

**Defendant Lake Pointe View Road Owners Assn. Motion to Compel Further Responses to Special Interrogatories, Set One and Request for Sanctions Against Plaintiffs and Their Counsel**

Defendant Lake Pointe View Road Owners Association fka Guadalupe Property Owners Association (hereinafter “Defendant”) has filed three separate motions to compel further responses to special interrogatories and three motions to compel further responses to form interrogatories. Each motion is directed toward a separate set of Plaintiffs. Given the overlap in the motions, the court addresses them collectively herein. Defendant moves for an order compelling Brian Beland, Denae Beland, Richard Nelson, Sandra Nelson, James Masten and Robin Mastin (collectively “Plaintiffs”) to provide further responses to Special Interrogatories, Set One and Form Interrogatories, Set One. Defendant seeks monetary sanctions against each of the parties and their counsel in the amount of \$597.50 for each motion. Defendant filed the Notice of Motion, Motion, Memorandum of Points and Authorities, Separate Statement, and Declaration of Bryan R. Delgado in support of each motion on December 6, 2022. All of the aforementioned were served on December 5, 2022.

Plaintiffs each filed their oppositions and a supporting declaration of Michael W. Thomas on January 5, 2023. All documents were mail served on January 4<sup>th</sup>. Defendant filed and served its replies on January 11<sup>th</sup>.

*Motion to Compel Standard*

“The party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory by any of the following: (1) An answer containing the information sought to be discovered. (2) An exercise of the party’s option to produce writings. (3) An objection to the particular interrogatory.” Cal. Civ. Pro. § 2030.210(a). Answers are to be “as complete and straightforward as the information reasonably available to the responding party permits.” Cal. Civ. Pro. § 2030.220(a). All responses, with the exception of objections only, are required to be made under oath signed by the party responding. Cal. Civ. Pro. § 2030.250. In fact, verifications are so imperative to the discovery process that it has been repeatedly said that an “unverified response is tantamount to no response at all.” Appleton v. Sup. Ct., 206 Cal. App. 3d 632 (2014). “On receipt of a response to interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems...” the responses to be evasive or incomplete. Cal. Civ. Pro. § 2030.300.

*Special Interrogatory 15*

Special Interrogatory 15 seeks the identity of all documents in support of Plaintiffs’ contention that each of their respective properties are not subject to the annual assessment of \$1,000. Plaintiffs each responded identifying Section 4.03 of the 1986 CC&Rs and indicating that Defendant has not provided any documents evidencing the required vote. Defendant argues

the response is not compliant with established statutory and case law because the phrase “Defendants have not provided any documents evidencing such a vote was ever taken” is nonresponsive and does not identify any documents. Further, Defendant argues the cited section of the 1986 CC&Rs deals with the amount of member votes required to increase assessments, not whether each Plaintiff’s property is subject to the annual \$1,000 assessment. Plaintiffs argue their responses are sufficient given that they expressly identify the 1986 CC&Rs and the section at issue contained therein. Furthermore, they are not in possession of, and are not aware of, any documents evidencing the required vote.

As stated above, Defendant argues that the answer to interrogatory 15 is nonresponsive because the document identified does not specifically state that the applicable assessment amount is \$1,000. This argument is unconvincing. Plaintiffs are of the opinion, and intend to rest their case, on the fact that the 1986 CC&Rs govern the assessment amount. The response identifies the 1986 CC&Rs, including the specific section, with sufficient specificity to allow Defendant to locate it or propound a request for it. Such is the intent of the Civil Discovery Act. The fact that Defendant does not agree that the document supports Plaintiffs’ contention is insufficient to establish that the response is not code compliant. In this vein, the response is compliant. However, the court cannot say the same for the second portion of the response.

Plaintiffs’ answered the interrogatory stating “Defendants have not provided any documents evidencing that such a vote ever took place.” However, in their opposition they expressly state that they “are not aware of, nor do they have *any documents* evidencing that there was ever a vote to increase assessments in accord with the 1986 CC&Rs” (emphasis added) (Opp. to Mtn. to Compel, Jan. 5, 2023, 2:11-2:12). This statement is responsive to the interrogatory. Plaintiffs’ discovery response is not. The question asks for any documents supporting Plaintiffs’ contention; not any documents *that were provided by Defendant* which support Plaintiffs’ contention. As such, the interrogatory response is nonresponsive and the statement made by counsel during law and motion is effectively useless to Defendant. See Appleton v. Sup. Ct., 206 Cal. App. 3d 632 (2014) (“unverified response is tantamount to no response at all”). Thus, Defendant’s Motion to Compel Further Response to Special Interrogatory, Set One, as it pertains to interrogatory number 15 is granted. Plaintiffs are each ordered to provide further, verified responses to special interrogatory number 15 no later than March 3, 2023.

#### *Special Interrogatory 27*

Special Interrogatory 27 requests the identity of all documents that support Plaintiffs’ contentions that the 2020 CC&Rs impose different assessments on the subject lots. Plaintiffs responded indicating the 2020 CC&Rs impose different assessments. Defendant argues that this response is insufficient because it is non-responsive and provides an inadequate description of the documents. Plaintiffs argue their responses sufficiently identify the 2020 CC&Rs which were produced by Defendants themselves.

As with their response to request number 15, Plaintiffs have identified the 2020 CC&Rs with sufficient specificity for Defendant to either locate the CC&Rs or request them via a Request for Production. The interrogatory does not ask Plaintiffs to explain *how* the identified document supports their contention, or what section in the document supports Plaintiffs' contention, it simply asks only for the identification of the documents. Defendant has provided no explanation as to why the phrase "2020 CC&Rs" is vague or confusing such that Defendant cannot identify or locate what document is being referred to. Without that, Defendant has not shown Plaintiffs' responses to this request to be noncompliant. Accordingly, Defendant's Motion to Compel Further Responses to Special Interrogatories, Set One, as it pertains to request number 27 is denied.

*Special Interrogatory 30*

Special Interrogatory 30 seeks the identification of all documents in support of Plaintiffs' contention that the Lake Pointe View Owners Association did not obtain a 75% affirmative vote in favor of approval of the 2020 CC&Rs. Defendant claims the response given indicated only that the "[v]ote tally sheet shows two disqualified votes, thus removing those votes accounts for 71% of votes." As with the abovementioned requests, Defendant argues this answer is non-responsive and does not identify any documents with sufficient specificity to allow Defendant to locate them. Plaintiffs state that their response specifically identified the vote tally sheet which was produced by Defendant, and is in possession of, Defendant.

In review of the document referred to by Plaintiffs in their answers to Interrogatory 30, it appears the title of the document is "Vote Tally (Final)." It is unclear how Defendant would be unable to surmise that Plaintiffs' reference to the vote tally sheet and its contents would be insufficient to indicate to Defendant which document is being referenced. Yet again, Plaintiffs have identified the subject document with sufficient particularity and Defendant's Motion to Compel Further Response to Special Interrogatory, Set One, interrogatory number 30 is denied.

*Form Interrogatory 15.1*

While the court agrees, it is inequitable for Defendant to, in one breath, state that it has provided sufficient discovery responses and argue that Plaintiffs have not, when the responses are verbatim. That said, the court is aware of no law, and Plaintiffs cite no law, that would prevent Defendant from bringing a motion to compel in such a situation. Plaintiffs' recourse would have been to do the same. Instead, the applicable law does require responses to be as complete and straightforward as possible given the information available to the responding party at the time of its response. Cal. Civ. Pro. § 2030.220(a). Plaintiffs' responses have fallen well below this standard and as such, each of Defendant's Motions to Compel Further Responses to Form Interrogatories, Set One are granted.

*Sanctions*

“[T]he court *shall* impose a monetary sanction...against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a response to a demand for inspection, copying, testing, or sampling, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Cal. Civ. Pro. § 2031.320(b) (emphasis added). Additionally, the court may issue monetary sanctions simply on a showing that the noncompliant party engaged in an unjustified “misuse of the discovery process,” regardless of whether or not the noncompliant party opposes the motion. Cal. Civ. Pro. § 2023.030(a). “Misuse of the discovery process” includes, but is not limited to, “making an evasive response to discovery.” Cal. Civ. Pro. §2023.010(f) respectively.

Defendant’s motions have each been granted in part and denied in part, thus the mandatory sanctions of Civil Procedure Section 2031.320 are inapplicable. With regard to Section 2023.030 sanctions for misuse of the discovery process, the court finds that Plaintiffs acted with substantial justification in responding to the subject interrogatories. Plaintiffs’ responses to Special Interrogatory 15 are statutorily compliant in part. The remaining portion of interrogatory 15, though nonresponsive, does not appear to have been intended to be evasive given that the remainder of Plaintiffs’ responses were straightforward. Given the circumstances the court does not find monetary sanctions to be warranted. Further, while Plaintiffs’ responses to Form Interrogatory 15.1 were not compliant, nor was Defendants’. In light of the responses of both sides, as well as the voluminous motions to compel that seem to have little to no probative value, there quite clearly appears to be gamesmanship on the part of both parties in conducting discovery and the court does not feel that sanctions are warranted. Defendant’s requests for monetary sanctions made pursuant to the motions to compel further responses to Special Interrogatories, Set One and further responses to Form Interrogatories, Set One are denied.

#### **Request for Judicial Notice**

Plaintiffs request judicial notice of the 5<sup>th</sup> Amended Complaint filed on August 24, 2022. There has been no objection to the request. The request is granted.

#### **Defendant Lake Pointe View Road Owners Assn. Motion to Compel Further Responses to Requests for Production of Documents, Set One and Request for Sanctions Against Plaintiffs and Their Counsel**

Defendant Lake Pointe View Road Owners Association fka Guadalupe Property Owners Association (hereinafter “Defendant”) has filed three separate motions to compel further responses to Requests for Production of Documents, Set One. Each motion is directed toward a separate set of Plaintiffs. Given the overlap in the motions, the court addresses them collectively herein. Defendant moves for an order compelling Brian Beland, Denae Beland, Richard Nelson, Sandra Nelson, James Masten and Robin Mastin (collectively “Plaintiffs”) to provide further responses to Requests for Production of Documents, Set One. Defendant seeks monetary

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sanctions against each of the parties and their counsel in the amount of \$597.50. Defendant filed the Notice of Motion, Motion, Memorandum of Points and Authorities, Separate Statement, and Declaration of Bryan R. Delgado in support of each motion on December 6, 2022. All of the aforementioned were served on December 5, 2022.

Plaintiffs each filed their opposition and a supporting declaration of Michael W. Thomas on January 5, 2023. All documents were mail served on January 4<sup>th</sup>. Defendant filed and served its replies on January 11<sup>th</sup>.

Defendant's motions are predicated on two main arguments: (1) the document production for all of the Plaintiffs' responses were combined together instead of each responding party providing its own responses; and (2) the documents are not identified with the specific request number to which they correspond nor do the responses identify which documents are being produced in response to each question.

Plaintiffs oppose the motion on the basis that their responses are compliant. Each response indicates that documents are responsive and will be produced and the document production is separated into sections each of which indicates which request the grouped documents are responsive to. Plaintiffs argue Defendants have failed to meet their burden showing good cause for moving to compel further responses other than the fact that Defendant simply does not like the format of the production.

A party to whom a demand for inspection, copying, testing, or sampling has been directed shall respond separately to each item or category of item by any of the following:" (1) a statement that the party will comply, (2) a statement that the party lacks the ability to comply, or (3) an objection to the demand or request made. Cal. Civ. Pro. §2031.210. A statement that the party will comply shall include a statement "that all documents or things in the demanded category that are in the possession, custody, or control of that party and to which no objection is being made will be included in the production." Cal. Civ. Pro. § 2031.220. "Any documents or category of documents produced in response to a demand for inspection, copying, testing, or sampling shall be identified with the specific request number to which the documents respond." Cal. Civ. Pro. § 2031.280(a). On receipt of a responses to requests for production of documents, the requesting party may move for an order compelling further responses. Cal. Civ. Pro. § 2031.310. Such a motion "...shall set forth specific facts showing good cause justifying the discovery sought by the demand." Cal. Civ. Pro. § 2031.310(b)(1). "To establish good cause, a discovery proponent must identify a disputed fact that is of consequence in the action and explain how the discovery sought will tend in reason to prove or disprove that fact or lead to other evidence that will tend to prove or disprove the fact." Williams v. Sup. Ct., 236 Cal. App. 4<sup>th</sup> 1151 (2015) (overturned on other grounds).

Collectively Sections 2031.210 and 2031.220 require a responding party to state only that it will comply with the particular demand, and that all documents in responding party's possession that are responsive, and to which no objection is being made, will be produced.

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There is no requirement, as plaintiff argues, that the response is to identify each responsive document either by bates number or by name. Instead, Section 2031.280 requires that the documents themselves indicate the specific request number to which they are responsive. Taking these sections into account, Plaintiffs' responses are compliant with the statutory scheme. It appears Defendant takes issue with the fact that the responses were not duplicated to produce three separate sets of the same documents for each set of demands. It is unclear how this would assist Defendant in the preparation of its case for trial or how doing so would lead to the discovery of additional admissible evidence.

Defendant's argument for the separation and production of duplicative documents to duplicative requests, three separate times seems nonsensical, unnecessary and not in furtherance of the intention of the Civil Discovery Act. Where the responsive documents differed (i.e., the title documents for each separate plaintiff), Defendant's argument may hold more weight, but in light of the fact that so few documents were produced the court still finds it unconvincing. For example, this is not a complex litigation matter with thousands of pages of documents which would cause Defendant to incur significant time and expense to separate and organize each document in order to determine its relevance. *See Kayne v. Grande Holdings Limited*, 198 Cal. App. 4<sup>th</sup> 1470 (2011) (Motion for sanctions granted where Plaintiff incurred \$74,809 in costs associated with organizing over 100,000 documents that were produced in a disorganized fashion not in accordance with Civil Code Section 2031.280).

While Plaintiffs' responses to the title documents may not have been entirely compliant in the strictest sense of the word, Defendant has not shown good cause to compel Plaintiffs' to reorganize their responses. Defendant has not established that the current format of production is unduly burdensome or confusing in any way. There has been no evidence or argument that the documents as currently produced will require significant time and expense to sort through and organize. Without a showing of good cause, the court sees no reason to compel further responses.

Each of Defendant's Motions to Compel Further Responses to Requests for Production of Documents, Set One and each motion's respective request for sanctions is denied.

**TENTATIVE RULING #1: DEFENDANT'S MOTION TO COMPEL FURTHER RESPONSE TO SPECIAL INTERROGATORY, SET ONE, AS IT PERTAINS TO INTERROGATORY NUMBER 15 IS GRANTED. PLAINTIFFS ARE EACH ORDERED TO PROVIDE FURTHER, VERIFIED RESPONSES TO SPECIAL INTERROGATORY NUMBER 15 NO LATER THAN MARCH 3, 2023. DEFENDANT'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET ONE, AS IT PERTAINS TO REQUEST NUMBER 27 IS DENIED. DEFENDANT'S MOTION TO COMPEL FURTHER RESPONSE TO SPECIAL INTERROGATORY, SET ONE, INTERROGATORY NUMBER 30 IS DENIED. EACH OF DEFENDANT'S MOTIONS TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORIES, SET ONE ARE GRANTED. DEFENDANT'S REQUESTS FOR MONETARY SANCTIONS MADE PURSUANT TO THE MOTIONS TO COMPEL FURTHER RESPONSES TO**

**SPECIAL INTERROGATORIES, SET ONE AND FURTHER RESPONSES TO FORM INTERROGATORIES, SET ONE ARE DENIED. PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IS GRANTED. EACH OF DEFENDANT'S MOTIONS TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE AND EACH MOTION'S RESPECTIVE REQUEST FOR SANCTIONS IS DENIED.**

**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 BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**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 BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**



**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 BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

Maria Bellafronto, Counsel for Defendants Peter Nguyen and The Ha Vu Le, filed her Notice of Motion and Motion to be Relieved as Counsel and her supporting declaration on January 4, 2023. The motion was mail served the same day. Counsel has shown good cause for her withdrawal as the attorney of record for Defendants due to the irreparable breakdown of the attorney-client relationship. The motion is granted.

**TENTATIVE RULING #4: THE MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER, UPON 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). 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 BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

5. KATRINA MARIE BURGESS

22CV1844

**TENTATIVE RULING #5: 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 BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

By way of the present motion, Defendant specially appears to move for an order quashing service of the summons and complaint. Defendant's moving papers were filed January 18, 2023. There is no Proof of Service on file indicating the motion was served on Plaintiff. Nonetheless, Plaintiff filed its opposition to the motion on February 3, 2023 and did not object to lack of proper service therein, thus service has been waived. However, there is no Proof of Service on file indicating Defendant was served with the opposition.

The parties are ordered to appear for oral argument.

**TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR FOR ORAL ARGUMENT. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

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7. DS HOUSING CCCRR-01 LP v. FOREST T. CLARK, ANGELITA CLARK, and DOES 1-50 22UD0342

**TENTATIVE RULING #7: PARTIES ARE ORDERED TO APPEAR AT THE FEBRUARY 17, 2023 HEARING AT 8:30 A.M. IN DEPT. 9. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**