

1.	22CV1598	BROWN vs. BROWN ET AL
Attorney Withdrawal		

Counsel for the Defendants 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 attorney and principal for the corporate entity (the client) have been unable to reach an agreement regarding the terms of representation.

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 Defendants at their last known address and on counsel for Plaintiff was filed on December 19, 2025.

A Case Management Conference is currently scheduled on July 7, 2026, which is not listed in the proposed order, as it was calendared after the motion was filed. The court finds good cause to grant the motion and directs counsel to submit an updated proposed order to the court for its review. The order will be effective as of filing of the proof of service indicating service of the order on the client.

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 THE PROOF OF SERVICE INDICATED SERVICE OF THE ORDER ON THE 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).

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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.

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2.	24CV2404	DEMTECH SERVICES, INC. vs. DM SOLUTIONS, INC. et al
Motion to Compel		

TENTATIVE RULING #2: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, MARCH 13, 2026 IN DEPARTMENT NINE.

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3.	25CV0964	AMERICAN EXPRESS NATIONAL BANK vs. COTTLE
Set Aside Default Judgment		

Defendant seeks to quash service of summons and set aside a default judgment because he says he was not personally served. Instead, he has filed a Declaration stating that: “Defendant never received, as service of process, a copy of the original complaint, that was filed along with the summons associated with this case”

The proof of service of the Summons and Complaint declares that service was effectuated by personal service on May 5, 2025, to Defendant, “with identity confirmed by subject saying yes when named.” Defendant does not take issue with the physical description on the proof of service. Service was performed by a registered process server.

Code of Civil Procedure § 415.10 governs the service of a Summons and Complaint by personal service: “A summons may be served by personal delivery of a copy of the summons and of the complaint to the person to be served. Service of a summons in this manner is deemed complete at the time of such delivery.”

Code of Civil Procedure § 417.10 states: “Proof that a summons was served on a person within this state shall be made: (a) If served under Section 415.10 . . . , by the affidavit of the person making the service showing the time, place, and manner of service and facts showing that the service was made in accordance with this chapter. The affidavit shall recite or in other manner show the name of the person to whom a copy of the summons and of the complaint were delivered,”

Evidence Code § 647 establishes a presumption affecting the burden of producing evidence, of the facts stated in the proof of service when the process server is registered with the State of California under Division 8 of the Business and Professions Code (Business and Professions Code §§ 22350, et seq.). *See also, Floveyor Internat., Ltd. v. Superior Court* 59 Cal.App.4th 789, 795 (1997).

The trial court is not required to accept a self-serving declaration contradicting the process server’s statement. *Am. Express Centurion Bank v. Zara*, 199 Cal. App. 4th 383, 390 (2011). The court denies the motion to quash the service of summons, finding that Plaintiff has met its burden of proof under Evidence Code § 647 that the documents were served on Defendant.

As to the motion to set aside the default judgment, the court finds that Defendant has filed his motion with the 6-month statutory timeframe. However, Defendant has not filed or lodged a proposed answer, which is required under Code of Civil Procedure § 473(b). Moreover, Defendant has not articulated any mistake, inadvertence, surprise, or excusable neglect that

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would warrant setting aside the default and default judgment. Instead, Defendant simply alleges that he did not receive a copy of the complaint. Even if true, Defendant appears to concede that he received a copy of the summons which advises him of his obligation to file an answer within 30 days of service if he wishes to contest the relief requested in the complaint. Defendant has not alleged how these circumstances constitute mistake, inadvertence, surprise, or excusable neglect. For failure to meet his burden of proof, the court denies the motion to set aside the default and default judgment.

TENTATIVE RULING #3: MOTION TO QUASH SERVICE AND SUMMONS AND TO SET ASIDE DEFAULT AND DEFAULT JUDGMENT IS DENIED.

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4.	23CV1187	MOORE vs. HANSEN, ET AL
Judgment on the Pleadings		

TENTATIVE RULING #4: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, MARCH 13, 2026, IN DEPARTMENT NINE.

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5.	22CV1459	SERRANO EL DORADO OWNERS' ASSOC. v. SOLOMON et al
Petition for Determination of Third-Party Ownership		

This is a Petition to determine the validity of a Third-Party Claim of Ownership ("Claim") asserted by Free Will Foundation, Inc. ("Claimant") following the levy of funds issued against the personal account of the judgment debtor, Joel Solomon ("Solomon"). Claimant contends that funds levied by the Sacramento County Sheriff are not subject to execution because they represent proceeds from the sale of a vehicle purportedly owned by the Claimant, a non-profit corporation, and not the judgment debtor Joel Solomon, an individual.

The assignee of the judgment against Solomon, Allied Trustee Services ("Allied") disputes the Claim, citing Code of Civil Procedure § 720.310, on the grounds that the disputed funds either are not the proceeds of the sale of a vehicle owned by Claimant, or alternatively, have been commingled with Solomon's personal funds in the account that was levied by Allied.

Code of Civil Procedure § 720.310 provides:

(a) Not later than 15 days after the third-party claim is filed with the levying officer pursuant to Section 720.120 or 720.220, or 15 days after filing an undertaking pursuant to Section 720.610, either the creditor or the third person may petition the court for a hearing to determine the validity of the third-party claim and the proper disposition of the property that is the subject of the claim.

(b) The hearing may be held whether or not an undertaking has been filed but not if a deposit has been made pursuant to Section 720.260.

(c) The hearing shall be held within 20 days after the filing of the petition unless continued by the court for good cause shown.

Code of Civil Procedure § 720.360 provides that "[a]t a hearing on a third-party claim, the third person has the burden of proof."

A default judgment was entered against Solomon on February 9, 2023, in the amount of \$10,722.62. Petition, Exhibit A. With costs and interest the amount subject to levy was \$13,070.06. Petition, Exhibit C. The Plaintiff assigned the judgment to Allied on March 29, 2023. Petition, Exhibit B. Funds were levied from the personal Golden 1 Credit Union account in the name of "Joel B. Solomon". Petition, Exhibit D.

Claimant, a corporation, filed a Third-Party Claim on December 4, 2025, describing its interest as follows: "The business sold a truck. Proceeds were made out to Joel Solomon but the corporation makes the truck payments [and] owns the vehicle, truck is just registered to Joel

Solomon as they would not put the truck in the business name. . . . Business owns the vehicle [and] makes the payments and is a 501c3 corp, this is not Joel Solomon the individual's money." Petition, Exhibit E.

The documents attached to the Claim show the following;

- The truck was financed when it was purchased, with payments made on it between February, 2023 and June, 2025. A statement from a Bank of America account in the name of Claimant corporation, "Free Will Foundation" shows that at least one payment on the truck before it was sold came from that business account.
- The "INDN" entry for the single truck payment on the Bank of America business account statement is "Joel Solomon". Of the 35 withdrawal/debit entries on the statement, five entries reflect an "INDN" as "Joel Solomon", and the rest are either reflected as "INDN" "Free Will Foundation" or "Upscale Thrift". Those five entries include the truck payment to "FORDCREDIT", "CAPITAL ONE ONLINE PMT", "INS_PAYMT", "[ILLEGIBLE] LOAN PAYMENT" and "[ILLEGIBLE] WEB PAY".
- The truck was sold for \$15,470.07, as shown on the receipt of the sale of a 2019 Ford truck dated July 15, 2025.
- The proceeds of the truck sale were not deposited into the Bank of America business account. Instead, the full sale proceeds were deposited into the Golden 1 Credit Union account held in the name of "Joel B. Solomon".

Allied notes that Evidence Code § 662 provides: "The owner of the legal title to property is presumed to be the owner of the full beneficial title. This presumption may be rebutted only by clear and convincing proof." Although Claimant asserts that the vehicle registration could not have been held in the business, name, Allied further notes that the loan for the vehicle was in the name of Joel Solomon, not in the name of the corporation. At no time did Claimant hold title to the vehicle, the loan payments were made from the business on behalf of Solomon, an individual, who had financed the vehicle, and the sale proceeds were deposited into Solomon's personal account. On this record it cannot be said that Claimant has met the burden of proof of showing that it is entitled to disposition of the property that is the subject of the claim.

TENTATIVE RULING #5: THE PETITION IS GRANTED; THE CLAIM OF THIRD-PARTY OWNERSHIP IS DENIED.

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6.	24CV1319	EL DORADO HILLS COMMUNITY SVCS DISTRICT vs. PATTEN
Summary Adjudication		

TENTATIVE RULING #6: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, MARCH 20, 2026, IN DEPARTMENT NINE.

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7.	24CV0034	TAPIA v. TAPIA ET AL
Attorney Withdrawal		

This matter was on calendar on February 6, 2026. No parties appeared, and the court continued the matter to permit counsel to file a revised order with the correct upcoming hearing dates.

However, upon review of the file, the court finds that the client signed a substitution of attorney filed on January 22, 2026, substituting out the attorney seeking to be relieved as counsel per this motion. Then, on February 5, 2026, the same counsel substituted back into the case. As such, the court finds that the matter is moot and drops the matter from calendar.

TENTATIVE RULING #7: MATTER 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).

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