

1. CITIBANK N.A. v. HADDOCK 23CV0494

Motion to Facts to be Deemed Admitted

This motion requests that facts set forth in Plaintiff's Request for Admissions be admitted because of Defendant's failure to respond.

Plaintiff counsel's Declaration, dated August 1, 2023, declares that Plaintiff served the first set of Requests for Admissions on Defendant on May 25, 2023, and that Defendant has not responded. According to the Declaration, on July 11, 2023, Plaintiff wrote a letter (Declaration Exhibit B) to Defendant to resolve the discovery matter informally, setting a deadline for July 21, 2023, for Defendant's responses, but Defendant did not respond to the letter.

Code of Civil Procedure § 2033.280 provides that when a party to whom requests for admission are directed fails to serve a timely response, the following rules apply:

- (a) The party to whom the requests for admission are directed waives any objection to the requests, . . .
- (b) The requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted,. . .
- (c) The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. . . .

Plaintiff has not requested sanctions. Defendant was served by mail at the address of Defendant's attorney that appeared on his May 18, 2023 Answer, in compliance with Code of Civil Procedure § 465.

The motion is unopposed. The motion is granted. As to sanctions, as there was no request for sanctions from Plaintiff, the court reserves over that issue to allow Plaintiff to provide the court further information to substantiate the amount of sanctions, which the court notes are mandatory under Code of Civil Procedure § 2033.280(c). Conversely, Plaintiff may request oral argument for the September 1, 2023 hearing to address the sanctions issue.

TENTATIVE RULING # 1: ABSENT OBJECTION, THE MOTION IS GRANTED AS REQUESTED. THE COURT RESERVES OVER THE ISSUES OF SANCTIONS, WHICH MAY BE ADDRESSED AT THE SEPTEMBER 1, 2023 HEARING UPON A PROPER REQUEST FOR ORAL ARGUMENT.

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. INTERWEST CONSULTING GROUP, NC. V. BRP CONSULTING GROUP, LLC 22CV0450

Motion to Amend Stipulated Protective Order

The First Amended Complaint in this action includes causes of action for breach of duty of loyalty, breach of fiduciary duty, breach of confidence, intentional interference with contract, intentional interference with prospective economic advantage, and violation of Cal. Business and Professions Code § 17200. The allegations involve former employees of Plaintiffs who are alleged to have compromised Plaintiff's business interests in the course of forming a new business entity to compete with Plaintiff.

Plaintiffs seek to amend an existing Stipulation and Protective Order ("Stipulation") to allow for the designation of certain materials as "Attorneys' Eyes Only ("AEO") instead of merely "Confidential" as is provided for in the current Stipulation. This proposed amendment would allow such materials to be disclosed to expert witnesses, the court and its employees, and witnesses being deposed, but would not allow disclosure to representatives of the non-producing party's client. The proposed amendment provides that if the non-producing party believes that the designation is improper it may object and give the producing party 25 days to ally to the court for an order designating the material as "AEO".

Plaintiffs filed this motion after Defendants noticed a deposition of Plaintiffs Person Most Qualified ("PMQ") that included requests for production of documents related to specified subject matters. Declaration of William Frimel, dated August 9, 2023 ("Frimel Declaration") at ¶4. A responsive document was produced to Plaintiffs counsel that Plaintiffs' counsel considers competitively sensitive regarding sales strategies, analyses and other proprietary information. Frimel Declaration at ¶¶7-8, Exhibit D; Declaration of Gary Amato, dated August 9, 2023, ("Amato Declaration") at ¶9; Declaration of Christopher Edgar, dated August 25, 2023 ("Edgar Declaration"). Plaintiff argues that the current Stipulation does not provide adequate protection for that type of information. Frimel Declaration at ¶¶9-10. The parties met and conferred about the matter but were not able to reach agreement on a means to protect this type of information. Frimel Declaration at ¶¶11-15, Exhibits D-G; Edgar Declaration, Exhibits A-C.

In the course of their "meet and confer efforts", Defendants' counsel refused to agree to amend the Stipulation because the case is not a trade secret case, and she felt it would be an ethical violation to withhold information from her clients. Frimel Declaration, Exhibits D, F. Plaintiff's counsel responded with authorities supporting the concept of AEO designations that do not violate ethical requirements. Frimel Declaration, Exhibit G. Defendants' counsel responded that the amendment is unjustified because the litigation is not related to trade secret misappropriation and the information at issue is publicly available. *Id.* Defendant's counsel further stated that rather than enter an agreement to amend the Stipulation, she would prefer not to receive the material at issue. Declaration of Ellen Mendelson ("Mendelson

Declaration”), filed August 15, 2023, Exhibit B. Plaintiff’s counsel offered to withdraw the motion to amend the Stipulation if Defendants would waive any objection to the use of the information at trial or in pre-trial motions, subject to confidential treatment at that time. Id.; Edgar Declaration, Exhibit B.

Defendants argue that 1) this case does not involve trade secret misappropriation and therefore the Plaintiffs cannot claim that there are trade secret protected materials; 2) the proposal is an effort by Plaintiffs’ counsel to create a conflict for the strategic purpose of disqualifying Defendant’s counsel on ethical grounds and/or to burden Defendants with additional attorney’s fees, and 3) the information sought to be protected was provided to public entities for the purpose of obtaining public contracts and is publicly available.

Defendants’ Opposition to the motion also raises issues regarding a proposed motion under Code of Civil Procedure 128.7 that are not before the court in the instant motion.

Plaintiffs request sanctions for Plaintiffs having brought a frivolous motion. Mendelson Declaration at ¶7.

Code of Civil Procedure § 2031.060 provides:

(a) When an inspection, copying, testing, or sampling of documents, tangible things, places, or electronically stored information has been demanded, the party to whom the demand has been directed, and any other party or affected person, may promptly move for a protective order. This motion shall be accompanied by a meet and confer declaration under Section 2016.040.

(b) The court, for good cause shown, may make any order that justice requires to protect any party or other person from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense. This protective order may include, but is not limited to, one or more of the following directions:

* * *

(5) That a trade secret *or other confidential research, development, or commercial information* not be disclosed, or be disclosed only to specified persons or only in a specified way.

(h) Except as provided in subdivision (i), the court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order, 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.

The court finds that there is good cause shown in this case for a selective protective procedure for confidential commercial information precisely because the underlying causes of action allege that the Defendants are the principals of a business in competition with the Plaintiff and that they have misused sensitive commercial information in the past. Amato Declaration at ¶5-8.

The court finds that the motion is not frivolous. Defendants cite case law related to bringing actions for trade secret causes of action. However, as Defendant notes, the First Amended Complaint in this case does not allege misappropriation of trade secrets, so those authorities and procedures do not apply. Code of Civil Procedure § 2031.060 expressly provides for the protection of “confidential research, development, or commercial information” that is not formally designated as a trade secret, or, as in this case, that may be relevant to a case that does not contain a trade secret misappropriation cause of action. See, GT, Inc. v. Superior Ct., 151 Cal. App. 3d 748 (1984).

Defendants’ counsel relies on her ethical obligations to keep her clients informed as a reason to resist the amendment and alleges that Plaintiff’s counsel is bringing the motion to force her into an ethical compromise for the purpose of later disqualifying her for an ethical conflict as a litigation strategy. Given that this case fundamentally involves commercially sensitive information that was allegedly misused by Defendants, and that the law clearly allows the type of arrangement that Plaintiff seeks, it appears that there are genuinely defensible reasons for bringing this motion that do not require resort to Defendants counsel’s suppositions.

Much of Defendants’ argument against the amendment of the Stipulation strays beyond the discovery issues into the merits of the case and the relevance of evidence. Those arguments are premature, and the court limits its ruling to the issue of whether the court is empowered to order certain protections for specially designated materials that are responsive to discovery requests. That authority is clearly available to the court by the express terms of Code of Civil Procedure § 2031.060. If those protections are abused the non-producing party has a remedy under the proposed amendment through a motion for the court’s review of the designated materials.

Defendants’ counsel suggests that rather than providing a general process for ongoing discovery, the court conduct an *in camera* review of the document that led to the Plaintiff’s motion. Since discovery is ongoing and the exchange of information between the parties is likely to include other commercially sensitive material, it is more efficient for the court to provide a procedure for designating this category of information and a judicial procedure for any party that objects to its application to particular information.

As to sanctions, the court finds that Defendants provide a good faith basis for their objection to the protective order and therefore finds that they acted with substantial

justification in opposing motion. As such, the court declines to issue any sanctions against Defendants.

TENTATIVE RULING #2: PLAINTIFF'S MOTION TO AMEND THE STIPULATED PROTECTIVE ORDER IS GRANTED. THE COURT DECLINES TO ISSUES SANCTIONS.

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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3. JUDITH NAPOLEON v. UNITED SERVICES AUTOMOBILE ASSOC.

PC20210289

Motion to Compel

TENTATIVE RULING #3: THIS MATTER IS CONTINUED TO 8:31 A.M. ON FRIDAY, OCTOBER 27, 2023, IN DEPARTMENT NINE.

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. COPELAND v. KAISER, ET AL 23CV1095

Compromise Minor's Claim

This is a Petition to compromise a minor's claim. The Petition states the claim is based on medical malpractice for misdiagnosis and failure to treat bacterial meningitis, resulting in permanent damage to his hearing. Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of \$450,000.

The Petition does not include payments for medical expenses.

The Petition states that the minor will suffer lifelong consequences and continuing medical treatment needs as a result of the injuries. A doctor's report concerning the minor's condition and prognosis of recovery is attached to the Petition, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(3).

The minor's attorney requests attorney's fees in the amount of \$119,743.74, which represents 26% of the gross settlement amount. The court uses a reasonable fee standard when approving and allowing the amount of attorney's fees payable from money or property paid or to be paid for the benefit of a minor or a person with a disability. (Local Rules of the El Dorado County Superior Court, Rule 7.955(a)(1).)

The minor's attorney also requests reimbursement for costs in the amount of \$17,691.74. There are no copies of bills substantiating the claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

The petitioner also requests an order to deposit money into a single premium deferred annuity. See Attachment 18b3 to the Petition. The order is missing the address of the depository, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A(7).

TENTATIVE RULING # 4: THE MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, NOVEMBER 17, 2023, IN DEPARTMENT NINE, TO ALLOW THE PETITIONER TO FILE THE ADDITIONAL INFORMATION REQUIRED BY EL DORADO SCOUNTY SUPERIOR COURT RULES.

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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5. NAME CHANGE OF KATTENHORN 23CV1073

Petition for Name Change

Petitioner filed a Petition for Change of Name on July 5, 2023.

Proof of publication was filed on August 9, 2023, as required by Code of Civil Procedure § 1277(a).

Upon review of the file, the court has yet to receive the background check for petitioner, which is required under the law. Code of Civil Procedure §1279.5(f).

TENTATIVE RULING 5: THE HEARING ON THIS MATTER IS CONTINUED TO 8:30 A.M., FRIDAY SEPTEMBER 29, 2023, IN DEPARTMENT NINE, TO ALLOW PETITIONER TIME TO FILE A BACKGROUND CHECK WITH THE COURT.

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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6. NAME CHANGE OF HSI JO HUANG 23CV1071
Petition for Name Change

Petitioner filed a Petition for Change of Name on July 5, 2023.

Proof of publication was filed on August 9, 2023, as required by Code of Civil Procedure § 1277(a).

A background check has been filed with the court as required by Code of Civil Procedure § 1279.5(f).

TENTATIVE RULING #6: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

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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7. WYNN INNOVATIONS LLC v PRICE 22CV1586

- (1) Demurrer**
- (2) Motion to Strike**
- (3) Motions to Compel**

Demurrer

On March 24, 2023, Plaintiff filed a demurrer to the Answer of Defendant Joe Price. On August 21, 2023, Defendant Joe Price, along with Defendant Price Global Logistics filed an Amended Answer, rendering Plaintiff's demurrer moot.

Motion to Strike

On July 3, 2023, Plaintiff filed a Motion to strike the Answer of Price Global Logistics, LLC because (1) the Answer on behalf of the corporate Defendant was filed was filed in pro per, and (2) the filing of the Answer did not include a proof of service. On August 21, 2023, Defendant Joe Price, along with Defendant Price Global Logistics, through counsel, filed an Amended Answer, rendering Plaintiff's motion to strike moot.

Motions to Compel

Plaintiff filed motions to compel responses to requests for production of documents, special interrogatories and form interrogatories as to each of five Defendants. Defendants' counsel generated opposition to each of these three forms of discovery in the form of fifteen identical declarations of three paragraphs each, and sixteen identical opposition documents of four paragraphs each, all of which consisted of a claims under oath to have never received the discovery requests because they were addressed to "3933 Leon Drive, Suite 310, Garland, TX 75041" when in fact Defendants' correct address is located at "3933 Leon Road, Suite 310, Garland, TX 75041".

To this assertion Plaintiff responds:

1. The Defendants provided the address to "3933 Leon Drive, Suite 310, Garland, TX 75041" in their own Answers to the Complaint. The court takes judicial notice of the truth of this assertion as evidenced in the court's own records. Declaration of Sylvia Li, dated August 25, 2023 ("Li Declaration"), Exhibit A.
2. That the mailing labels actually used to deliver the discovery requests were generated by an electronic service that automatically provided the correct "Road" designation when the address was entered. Li Declaration at ¶4, Exhibit B.
3. Notwithstanding Defendants' claim that they learned of the discovery requests following delivery of Plaintiff's meet and confer correspondence (dated April 10,

2023), Defendants responded to Plaintiff's counsel on the subject of the discovery requests on April 14, 2023, which was several days before Plaintiff's meet and confer correspondence was actually delivered by the Post Office, on April 17, 2023. Li Declaration at ¶16, Exhibit D.

Sanctions

The court finds that the Plaintiff is entitled to sanctions pursuant to Code of Civil procedure § 2030.290 (interrogatories) and § 2031.300 (requests for production of documents). Given that Plaintiff estimated the hours spent on these motions prior to Defendants' filing of more than 25 separate opposition documents, the court would like to give Plaintiff an opportunity to recalculate actual hours spent on reviewing oppositions filed and preparing a reply prior to setting the amount to be awarded.

TENTATIVE RULING #7:

- (1) PLAINTIFF'S DEMURRER TO THE ANSWER OF DEFENDANT JOE PRICE IS OVERRULED AS MOOT.**
- (2) PLAINTIFF'S MOTION TO STRIKE DEFENDANT PRICE GLOBAL LOGISTICS, LLC'S ANSWER IS DENIED AS MOOT.**
- (3) PLAINTIFF'S MOTIONS TO COMPEL AND REQUESTS FOR SANCTIONS ARE GRANTED. THE COURT SETS A HEARING ON DECEMBER 1, 2023 AT 8:30 A.M. IN DEPARTMENT 9 REGARDING THE AMOUNT OF SANCTIONS. PLAINTIFF IS ORDERED TO FILE A PLEADING DETAILING THE SANCTIONS REQUESTED BY NOVEMBER 3, 2023. DEFENDANT MAY FILE A RESPONSE BY NOVEMBER 17, 2023.**

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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.

8. SHINGLE SPRINGS BAND OF MIWOK INDIANS v. FLINTCO PACIFIC, INC. 22CV1011

Demurrer to Cross-Complaint

Plaintiff filed a Complaint for negligence, breach of implied warranty and concealment against Defendant and Cross-Complainant Flintco Pacific, Inc. ("Flintco Pacific") alleging construction defects in concrete work.

According to the Amended Cross-Complaint ("ACC"), in 2008, Flintco, Inc. ("Flintco"), entered into a design build contract with Plaintiff, and Flintco subsequently entered into various subcontracts for the design and construction of Plaintiff's project. This included a subcontract with Cross-Defendant Urata & Sons Cement Co. ("Urata").

Flintco was restructured and in 2011, and, according to the ACC, "all interests in its construction contracts in the State of California were assigned to Cross-Complainant," Flintco Pacific, Inc. ("Flintco Pacific"). Based on that assignment, according to the ACC, Flintco Pacific assumed all of the benefits and obligations of the contracts entered into for the construction of Plaintiff's project, including the right to enforce their terms and conditions and all legal and equitable rights previously held by Flintco.

The ACC states that Urata and the other Cross-Defendants agreed in their contracts to defend, indemnify and hold Flintco, and by extension, Flintco Pacific, harmless against for claims and losses arising from the construction agreements related to Plaintiff's project. The ACC lists 21 causes of action alleging comparative fault, negligence, equitable, express and implied indemnity, breach of express and implied warranties, breach of contract, strict products liability, and declaratory relief.¹

Urata demurs to 14 of 21 causes of action contained in the ACC. The two grounds asserted as to each of the fourteen challenged causes of action are identical: 1) that Flintco Pacific's cause of action is time-barred under the ten-year statute of limitations contained in

¹ Cross-Defendant has filed a Request for the court to take judicial notice of various pleadings filed in this action, and the notice of completion for Plaintiff's construction project recorded with the County Recorder's Office of El Dorado County. Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 collectively govern the circumstances in which judicial notice of a matter may be taken. Evidence Code Section 452 lists matters of which the court may take judicial notice, including "records of (1) any court in this state or (2) any court of record of the United States," and "official acts of the legislative, executive and judicial departments of the United States and of any state of the United States." Evidence Code §§ 452(c) and (d). A trial court is required to take judicial notice of any matter listed in section 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453. Accordingly, Cross-Defendant's request for judicial notice is granted.

California Code of Civil Procedure § 337.15, and 2) the cause of action is against public policy because Flintco Pacific's liability arises from its own concealment.

On the statute of limitations issue, Urata cites Code of Civil procedure § 337.15(a)(1), which states:

(a) No action may be brought to recover damages from any person, or the surety of a person, who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of the development or improvement for any of the following:

(1) Any latent deficiency in the design, specification, surveying, planning, supervision, or observation of construction or construction of an improvement to, or survey of, real property.

The recorded notice of completion of which Urata has requested the court to take judicial notice was recorded on October 7, 2011 and lists a completion date of September 2, 2011. The ACC was filed on December 8, 2022. Accordingly, Code of Civil procedure § 337.15(a)(1) appears to bar the challenged causes of action in the Cross-Complaint as a matter of law.

Cross-Complainant Flintco Pacific has filed an opposition to the demurrer, but in lieu of legal argument its opposition essentially states only that Plaintiff, which has not filed any opposition or support of the motion, has told Flintco Pacific's counsel that it intends to file a First Amended Complaint that will cure the statute of limitations issue raised by Cross-Defendant by reciting the terms of several tolling agreements entered into by Plaintiff and Defendant. Absent any such action by Plaintiff, Flintco Pacific argues, that its own proposed amendment to the ACC will cure the defect in its pleadings, and in its opposition it seeks the court's leave to make that amendment, although it has not filed any motion seeking leave to file an amended Cross-Complaint.

The court need not speculate on the contents or the merits of any hypothetical amended pleading until such time as it may be filed with the court.

TENTATIVE RULING #8:

(1) CROSS-DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IS GRANTED.

(2) CROSS-DEFENDANT'S DEMURRER IS SUSTAINED AS TO THE FIRST, SECOND, FOURTH, SIXTH, EIGHTH, TENTH, TWELFTH, FOURTEENTH, SIXTEENTH, SEVENTEENTH, EIGHTEENTH, NINETEENTH, TWENTIETH, AND TWENTY-FIRST CAUSES OF ACTION WITH LEAVE TO AMEND WITHIN 10 DAYS.

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.

9. T.C. V. DOE 1

Demurrer

Defendant County of Nevada demurs to Plaintiff's Complaint on the ground that her allegations regarding being removed from her home in Sacramento County, placed in a foster home in Yolo County and transferred to a foster home in El Dorado County do not include any involvement of Nevada County in the issues presented in the Complaint.

Plaintiff has filed a Notice of Non-Opposition to Defendant County of Nevada's Demurrer of the Second Amended Complaint and requests the court to grant dismissal of the case as to that Defendant without prejudice in the event that later discovery shows any involvement of Nevada County in the events leading to Plaintiff's alleged harm. That request is premature pending the filing of a request for dismissal.

TENTATIVE RULING #9: DEFENDANT COUNTY OF NEVADA'S DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND.

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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