

1. BANK OF AMERICA, N.A. V. MEGAN MARTINEZ

22CV0948

On August 25, 2022, Plaintiff served Defendant with Requests for Admission, Set One (RFA). To date, Defendant has not provided responses. Plaintiff now moves for an order deeming requests admitted pursuant to Code of Civil Procedure Section 2033.280. Plaintiff's moving papers and supporting documentation were filed on October 31, 2022. Defendant has not opposed the motion.

Responses to the subject discovery requests were due to be served on or before September 30, 2022. Having received no responses, Plaintiff sent a letter on October 6th attempting to meet and confer on the issue. To date, Defendant has not provided any responses.

"Within 30 days after service of requests for admission, the party to whom the requests are directed shall serve the original of the response to them on the requesting party..." Cal. Civ. Pro. § 2033.250(a). If a party fails to timely respond to such requests, the party (1) waives any objections he or she may have asserted, including ones based on privilege; and (2) the requesting party may move for an order admitting the genuineness of any documents and the truth of any matters contained therein. Cal. Civ. Pro. § 2033.280. The court is required to grant a deemed admitted motion unless the responding party serves responses substantially compliant with the statute prior to the date of the hearing. *Tobin v. Oris*, 3 Cal. App. 4th 814 (1992) (disapproved of on other grounds).

Plaintiff has established proper service of the requests along with compliance with the statutorily required meet and confer efforts. Still, Defendant has failed to comply. Moreover, Defendant has not opposed the motion nor indicated that she has filed substantially compliant responses prior to the date the motion is set for hearing. Accordingly, Plaintiff's Motion to Deem Requests for Admissions Admitted is granted.

TENTATIVE RULING #7: PLAINTIFF'S MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED IS 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). 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. 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

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DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY BY ZOOM, CONTACT THE CLERK'S OFFICE AT 530-621-5867 FOR LOGIN INFORMATION.

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2. BRET DEAN 22CV1530

TENTATIVE RULING #2: THE PETITION FOR NAME CHANGE IS 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). 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. 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 REMOTELY BY ZOOM, CONTACT THE CLERK'S OFFICE AT 530-621-5867 FOR LOGIN INFORMATION.

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3. HANS-JOACHIM MOELLER

22CV1520

TENTATIVE RULING #1: THE PETITION FOR NAME CHANGE IS 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). 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. 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 REMOTELY BY ZOOM, CONTACT THE CLERK'S OFFICE AT 530-621-5867 FOR LOGIN INFORMATION.

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5. NAME CHANGE OF MICHELLE VICTORIA SNYDER

22CV1592

TENTATIVE RULING #3: THE PETITION FOR NAME CHANGE IS 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). 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. 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 REMOTELY BY ZOOM, CONTACT THE CLERK'S OFFICE AT 530-621-5867 FOR LOGIN INFORMATION.

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6. PEOPLE OF THE STATE OF CALIFORNIA V. GIAR KUNG

PC20210120

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR AT 8:30 A.M. IN DEPARTMENT 9 ON DECEMBER 30, 2022 FOR TRIAL SETTING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

On January 27, 2022, Plaintiff filed his complaint in El Dorado County asserting a variety of causes of action listed therein. Defendant Delta Dental of California (Defendant) now moves to transfer venue to San Francisco County Superior Court on the grounds that Defendant's principal place of business is in San Francisco County, and there is no basis for venue in El Dorado County.

On November 14th, Defendant filed the Notice of Unopposed Motion and Unopposed Motion to Transfer Venue; Memorandum of Points and Authorities in Support Thereof, Declaration of Stella Padilla in Support of Unopposed Motion to Transfer Venue, Declaration of Youchen Wang in Support of Unopposed Motion to Transfer Venue, and Proposed Order. All documents were served the same day as filing.

There is no opposition to the motion in the court's file and Defendant has stated that the parties are all in agreement with transferring venue.

Upon a properly noticed motion to transfer venue, if the court finds proper venue to rest with another court, the presiding court shall order the proceeding transferred to the proper court. Cal. Civ. Pro. § 396b(a). The burden of proving proper venue rests with the moving party. *Mission Imports, Inc., v. Sup. Ct.* 31 Cal. 3d 921, 929 (1982). When suing a corporation, proper venue is "...the county where the contract is made or is performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated.." Cal. Civ. Pro. 395.5.

Defendant's principal place of business is located in San Francisco, thereby making San Francisco proper venue on that basis. Further, Defendant has shown that no contract was made or performed in El Dorado County, nor has any liability or obligation arisen in El Dorado County, which makes venue in El Dorado County improper. Thus, it appears appropriate under the circumstances presented to order this action transferred to San Francisco County Superior Court.

Defendant's Motion to Transfer Venue is granted.

TENTATIVE RULING #6: DEFENDANT'S MOTION TO TRANSFER VENUE IS 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). 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. 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.

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