

1. SINGH v. TOWNSEND, SC20210071

Motion to be Relieved as Counsel

TENTATIVE RULING # 1: ADINA A. OSTOIA'S AND KJ INJURY & ACCIDENT LAWYERS' MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. 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. PARTIES MAY APPEAR IN PERSON AT THE HEARING. IF ANY PARTY WISHES TO APPEAR REMOTELY THEY MUST APPEAR BY ZOOM.

**2. MATTER OF 1232 UTE STREET, S. LAKE TAHOE, CA 96150, 22CV1832****Hearing Re: Surplus Funds**

On December 5, 2022, petitioner Clear Recon Corp filed a petition and declaration regarding unresolved claims and deposit of surplus funds from a Trustee's Sale. Petitioner received a claim to the surplus funds from Bradley Martin on or about November 18, 2022. Petitioner's counsel states there is a conflict because on October 6, 2022, The Hendricks Group ("Hendricks"), who had been representing Martin, provided an Affidavit of Assignment and advised that they would not be withdrawing their claim to the funds. On November 14, 2022, petitioner's counsel received a Termination Letter for The Hendricks Group from Martin.

Petitioner has been put on notice of Hendricks's alleged deceptive practices on claimants entitled to surplus funds. Due to Hendricks refusing to withdraw their claim on the alleged Assignment and Martin's claim that he terminated the relationship with Hendricks and intends to file a claim directly, petitioner is not able to determine the validity of claims submitted, and therefore is unable to disburse the remaining surplus funds.

On December 23, 2022, the court entered an order allowing petitioner to deposit the surplus funds of the Trustee's Sale and for the discharge of petitioner. The court also ordered that all claims to the surplus funds must be filed at least 15 days prior to this hearing.

To date, despite the court's order, no claims have been filed with the court.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, APRIL 14, 2023, IN DEPARTMENT FOUR.**

**3. REYES, ET AL. v. CAL. DEPARTMENT OF TRANSPORTATION, ET AL., SC20200027****Motion to Compel Fernando Gonzalez's Verified Responses to Discovery**

Pending is defendant Nicholas Hudspeth's ("defendant") motion to compel plaintiff Fernando Gonzalez ("plaintiff") to serve verified responses to defendant's Form Interrogatories (Set Two), Special Interrogatories (Set Two), Request for Production of Documents (Set Two), and Request for Admissions (Set Two) (hereinafter, "Discovery set two"). Defendant also requests a sanction of \$1,326.00.

On October 26, 2022, defense counsel sent letters, one in English and one in Spanish, to plaintiff at his address of record. (Mot., Decl. of David M. Trent, ¶ 3 & Ex. A.) These letters advised plaintiff that defendant would serve plaintiff or his new counsel with additional written discovery in 45 days. (Ibid.) Defendant propounded Discovery set two on December 14, 2022. (Id., ¶ 4 & Ex. B.) Plaintiff was advised that his verified responses were due by January 18, 2023. (Id., ¶ 5.) On January 10, 2023, defense counsel sent letters to plaintiff, one in English and one in Spanish, reminding him that he had until January 18, 2023, to serve his verified responses. (Id., ¶ 6 & Ex. C.) Defense counsel's office then called and left messages for plaintiff about various issues, including his discovery responses, on December 22, 2022, January 26, 27, and 31, 2023, and February 7 and 10, 2023. (Id., ¶ 7.) Defense counsel and Spanish speaking staff with defense counsel's office spoke with plaintiff on February 10, 2023, and then sent confirming letters to plaintiff, one in English and one in Spanish, which included further meet and confer attempts about plaintiff's overdue responses. (Id., ¶ 8 & Ex. D.) Defense counsel's efforts to obtain plaintiff's verified responses continued on into March. (Id., ¶¶ 9, 10, 11 & Ex. E.)

As of the date of the signing of the motion, defendant had not received any verified responses and no request for additional time was made by plaintiff. Further, plaintiff did not file an opposition to defendant's motion.

Good cause appearing, defendant's motion is granted. Having reviewed and considered defense counsel's declaration, the court finds that \$776.00 is a reasonable sanction under the Discovery Act. The sanction may be paid by plaintiff at the end of this case, either from a judgment rendered in plaintiff's favor or from any settlement agreement, or, if defendants prevail, the amount will be included in any judgment in favor of defendants.

**TENTATIVE RULING # 3: DEFENDANT'S MOTION TO COMPEL VERIFIED RESPONSES IS GRANTED. PLAINTIFF FERNANDO GONZALEZ MUST SERVE VERIFIED RESPONSES, WITHOUT OBJECTION, TO DEFENDANT NICHOLAS HUDSPETH'S DISCOVERY SET TWO NO LATER THAN MAY 12, 2023. 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. PARTIES MAY APPEAR IN PERSON AT THE HEARING. IF ANY PARTY WISHES TO APPEAR REMOTELY THEY MUST APPEAR BY ZOOM.**

**4. MATTER OF DUNN, 22CV1640**

**OSC Re: Name Change**

This matter was continued from January 27, 2023, and March 10, 2023. To date, Proof of Publication still is not in the court's file.

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, APRIL 14, 2023, IN DEPARTMENT FOUR.**