote appearance registration in accordance with the Court's remote appearance procedures, the party will not be issued a refund. To cancel a remote appearance registration, please visit the self-registration platform at: https://register.eldorado.courtroom.tech/login.

If a party submits a request for oral argument in compliance with Local Rules and wishes to appear remotely for oral argument, instructions for remote appearances can be

found on the Court's website: https://www.eldorado.courts.ca.gov/online-services/remote-appearances.

2. C.P. v. DOE 1, ET AL., 22CV1120

Plaintiff's Motion for Leave to Amend

On September 10, 2026, plaintiff C.P. ("plaintiff") filed a motion for leave to file a third amended complaint ("TAC") which (1) re-asserts a theory of direct liability under Government Code section 815.6 and identifies statutes allegedly imposing a mandatory duty upon defendant County of El Dorado ("defendant") during the time of the alleged abuse in this case; and (2) makes corrections to the venue paragraphs and plaintiff's pronouns.

On October 19, 2026, defendant filed a timely opposition, supporting declaration, and request for judicial notice.

On October 23, 2026, plaintiff filed a timely reply.

1. Request for Judicial Notice

Pursuant to Evidence Code section 452, subdivision (c), the court grants defendant's unopposed request to take judicial notice of each of the statutes and Child Welfare Services Manual sections, effective during the time of the alleged abuse in this case (1991 through 1992), that plaintiff seeks to add to the operative complaint (Exs. 1–16.)

2. Legal Principles

A trial court has wide discretion to allow the amendment of pleadings, and generally courts will liberally allow amendments at any stage of the proceeding. (*Atkinson v. Elk Corp.* (2003) 109 Cal.App.4th 739, 761.) "Leave to amend should be denied only where the facts are not in dispute, and the nature of the plaintiff's claim is clear, but under substantive law, no liability exists and no amendment would change the result. [Citation.]" (*Edwards v. Superior Court* (2001) 93 Cal.App.4th 172, 180.)

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3. Discussion

Government Code section 815.6 provides: "Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty." (Gov. Gode, § 815.6.)

Plaintiff's first amended complaint (filed January 5, 2023) asserted Government Code section 815.6 as a statutory basis for the County's liability but plaintiff claims he "inadvertently removed all references to statutory mandatory duties" from the SAC. (Mtn. at 3:21–4:7.)

The court acknowledges defendant's argument that none of the enactments which plaintiff seeks to add to the operative complaint appear to impose a mandatory duty upon defendant. However, there are at least some enactments where a mandatory duty is triggered upon certain reporting to the County, and here, plaintiff is set to depose additional witnesses who may testify such reporting occurred.

The court further finds that a dispositive motion (i.e., demurrer) would be better-suited to determine whether none of the enactments imposed a mandatory duty upon the County because it will provide for full briefing by the parties. Here, the issue is merely addressed in the opposition and reply briefs on plaintiff's motion for leave to amend.

The court will exercise its discretion to allow the amendment of pleadings and grant plaintiff's motion.

TENTATIVE RULING # 2: THE COURT GRANTS PLAINTIFF'S MOTION FOR LEAVE TO AMEND.

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.

If a party previously registered to appear remotely for the hearing but does not request oral argument and does not intend to appear at the hearing, the party **must** cancel their remote appearance registration through the online self-registration platform. The Court cannot cancel a remote appearance on behalf of a party. If a party fails to cancel their remote appearance registration in accordance with the Court's remote appearance procedures, the party will not be issued a refund. To cancel a remote appearance registration, please visit the self-registration platform at: https://register.eldorado.courtroom.tech/login.

If a party submits a request for oral argument in compliance with Local Rules and wishes to appear remotely for oral argument, instructions for remote appearances can be found on the Court's website: https://www.eldorado.courts.ca.gov/online-services/remote-appearances.

3. FIGUEROA v. BARTON HEALTHCARE SYSTEM, 24CV0883

Plaintiff's Motion for Class Certification

The court, on its own motion, continues the matter to December 18, 2026. The court apologizes to the parties for any inconvenience.

Plaintiff's notice of motion does not provide notice of the court's tentative ruling system, as required under Local Court Rule 7.10.05(C). Therefore, the court provides the following notice to the parties: Pursuant to Local Rule 7.10.05(A), the Court will issue a tentative ruling for this matter on the court day before the hearing. The complete text of the tentative ruling will be available beginning at 2:00 p.m. on the Court's website, www.eldorado.courts.ca.gov. The tentative ruling providing the disposition of the matter only, without the rationale, can be obtained by calling (530) 573-3042 (South Lake Tahoe Branch) beginning at 2:00 p.m. on the court day before the hearing. The tentative ruling shall become the final ruling on the matter and no hearing will be held unless oral argument is timely requested or the tentative ruling indicates otherwise. Requests for oral argument must be made either through the Court's web site or by calling (530) 573-3042 no later than 4:00 p.m. on the court day before the hearing.

TENTATIVE RULING # 3: THE COURT, ON ITS OWN MOTION, CONTINUES THE MATTER TO 1:30 P.M., FRIDAY, DECEMBER 18, 2026, IN DEPARTMENT FOUR.

If a party wishes to appear remotely for the new hearing date, the party is required to register for the new date. Instructions for remote appearance can be found on the Court's website at: https://www.eldorado.courts.ca.gov/online-services/remote-appearances.

4. MATTER OF PLATERO, 26CV2574

OSC Re: Name Change

To date, there is no proof of publication in the court's file. (Code Civ. Proc., § 1277, subd. (a)(2)(A).)

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, OCTOBER 30, 2026, IN DEPARTMENT FOUR.

If an eligible party wishes to appear remotely, instructions for remote appearance can be found on the Court's website at: https://www.eldorado.courts.ca.gov/online-services/remote-appearances.

5. MATTER OF CONGRESS AND McCRACKEN, 26CV2492

OSC Re: Name Change

TENTATIVE RULING # 5: PETITION GRANTED AS REQUESTED.

Instructions for remote appearance can be found on the Court's website at:

https://www.eldorado.courts.ca.gov/online-services/remote-appearances.

6. HARRISON v. BARTON HEALTH SYTEMS, ET AL., 26CV1896

Demurrer

On September 1, 2026, pursuant to Code of Civil Procedure section 430.10, subdivisions (e) and (f), defendant Charter Communications, Inc. ("defendant") filed the instant demurrer to plaintiff Ryan Harrison's ("plaintiff") complaint on the grounds that each cause of action asserted therein fails to state a claim and is uncertain. Defense counsel declares he sent plaintiff's counsel a meet and confer letter, and thereafter met and conferred telephonically, in compliance with Code of Civil Procedure section 430.41, subdivision (a). (Brezovec Decl., ¶¶ 2–3 & Ex. 1.)

Proof of service attached to the motion shows it was electronically served upon plaintiff on September 1, 2026.

Plaintiff filed no opposition.

1. Background

The court summarizes the pertinent allegations of the complaint below.

Plaintiff began working for defendant in November 2024. (Compl., ¶ 1.) On February 19, 2025, plaintiff lost consciousness while operating defendant's vehicle. (Compl., ¶ 7.) On February 23, 2025, plaintiff underwent a medical examination at defendant Barton Healthy System ("Barton"), where plaintiff disclosed he had previously used a controlled substance. (Compl., ¶ 9.) Barton's medical records inaccurately stated plaintiff had used a controlled substance on February 21, 2025. (Compl., ¶ 10.)

Barton disclosed this medical information to defendant Sedgwick Claims Management Services, Inc. ("Sedgwick"), defendant's third-party claims administrator, without plaintiff's knowledge or consent. (Compl., ¶ 11.) Upon information and belief, Sedgwick subsequently disclosed this medical information to defendant. (Compl., ¶ 11.) On April 10, 2025, defendant terminated plaintiff's employment. (Compl., ¶¶ 1, 13.)

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2. Legal Principles

"[A] demurrer challenges only the legal sufficiency of the complaint, not the truth or the accuracy of its factual allegations or the plaintiff's ability to prove those allegations." (*Amarel v. Connell* (1998) 202 Cal.App.3d 137, 140.) A demurrer is directed at the face of the complaint and to matters subject to judicial notice. (Code Civ. Proc., § 430.30, subd. (a).) All properly pleaded allegations of fact in the complaint are accepted as true, however improbable they may be, but not the contentions, deductions or conclusions of fact or law. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; *Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604.) A judge gives "the complaint a reasonable interpretation, reading it as a whole and its parts in their context." (*Blank*, *supra*, 39 Cal.3d at p. 318.)

3. Discussion

Defendant points out that the complaint fails to identify which cause of action(s) is asserted against which defendant(s). (Dem. at 1:17–20.)

3.1. First C/A for "Violation of HIPAA"

Defendant argues that HIPAA does not create a private right of action and, even if it did, defendant is not a "covered entity" subject to HIPAA's requirements. The court agrees with defendant and sustains the demurrer to this cause of action without leave to amend, as there does not appear to be any reasonable possibility that amendment would cure the defect. (*McNair v. City & County of San Francisco* (2016) 5 Cal.App.5th 1154, 1166, fn. 5, citing *Doe v. Bd. of Trs. Of the Univ. of Ill.*, 429 F.Supp.2d 930, 944 (N.D. Ill. 2006) ["[e]very court to have considered the issue … has concluded that HIPAA does not authorize a private right of action"].)

3.2. Second C/A for Medical Malpractice

Defendant argues the complaint does not, and cannot, allege a physician-patient or other provider-patient relationship between plaintiff and defendant, as defendant is not a medical provider. The court agrees and sustains the demurrer to this cause of action

without leave to amend, as there does not appear to be any reasonable possibility that amendment would cure the defect.

3.3. Third C/A for Breach of Contract

Defendant argues the complaint does not identify any contract between plaintiff and defendant, or any existence of a contractual obligation that defendant allegedly breached. The court agrees and sustains the demurrer with leave to amend, as plaintiff has not been afforded a previous opportunity to do so.

3.4. Fourth C/A for Negligence

"Actionable negligence involves a legal duty to use due care, a breach of such legal duty, and the breach as the proximate or legal cause of the resulting injury." (*United States Liab. Ins. Co. v. Haidinger-Hayes, Inc.* (1970) 1 Cal.3d 586, 594.)

Defendant argues the complaint fails to allege a cognizable legal duty, or an act or omission by defendant that purportedly breached such duty. The court agrees and sustains the demurrer with leave to amend, as plaintiff has not been afforded a previous opportunity to do so.

TENTATIVE RULING # 6: THE COURT SUSTAINS DEFENDANT'S ENTIRE DEMURRER. WITH RESPECT TO THE FIRST AND SECOND CAUSES OF ACTION, THE COURT DENIES LEAVE TO AMEND. WITH RESPECT TO THE THIRD AND FOURTH CAUSES OF ACTION, THE COURT GRANTS LEAVE TO AMEND WITHIN 10 DAYS OF THE NOTICE OF ENTRY OF ORDER.

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.

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