

03-24-23  
Dept. 9  
Tentative Rulings

1. COUNTY OF EL DORADO VS EL DORADO COUNTY CIVIL SERVICE COMMISSION  
23CV0237

**TENTATIVE RULING #1: THE MOTION FOR ORDER SEALING THE PETITION LODGED WITH THE COURT AND GRANTING LEAVE TO LODGE THE ADMINISTRATIVE RECORD AND TO FILE LATER TRIAL BRIEF AND RELATED DOCUMENTS UNDER SEAL 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).**

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**2. CSPN LLC VS KENNETH RYAN KOCH**

**23CV0145**

A Summons and Complaint were filed with this court on January 30, 2023. However, no proof of service appears in the court's records.

**TENTATIVE RULING #2: THE HEARING ON THIS MATTER IS CONTINUED TO APRIL 21, 2023, AT 8:30 A.M. IN DEPARTMENT 9. PLAINTIFF IS ORDERED TO SERVE THE SUMMONS AND COMPLAINT AND FILE THE PROOF OF SERVICE WITH THE COURT AT LEAST TEN DAYS PRIOR TO THE HEARING DATE.**

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**3. NAME CHANGE OF BLAIR FOSTER**

**23CV0108**

Petitioner filed a Petition for Change of Name and Order to Show Cause on January 25, 2023. The Proof of Publication was filed on March 1, 2023. The court has confirmed through CLETS that the petitioner is not a registered sex offender.

**TENTATIVE RULING #3: PETITION FOR CHANGE OF NAME 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).**

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**4. NAME CHANGE OF BRET MERRITT MEEK**

**22CV1603**

Petitioner filed a Petition for Change of Name on November 10, 2022. The Order to Show Cause (OSC) was served on each of his first-degree relatives via U.S. Mail on November 16, 2022. The matter was heard on December 30, 2022 and was continued because the OSC had not yet been published in a newspaper of general circulation for four consecutive weeks as required by Code of Civil Procedure § 1277(a). The hearing was continued to March 24, 2023 and petitioner was ordered to file the OSC in a newspaper of general circulation in El Dorado County for four consecutive weeks, with proof of publication to be filed with the court prior to that date. No proof of publication has been filed with the court.

**TENTATIVE RULING #4: THE MATTER IS CONTINUED TO MAY 12, 2023 AT 8:30 A.M. IN DEPARTMENT 9. IF PETITIONER HAS NOT SHOWN PROOF OF PUBLICATION BY THIS HEARING, THE COURT IS INCLINED TO DENY THE PETITION FOR CHANGE OF NAME WITHOUT PREJUDICE.**

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**5. NAME CHANGE OF EMMA POLK**

**23CV0093**

Petitioners Frances Johnson and Nathan Polk filed a Petition for Change of Name and Order to Show Cause (OSC) on January 24, 2023 on behalf of their minor child, Emma Polk. The Proof of Publication was filed on March 1, 2023. The court has confirmed through CLETS that the minor is not a registered sex offender.

**TENTATIVE RULING #5: PETITION FOR CHANGE OF NAME IS GRANTED.**

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**6. NAME CHANGE OF KATHRYN LYNDY KEYT**

**23CV0120**

Petitioner filed a Petition for Change of Name and Order to Show Cause on January 18, 2023. No proof of publication has been filed. Petitioner is required to publish the OSC in a newspaper of general circulation for four consecutive weeks as required by Code of Civil Procedure § 1277(a), with proof of publication to be filed with the court.

**TENTATIVE RULING #6: THE HEARING ON THIS MATTER IS CONTINUED TO MAY 5, 2023, AT 8:30 A.M. IN DEPARTMENT 9.**

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**7. NAME CHANGE OF MITCHELL REGENNITTER**

**23CV0131**

Petitioner Mitchell Regennitter filed a Petition for Change of Name and Order to Show Cause (OSC) on January 18, 2023. The Proof of Publication was filed on March 6, 2023. The court has confirmed through CLETS that the petitioner is not a registered sex offender.

**TENTATIVE RULING #7: PETITION FOR CHANGE OF NAME 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).**

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**8. THE PEOPLE OF THE STATE OF CALIFORNIA VS RUDOLPH VALENCIA**

**PC20200369**

On August 3, 2020, the People filed a petition for forfeiture of cash in the amount of \$729,247.58 seized by the El Dorado County Sheriff's Department. According to The People, the property became subject to forfeiture pursuant to Health and Safety Code § 11470(f). Claimant Valencia filed a Judicial Council Form MC-200 claim opposing forfeiture in response to a notice of petition.

Pursuant to Section 11470(f), items which are subject to forfeiture include all moneys and other items of value which are furnished or intended to be furnished in exchange for a controlled substance or which are used or intended to be used to facilitate a violation of a number of enumerated Penal and Health and Safety Code sections. Health & Safety § 11470(f). "[C]onduct which is the basis for the forfeiture [must have] occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first." Health & Safety § 11470(f). "Any person claiming an interest in the property seized pursuant to Section 11488 may... within 30 days after receipt of actual notice, file with the superior court of the county in which the defendant has been charged with the underlying or related criminal offense or in which the property was seized ... a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the property." Health and Safety Code, § 11488.5(a)(1). "If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases." Health & Safety §11488.5(c).

It appears that all procedural matters have been complied with. The People have filed and served their petition. While there is no Proof of Service on file for the opposition claim, the court finds that the People and Claimant to have appeared at the May 20, 2022, September 16, 2022, and January 13, 2023, hearing dates and as such, any defect in service has been waived. There is no reference to a pending criminal trial in the file. Accordingly, the parties are ordered to appear to select trial dates.

**TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL DATES.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**



**9. THE PEOPLE OF THE STATE OF CALIFORNIA VS WILLIAM PAT HARRIS**  
**PC20200368**

On August 3, 2020, the People filed a petition for forfeiture of cash in the amount of \$285,347.90 seized by the El Dorado County Sheriff's Department. According to The People, the property became subject to forfeiture pursuant to Health and Safety Code § 11470(f). Claimant Harris filed a Judicial Council Form MC-200 claim opposing forfeiture in response to a notice of petition.

Pursuant to Section 11470(f), items which are subject to forfeiture include all moneys and other items of value which are furnished or intended to be furnished in exchange for a controlled substance or which are used or intended to be used to facilitate a violation of a number of enumerated Penal and Health and Safety Code sections. Health & Safety § 11470(f). "[C]onduct which is the basis for the forfeiture [must have] occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first." Health & Safety § 11470(f). "Any person claiming an interest in the property seized pursuant to Section 11488 may... within 30 days after receipt of actual notice, file with the superior court of the county in which the defendant has been charged with the underlying or related criminal offense or in which the property was seized ... a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the property." Health and Safety Code, § 11488.5(a)(1). "If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases." Health & Safety §11488.5(c).

It appears that all procedural matters have been complied with. The People have filed and served their petition. While there is no Proof of Service on file for the opposition claim, the court finds that the People and Claimant to have appeared at the October 2, 2020, August 27, 2021, January 14, 2022, May 20, 2022, and September 16, 2022 hearing dates and as such, any defect in service has been waived. There is no reference to a pending criminal trial in the file. Accordingly, the parties are ordered to appear to select trial dates

**TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL DATES.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**10. THE PEOPLE OF THE STATE OF CALIFORNIA VS MOLLY ANNE BUTTERFIELD**

**21CV0167**

The parties set the matter for hearing for trial readiness for the trial currently scheduled on April 4, 2023. Unfortunately, there is no longer a judicial officer available to conduct the April 4, 2023 trial; as such, the parties are ordered to appear to select a new trial date.

**TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR TO SELECT A NEW TRIAL DATE.**

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**11. PEOPLE VS JOHN JOSPEH MACEIUNAS**

**22CV0482**

On March 15, 2022, the People filed a petition for forfeiture of cash in the amount of \$27,000.00 seized by the El Dorado County Sheriff's Department. According to The People, the property became subject to forfeiture pursuant to Health and Safety Code § 11470(f). Claimant Maceiunas filed a Judicial Council Form MC-200 claim opposing forfeiture in response to a notice of petition, along with a proof of service dated May 11, 2022.

Pursuant to Section 11470(f), items which are subject to forfeiture include all moneys and other items of value which are furnished or intended to be furnished in exchange for a controlled substance or which are used or intended to be used to facilitate a violation of a number of enumerated Penal and Health and Safety Code sections. Health & Safety § 11470(f). "[C]onduct which is the basis for the forfeiture [must have] occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first." Health & Safety § 11470(f). "Any person claiming an interest in the property seized pursuant to Section 11488 may... within 30 days after receipt of actual notice, file with the superior court of the county in which the defendant has been charged with the underlying or related criminal offense or in which the property was seized ... a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the property." Health and Safety Code, § 11488.5(a)(1). "If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases." Health & Safety §11488.5(c).

It appears that all procedural matters have been complied with. There is no reference to a pending criminal trial in the file. Accordingly, the parties are ordered to appear to select trial dates.

**TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL DATES.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**12. NAME CHANGE OF ANDREW AND TIFFANY MENDONSA**

**23CV0134**

Petitioners Andrew and Tiffany Mendonsa filed a Petition for Change of Name and Order to Show Cause (OSC) on January 30, 2023 on behalf of themselves and their minor child, Evan Akins Mendonsa. The Proof of Publication was filed on March 1, 2023. Background checks were filed on 02/02/23 and 02/16/23 for petitioners, as required by Code of Civil Procedure § 1279.5. The court has confirmed through CLETS that the minor is not a registered sex offender.

**TENTATIVE RULING #12: PETITION FOR CHANGE OF NAME 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).**

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**13. PETITION OF J.G. WENTWORTH ORIGINATIONS**

**22CV1906**

Pursuant to Cal. Insurance Code § 10139.5, the court has considered the relevant factors and determines that the terms of the proposed transfer of payment agreement meet applicable statutory requirements and are fair and reasonable based on the totality of the circumstances. The court makes the following findings:

1. That the transfer is in the best interests of the payee. This finding is supported by the payee's Declaration, filed on February 17, 2023.
2. That the payee has been advised in writing by the petitioner to seek independent professional advice and has knowingly waived in writing the opportunity to receive that advice. This finding is supported by Exhibit E to the Petition, and by the payee's Declaration.
3. That the transferee has complied with the notification requirements. The transfer agreement was executed on January 23, 2022, and the legally required disclosures were executed on December 12, 2022. This finding is supported by Exhibits A and B to the Petition.
4. That the transfer does not contravene any applicable statute or the order of any court or government authority. This finding is supported by Petition, Exhibits A through E to the Petition, and by the payee's Declaration.

**TENTATIVE RULING #13: THE PETITION 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).**

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**14. ROLANDO SANCHEZ VS GENERAL MOTORS**

**22CV0884**

Plaintiff filed this action on June 29, 2022, against defendant (GM) under the Song-Beverly Act, based on the repair history of a 2021 GMC Sierra 1500 vehicle purchased by plaintiff as a new vehicle in May, 2021.

To prevail under the Song-Beverly Act, plaintiff must prove the following elements:

- (1) the vehicle had a nonconformity covered by the express warranty that substantially impaired the use, value or safety of the vehicle (the nonconformity element);
- (2) the vehicle was presented to an authorized representative of the manufacturer of the vehicle for repair (the presentation element); and
- (3) the manufacturer or his representative did not repair the nonconformity after a reasonable number of repair attempts (the failure to repair element).

Oregel v. Am. Isuzu Motors, Inc., 90 Cal. App. 4th 1094, 1101 (2001), citing Cal. Civ. Code § 1793.2.

The case is in the discovery stage. On December 28, 2022, plaintiff filed a Motion to Compel (“MTC”) relating to seven requests contained in the plaintiff’s Requests for Production of Documents, Set One (“RFP”), dated August 19, 2022. Of the 61 requests for documents contained within the RFP, the unresolved requests at issue for the purposes of plaintiff’s MTC are RFP numbers 7, 10, 16, 18, 19, 20 and 34.

The parties “meet and confer” exchanges include extensive correspondence on dates ranging from August 19 through December 27, 2022. During this process, in October, 2022, the parties entered into a Stipulation and Protective Order for the purpose of protecting any information that is produced during discovery designated by either party as being entitled to confidential treatment under applicable state or federal law.

The court has reviewed the parties’ submission on the RFPs in controversy, and concludes as follows:

Request for Production Numbers 7, 10 and 34:

GM’s filings in response to the MTC indicate that it is willing to produce the specified documents, including a warranty policy and procedure manual, a workshop manual, and its policies and procedures used to evaluate ‘lemon law’ claims and repurchase requests made under the Song-Beverly Act as specified in the RFP. Accordingly, there is no further need for this court to analyze the controversy with respect to these requests.

Request for Production Numbers 16,18, 19 and 20:

RFP number 16 requests documents:

regarding the POWERTRAIN DEFECT in vehicles of the same year, make and model as the SUBJECT VEHICLE. [This request shall be interpreted to include, but not be limited to, any such investigation to determine the root cause of such POWERTRAIN DEFECT(S), any such investigation to design a permanent repair procedure for such POWERTRAIN DEFECT(S), any such investigation into the failure rates of parts associated with the POWERTRAIN DEFECT(S),

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any cost analysis for implementing a proposed repair procedures [sic], any savings analysis not implementing a proposed repair procedures [sic], etc.]

RFP number 18 requests:

All DOCUMENTS, including but not limited to electronically stored information and electronic mails, concerning or relating to any decision to issue any notices, letters, campaigns, warranty extensions, technical service bulletins and recalls concerning the POWERTRAIN DEFECT in vehicles of the same year, make and model as the SUBJECT VEHICLE.

RFP number 19 requests:

All DOCUMENTS including but not limited to electronically stored information and electronic mails, concerning customer complaints, claims, reported failures, and warranty claims related to the POWERTRAIN DEFECT, including but not limited to any databases in YOUR possession with information from dealers, service departments, parts departments, or warranty departments, and all documents concerning YOUR response to each complaint, claim or reported failure.

RFP number 20 requests:

All DOCUMENTS including but not limited to electronically stored information and electronic mails, concerning failure rates of vehicles of the same year, make, and model as the SUBJECT VEHICLE as a result of the POWERTRAIN DEFECT.

GM's opposition argues that these requests are 1) vague and ambiguous, 2) overbroad, 3) irrelevant to plaintiff's claims, 4) burdensome and oppressive, and 5) not likely to lead to admissible evidence in this case. It also claims that at least some responsive materials are confidential, proprietary trade secrets and/or protected by the attorney-client privilege.

To the extent that materials are confidential the parties have executed a Stipulation and Protective Order to allow for the designation of confidential materials. This does not include materials that come within attorney-client or other relevant privileges, see Stipulation and Protective Order, paragraph 3. Accordingly, confidentiality alone should not prevent disclosure of requested materials.

The court does agree with GM's other objections, however, that these requests are at least in part overbroad, vague, ambiguous and irrelevant to plaintiff's claims, and that it would be unreasonably burdensome if not impossible for the custodian of records to identify responsive documents. This is based not on the text of the enumerated requests themselves, but rather on plaintiff's definition of POWERTRAIN DEFECTS in the RFP. That definition is as follows:

The term "POWERTRAIN DEFECT" shall be understood to mean such defects which result in symptoms including, but not limited to: water leaks into back glass while driving through car wash; water leak at back glass; application of high tech seam sealer on top of back window; drivers rear truck bed step has a loose molding piece; reinstallation of molding; clunk noise while driving on pavement; rear leaf spring u bolt lose [sic]; performance of TSB 21-NA-200: reprogramming of torque sequence; center console on driver's side not flush on side; gap on left side bigger than right side; replacement of center console cup holder plate; vehicle still making noises after last repair; replacement of both leaf springs; sealant applied incorrectly on rear passenger rear back glass; cleaning of excess sealant on top of repaired area; truck shakes while driving between 75-80 miles per hour; back window still leaking after last repair; replacement of

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window; check engine light illuminated intermittently while driving; rear speakers do not turn on; rear speakers do not connect to Bluetooth; noise coming from the back end of the vehicle; and any other concern identified in the repair history for the subject 2021 GMC Sierra 1500; . . .

Some of the elements contained within the scope of the plaintiff's request appear to relate to the quality of *services* provided, not to a defect of a vehicle (*e.g.* application of 'high tech' seam sealer, 'performance of' TSB 21-NA-200, sealant applied incorrectly on rear passenger back glass, cleaning of excess sealant on top of repaired area, replacement of both leaf springs). Some elements of this definition are vague and/or overbroad, *e.g.* "gap on left side bigger than right side", "vehicle still making noise after last repair." A loose u-bolt is a repairable condition that can be addressed by tightening or replacing the u-bolt and not a symptom of a mechanical defect in itself. To require GM to require documentation of every rear leaf spring u-bolt that has been tightened in every 2021 GMC Sierra 1500 vehicle represents a burden and expense to GM that clearly outweighs the likelihood that such information will lead to the discovery of relevant evidence in this case. *See, e.g. Calcor Space Facility, Inc. v. Superior Court*, 53 Cal.App.4<sup>th</sup> 216 (1997); Cal. Code Civil Pro. § 2017.020.

The term "failure rates" in request number 20 also appears vague and ambiguous, as is the phrase "concerning or relating to any decision to issue any notices [or] letters" in request number 18.

The court finds that defendant GM has failed to respond to Request for Production number 7, 10, and 34 notwithstanding its own representation that it has agreed to produce those documents. The court finds that defendant GM has failed to produce responsive documents that it designates as confidential, notwithstanding the existence of a Stipulation and Protective Order to protect the confidentiality of such materials.

The court finds that plaintiff's Requests for Production of Documents, Set One, numbers 16, 18, 19 and 20 are vague, ambiguous, overbroad and not likely to lead to the discovery of relevant evidence as they are written.

This order does not preclude plaintiff from propounding more narrowly crafted requests that identify, with reasonable particularity, specific categories of documents that plaintiff requires to support its case.

Although neither party has explicitly requested sanctions, under the Civil Discovery Act a party unsuccessfully making or opposing a motion to compel shall be sanctioned unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. As the court both has granted and denied portions of the motion, the court finds that imposition of sanctions against either party would be unjust, and therefore the court declines to impose any sanctions.

**TENTATIVE RULING #14: PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE, IS DENIED AS TO REQUESTS NUMBER 16, 18, 19 AND 20. PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE, IS GRANTED AS TO REQUESTS NUMBER 7, 10 AND 34. DEFENDANT IS ORDERED TO PROVIDE DOCUMENTS RESPONSIVE TO THOSE REQUESTS WITHIN TEN DAYS OF THIS ORDER. THE COURT DECLINES TO IMPOSE ANY SANCTIONS.**



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**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.**

**15. SJSU REAL ESTATE GROUP LLC VS GABRIEL SETH OVERBY**

**22UD0362**

Defendant seeks an order sustaining his demurrer to the unlawful detainer complaint filed by plaintiff. There is no Proof of Service on file indicating that plaintiff has been served and plaintiff has not filed an opposition to the motion. The matter is dropped from calendar for lack of proper service.

**TENTATIVE RULING #15: DEFENDANT'S DEMURRER IS DROPPED FROM CALENDAR FOR LACK OF PROPER SERVICE.**

**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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