

**1. 22CV1334 BLY-CHESTER v. EL DORADO COUNTY BOARD OF SUPERVISORS, ET AL.**

**Leave to File Amended Complaint**

Plaintiff filed a motion for leave to file a Second Amended Complaint (“SAC”) pursuant to Code of Civil Procedure §§ 473(a) and 576. The proposed SAC is attached to the motion as Exhibit 1.

The purpose of the proposed amendment is to remove the cause of action for malicious defamation pursuant to the court’s order on Defendant’s anti-SLAPP motion, and to add paragraphs 7 through 53 to clarify that was an employee of Defendant.

Proof of service of notice of the motion was served on Defendant by mail on September 15, 2023.

Defendant filed a Notice of Non-Opposition to the motion on November 16, 2023.

**TENTATIVE RULING #1: ABSENT OBJECTION, THE MOTION 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).**

**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.**

**2. 23CV0026 MCINTIRE v. COUNTY OF EL DORADO, ET AL.**

**Attorney Withdrawal**

Counsel for Plaintiff has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362.

A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating that the clients have rendered it unreasonably difficult for the lawyer to carry out representation effectively, and that counsel believes in good faith that the court will find the existence of other good cause for withdrawal. California Rules of Professional Conduct §§ 1.16(b)(4); 1.16(b)(10).

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Although the Declaration accompanying the motion states that the client was served notice of the motion by mail at her last known address, there is no proof of service of the motion, the accompanying declaration and the proposed Order on counsel for Defendant on file with the court, as is required by California Rules of Court § 3.1362(d).

There is a Case Management Conference scheduled on January 22, 2024, at 8:30 a.m. in Department 10. The proposed Order submitted by counsel for Plaintiff does not list this upcoming hearing date as required by California Rules of Court, Rule 3.1362(e).

**TENTATIVE RULING #2: THE MATTER IS CONTINUED TO 8:35 A.M ON FRIDAY, DECEMBER 8, 2023, IN DEPARTMENT NINE TO ALLOW COUNSEL AN OPPORTUNITY TO FILE A PROOF OF SERVICE WITH THE COURT IN COMPLIANCE WITH CALIFORNIA RULES OF COURT § 3.1362(D), AND THAT INCLUDES A NEW A NEW PROPOSED ORDER THAT REFERENCES THE UPCOMING HEARING DATE ON JANUARY 22, 2024.**

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Tentative Rulings

**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.**

**3. 23CV0761 VANCE v. MORTON ET AL.**

**Motion to Set Aside Default Judgment**

On May 17, 2023, Plaintiff filed a Complaint for Nuisance, Civil Harassment, Negligence, Assault, Battery and Intentional and Negligent Infliction of Emotional Distress. Damages requested include compensatory damages, consequential damages, and general and statutory damages for injuries. On August 17, 2023, an Answer was filed on behalf of Defendant Adam Morton and no default was entered as to that Defendant. This motion addresses the default judgment that was requested by Plaintiff and ordered by the court on July 20, 2023, as to Defendants Richard and Haley Rodriguez (“Defendants”).

On September 20, 2023, Defendants filed a motion to set aside the default on two grounds: 1) that Plaintiff never filed a statement of damages as required by Code of Civil Procedure § 425.11, or in the alternative, 2) on the grounds of mistake, inadvertence, surprise or excusable neglect pursuant to Code of Civil Procedure § 473(b). The latter argument is based upon confusion regarding attorney assignments and resulting clerical error in calendaring the deadline for filing an Answer, as described in the Declaration of Defendants’ counsel filed with court on September 20, 2023. Defendants’ counsel discovered this error and attempted to obtain an extension of time for filing the Answer from Plaintiff’s counsel, but the default had already been entered. Although Defendants’ counsel pointed out the lack of a statement of damages as required by Code of Civil Procedure § 425.11(c) prior to applying for default judgment, Plaintiff declined to stipulate to a set-aside. Declaration of E. Lindberg, dated September 20, 2023.

Code of Civil Procedure § 425.11(c) provides that in an action to recover damages for personal injury “the plaintiff shall serve [a statement setting forth the nature and amount of damages being sought] on the defendant before a default may be taken.”

Plaintiff has filed an opposition to the motion to set aside the default but addresses these arguments exclusively to the issue of mistake, inadvertence, surprise or excusable neglect pursuant to Code of Civil Procedure § 473(b). Plaintiff’s opposition does not address the failure to file a statement of damages in compliance with Code of Civil Procedure § 425.11(c).

As noted in Defendants’ Reply, compliance with Code of Civil Procedure § 425.11(c) is required prior to applying for a default judgment. Schwab v. Rondel Homes, Inc., 53 Cal. 3d 428, 435 (1991); Lopez v. Fancelli, 221 Cal. App. 3d 1305, 1312 (1990); Hamm v. Elkin, 196 Cal. App. 3d 1343, 1346 (1987).

The court grants the motion. Defendants are to file and serve an Answer to the Complaint within ten days.

Both parties request attorney's fees, but given that both parties' counsel bear some responsibility in creating the need to bring this motion the court finds that all parties should bear their own costs.

**TENTATIVE RULING #3: THE MOTION IS GRANTED. THE DEFAULT IS ORDERED SET ASIDE AND VACATED. DEFENDANTS ARE TO FILE AND SERVE AN ANSWER TO THE COMPLAINT WITHIN TEN DAYS.**

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**4. PC20200307 LOEWEN v. MASTEN**

**Leave to File Cross-Complaint**

Defendants request leave to file a Cross-Complaint in this action to assert causes of action related to the easement that is the subject of the Complaint. This motion is based on Code of Civil Procedure § 426.50, which provides:

A party who fails to plead a cause of action subject to the requirements of this article, whether through oversight, inadvertence, mistake, neglect, or other cause, may apply to the court for leave to amend his pleading, or to file a cross-complaint, to assert such cause at any time during the course of the action. The court, after notice to the adverse party, shall grant, upon such terms as may be just to the parties, leave to amend the pleading, or to file the cross-complaint, to assert such cause if the party who failed to plead the cause acted in good faith. This subdivision shall be liberally construed to avoid forfeiture of causes of action.

Because this motion is not made within the time limitations set by Code of Civil Procedure §§ 428.50(a) and (b), leave of the court to file a Cross-Complaint is required. Leave may be granted in the interest of justice at any time during the course of the litigation. Code of Civil Procedure, § 428.50(c).

Proof of service of notice of the motion by electronic mail on October 6, 2023, is attached to the motion. The motion is unopposed.

A Declaration of Michael W. Thomas, who recently substituted in as counsel for Defendants, dated October 5, 2023, declares that the motion is brought in good faith and without any intention to mislead, delay or hinder the matter.

**TENTATIVE RULING #4: ABSENT OBJECTION THE MOTION IS GRANTED AS REQUESTED.**

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**COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**

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**5. PC20150072 SPEEGLE v. MOTHER LODE, LLC**

**Motion to Order Compliance with Code of Civil Procedure § 706.050**

This matter originated with a California Labor Board award to Plaintiff that was subsequently assigned to George Sommers, dba Interstate Judgment Enforcement (“Assignee”) pursuant to Code of Civil Procedure § 673. The assignment was filed with the court on March 24, 2016, and the Assignee renewed the judgment on July 14, 2021. According to the motion, the judgment was entered as to two now-defunct entities and an individual, Michael Adams.

The Assignee garnished Mr. Adams’ wages, and Mr. Adam’s claim of exemption was denied by this court on March 17, 2023. Following that denial the Assignee and Mr. Adams agreed upon a monthly salary deduction in the amount of \$970.00. Mr. Adams’ monthly earnings are in the amount of \$2,412.08 and are subject to an additional withholding of \$100 in favor of the California State Franchise Tax Board. Assignee sent a Notice of Termination or Modification of Earnings Withholding Order dated May 11, 2023, reflecting the new, agreed-upon withholding amount.

The agreed-upon withholding was realized until August 23, 2023, when Assignee noticed that the L.A. Sheriff’s website showed that the funds were being sent back to Mr. Adams’ employer’s payroll service. When Assignee contacted the payroll service, they indicated that the garnishment by the State of California for \$100 took priority under Code of Civil Procedure § 706.077 and they would no longer withhold funds for Assignee’s claim. Code of Civil Procedure § 706.077(a) provides:

Subject to subdivision (b), an employer upon whom a withholding order for taxes is served shall withhold and pay over earnings of the employee pursuant to such order and shall cease to withhold earnings pursuant to any prior earnings withholding order . . . . When an employer is required to cease withholding earnings pursuant to an earlier earnings withholding order, the employer shall notify the levying officer who served the earlier earnings withholding order that a supervening withholding order for taxes is in effect.

Assignee argues that even with the \$100 deduction that has priority over his own earnings withholding order (“EWO”) the deduction does not exceed the maximum withholding allowed by Code of Civil Procedure § 706.050(a), which defines maximum withholding amounts as follows:

- (a) Except as otherwise provided in this chapter, the maximum amount of disposable earnings of an individual judgment debtor for any workweek that is subject to levy under an earnings withholding order shall not exceed the lesser of the following:
  - (1) Twenty-five percent of the individual's disposable earnings for that week.



(2) Fifty percent of the amount by which the individual's disposable earnings for that week exceed 40 times the state minimum hourly wage in effect at the time the earnings are payable. If a judgment debtor works in a location where the local minimum hourly wage is greater than the state minimum hourly wage, the local minimum hourly wage in effect at the time the earnings are payable shall be used for the calculation made pursuant to this paragraph.

Assignee requests that the employer pay the Assignee amounts for that were not withheld since August 23, 2023, and be ordered to resume compliance with the EWO in the Assignee's favor. In his legal arguments in support of the motion, Assignee references statutes and a judicial decision that address the statutory authorization for simultaneous withholdings of tax payments and payments in satisfaction of support orders. See, Code of Civil Procedure § 706.030(c)(3) ("Subject to paragraph (2) and to Article 3 (commencing with Section 706.050), an employer shall withhold earnings pursuant to both a withholding order for support and another earnings withholding order simultaneously.")

Assignee has not identified, and the court has not found, any authority that addresses simultaneous withholding of tax payments and non-support EWOs. To the contrary, the explicitly clear language of Section 706.077(a) states that an employer "upon whom a withholding order for taxes is served . . . shall cease to withhold earnings pursuant to any prior earnings withholding order." The only exception to this directive is made for withholding orders for support pursuant to Code of Civil Procedure § 706.030.

Assignee retains a valid judgment and can resume withholding in accordance with the priority of his EWO after the tax liability is satisfied.

**TENTATIVE RULING #5: THE MOTION IS DENIED.**

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**6. 22UD0152 OAKMONT PROPERTIES LLC v. LUNSFORD**

**Motion to Set Aside Default Judgment**

Plaintiff filed a Complaint for unlawful detainer on May 24, 2022, requesting back rent at the rate of \$72.00 per day from April 13, 2022, and attorney's fees. The lease term was from November 2021, through November 2022. The lease provides for recovery of attorney's fees for the prevailing party of up to \$1,200, ten percent interest per year on unpaid amounts and charges for collection agency fees. See Complaint, Exhibit 1, ¶ 32 (Default by Resident).

Proof of Service of the Complaint, filed with the court on May 11, 2023, indicates service through posting and certified mail at the address of the leased property on June 29, 2022. This service of process was in compliance with an Order from the court authorizing service by posting at and certified mail to Defendant's last known address. This Order was based on the Declaration of Diligence of the process server, which showed that between June 8, 2022 and June 12, 2022 personal service could not be accomplished because the property appeared to be vacant.

An article of mail directed to Defendant at the leased property address mailed on May 31, 2022, was returned undeliverable with no forwarding address.

Plaintiff moved for default judgment on June 14, 2023, which was granted by the court on the same date.

Defendant's motion to set aside the default judgment includes a Declaration that Defendant moved out of the leased property on May 30, 2022, prior to the June, 2022 attempts made at personal service at that address, and six weeks before the Complaint and Summons were served by posting and certified mail at the address of the leased property.

Defendant moves to vacate and set aside the default pursuant to Code of Civil Procedure § 473(d) on the ground that she was never properly served with the summons and complaint because she had vacated the property prior to the date of service. Defendant's Declaration states that she did not receive the Summons and Complaint until September 5, 2023.

Defendant's motion was made on an *ex parte* basis, and at the hearing on September 14, 2023, the court set the matter for hearing on December 1, 2023, and ordered the Defendant to serve notice on the Plaintiff. Proof of service of notice of the hearing was filed on October 18, 2023.

There is no opposition to the motion in the court's file.

Code of Civil Procedure § 473(b) allows the court to relieve a party or his or her legal representative from a judgment that is a result of “mistake, inadvertence, surprise, or excusable neglect.” The application “shall be” accompanied by a copy of the answer that the moving party proposes to file, “otherwise the application shall not be granted.” The statute further requires that the motion be made within six months of the entry of the default judgment.

Defendant has complied with the statutory deadlines for filing a motion to set aside a default. The court finds that, notwithstanding Plaintiff’s compliance with the court’s Order for service by posting and certified mail, the fact that Defendant no longer lived at the address where service was made is sufficient evidence of “surprise or excusable neglect.” However, the statute further requires the motion to be accompanied by the answer, motion or other pleading proposed to be filed. While Defendant did check the box on the form on which she filed her motion indicating that the Answer is attached, no Answer in on file with the court.

[B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default (*Waite v. Southern Pacific Co.* (1923) 192 Cal. 467, 470-471 [221 P. 204]; *Carli v. Superior Court* (1984) 152 Cal.App.3d 1095, 1099 [199 Cal.Rptr. 583] [in the context of deemed admissions § 473 should be applied liberally “so cases can be tried on the merits”]; *Flores v. Board of Supervisors, supra*, 13 Cal.App.3d at p. 483.) . . . A motion seeking such relief lies within the sound discretion of the trial court, and the trial court's decision will not be overturned absent an abuse of discretion. (*Weitz v. Yankosky* (1966) 63 Cal.2d 849, 854 [48 Cal.Rptr. 620, 409 P.2d 700]; *Martin v. Cook* (1977) 68 Cal.App.3d 799, 807 [137 Cal.Rptr. 434].)

Elston v. City of Turlock, 38 Cal. 3d 227, 233, 695 P.2d 713 (1985).

**TENTATIVE RULING #6: THE MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, JANUARY 5, 2024, IN DEPARTMENT NINE TO ALLOW DEFENDANT AN OPPORTUNITY TO FILE AN AMENDED MOTION IN COMPLIANCE WITH CODE OF CIVIL PROCEDURE § 473(B).**

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**7. 22CV0031 PROTECTIVE INSURANCE COMPANY v. JJ EXPRESS FREIGHT, INC.**

**Motion for Reconsideration**

Plaintiff has filed a motion for reconsideration of the court's order imposing sanctions and dismissing the case with prejudice for a continuing pattern of failures to appear at scheduled conferences and hearings. Defendant has filed an opposition to the motion for reconsideration, or in the alternative requests the monetary sanctions to remain in place.

On March 20, 2023, neither party appeared at the Case Management Conference. The Declaration of Steven A. Booska, dated August 21, 2023, attached to Defendant's Opposition as Exhibit 1 ("First Booska Declaration") declares that counsel missed the scheduled Case Management Conference inadvertently because he was working on a brief in another matter.

At the Case Management Conference scheduled for June 12, 2023, counsel for Plaintiff was not present, and the court set an OSC hearing on August 7, 2023. The First Booska Declaration states that he did not receive the court's notice of the rescheduled Case Management Conference because the Minute Order with notice of the date was addressed to him at a suite of his building (#221) from which he had moved in July 2022. See Clerk's Certificate of Mailing, filed on March 23, 2023. Plaintiff's counsel's current address on file with the court is at suite #200.

Defendant's Opposition contradicts this assertion, and attaches an email to Plaintiff's counsel dated May 26, 2023, that included the Case Management Statement and its proof of service. The Case Management Statement identifies the date and time of the scheduled conference on June 12, 2023, at 10:30 a.m. Defendant's Opposition, filed November 16, 2023, Exhibit 2.

At the Case Management Conference heard on August 7, 2023, counsel for Plaintiff was not present. The court ordered the parties ordered to meet and confer and set a hearing to consider dismissal and sanctions against Plaintiff on September 11, 2023. The First Booska Declaration states that the court's email notice sent on June 14, 2023, noticing the August 7, 2023, date was not received by email, and he was not aware of that Case Management Conference until he received the Minute Order by mail on August 14, 2023.

Defendant's Opposition to the motion for reconsideration notes that Plaintiff's counsel had previously claimed to have not received an email delivering the Opposition to Plaintiff's summary judgment motion. That Opposition was filed with the court with a proof of service showing service on Plaintiff's counsel by email on February 10, 2023. Plaintiff denied having received Defendant's Opposition to the motion for summary judgment until he checked his email account in the course of an email exchange with defense counsel on April 5, 2023.

Defendant's Opposition, Exhibit 3. This exchange reflects on Plaintiff's counsel's credibility regarding his receipt of the emailed notice of the August 7, 2023, Case Management Conference date.

On September 11, 2023, the case was called at 1:39 p.m., and as there was no appearance by Plaintiff, the matter was dismissed with prejudice, and the court ordered sanctions against Plaintiff in the amount of \$500. In support of the motion for reconsideration Counsel for Plaintiff filed a second Declaration, dated September 12, 2023 ("Second Booska Declaration") explaining that he attempted to appear by telephone by dialing the court's number for remote appearances at 1:22 p.m. and remained on hold. At 1:50 p.m. he asked an assistant to call the court, and at that point received Zoom log-in information. The Second Declaration attaches phone records showing the 1:22 p.m. outgoing call.

Defendant's Opposition argues that, in addition to consistently missing appearances, Plaintiff's counsel has exhibited a pattern of disregard for the parties and for the court in the summary judgment motion that was filed on September 12, 2022, and was scheduled to be heard on February 24, 2023, following two stipulations by the parties to continue the date of the hearing on the motion. On February 22, 2023, Plaintiff's counsel filed a Notice of Withdrawal of the motion, which he served on Defendant's counsel by mail, guaranteeing that Defendant would not receive notice that the motion was withdrawn until after the scheduled hearing date.

#### Standard of Review

When an application for an order has been made to a judge, or to a court, and refused in whole or in part, or granted, or granted conditionally, or on terms, any party affected by the order may, within 10 days after service upon the party of written notice of entry of the order and based upon new or different facts, circumstances, or law, make application to the same judge or court that made the order, to reconsider the matter and modify, amend, or revoke the prior order. The party making the application shall state by affidavit what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown.

Code of Civil Procedure § 1008(a).

Plaintiff has filed the motion within the statutory deadline and included an affidavit with an explanation for the failure to appear.

Plaintiff's counsel has submitted evidence with his affidavit that he initiated a call to appear telephonically at 1:22 p.m. for a matter that was scheduled for 1:30 p.m. but through no fault of his own that he remained on hold and was not able to participate in the hearing. This

representation, supported by documentation of the attempted participation by telephone, constitutes “different facts” as contemplated by Code of Civil Procedure § 1008.

While Plaintiff’s counsel’s conduct in this case has not been exemplary, the basis for the court’s Order on September 11, 2023, was a failure to appear at three scheduled hearings. In fact Plaintiff’s counsel did fail to appear three times, but in the first hearing Defendant’s counsel also failed to appear, and that hearing on March 20, 2023, was not considered by the court in its September 11, 2023 Order dismissing the action with prejudice and imposing sanctions. Accordingly, the motion for reconsideration is granted, and the prior order is vacated. A Case Management Conference is set on April 8, 2024 at 10:30 a.m. in Department 10.

**TENTATIVE RULING #7: THE MOTION FOR RECONSIDERATION IS GRANTED, AND THE PRIOR ORDER IS VACATED. A CASE MANAGEMENT CONFERENCE IS SET ON APRIL 8, 2024 AT 10:30 A.M. IN DEPARTMENT 10.**

**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.**



**8. 22CV1621 ALES v. JAGUAR LAND ROVER NORTH AMERICA, LLC**  
**Motion to Compel Discovery – Deposition**

**TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 1, 2023, IN DEPARTMENT NINE.**

**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. PCL20210539 CROWELL v. LIGHTHALL, ET AL.**

**Motion to Set Aside Default Judgment**

An application for default judgment against Defendant Joshua Lighthall (“Defendant”) was filed on August 7, 2023, pursuant to Code of Civil Procedure § 585(b). At a hearing on September 18, 2023, the court entered the default as requested following arguments by Plaintiff, but Defendant did not appear. At the same hearing, Defendant Lance Lighthall was dismissed from the case at Plaintiff’s request.

Plaintiff’s 2023 application for default judgment explains that Defendant Joshua Lighthall had never answered the Complaint for rescission or otherwise appeared in the case, which was filed in 2021 and specified \$15,000 as restitution damages. Plaintiff initially requested a default judgment on August 20, 2021.

Plaintiff’s 2023 Memorandum of Points and Authorities in support of default judgment is also a signed Declaration, which explains that the extended period of time between the filing of the initial application for default judgment in 2021 and the application for default judgment in 2023 is due to the fact that the case was stayed in February, 2022 based on a pending bankruptcy action. That action has resulted in discharge of Plaintiff’s claim in bankruptcy as to Defendant Lance Lighthall and as a result, Plaintiff requested the dismissal of Lance Lighthall as a Defendant at the September 18, 2023, hearing.

Plaintiff asserts that there may have been some confusion on the court’s part as to whether Joshua Lighthall was included in Lance Lighthall’s bankruptcy action, which may explain why the court did not grant the default judgment in February of 2022. Plaintiff asserts that the stay never applied to Joshua Lighthall and that neither the bankruptcy court’s January 6, 2023, Order nor any other document has referenced Joshua Lighthall as a debtor. Accordingly, in 2023, Plaintiff renewed his request for a default judgment as to Joshua Lighthall.

Plaintiff filed a Supplemental Memorandum of Points and Authorities, also signed as a Declaration, attaching a decision by an Administrative law Judge (“ALJ”) on behalf of the California Department of Consumer Affairs, Bureau of Automotive Repair (“BAR”), dated August 2, 2022, following a hearing on a citation issued to Lighthall Classics, the auto repair business with respect to which this dispute arose. The citation was for doing business as an automotive repair dealer without a valid license. The citation resulted from a complaint brought by Plaintiff, and the ALJ concluded, following a hearing, that Lance Lighthall, doing business as Lighthall Classics, had performed auto repair services at a business location and received compensation from Plaintiff without the benefit of BAR registration or a license from the state. This conclusion is the basis for Plaintiff’s argument that any purported contract between the parties was

unenforceable pursuant to Business and Profession Code § 9884.16,<sup>1</sup> and that Plaintiff was, accordingly, entitled to the equitable remedy of rescission and restitution as stated in his Complaint. However, Defendant Joshua Lighthall was not referenced in that decision.

Proof of service of notice of the motion for default states that it was served by mail on August 7, 2023, to 4213 Sunset Lane, Suite 110, Shingle Springs, CA 95682, which was the business address of Lighthall Classics. The court notes that while the motion to set aside the default judgment was filed *in pro per*, the court's records indicate that Joshua Lighthall is represented by counsel, and the application for default was not directed to counsel's address.

Defendant's motion to set aside the default judgment, filed on October 12, 2023, is based on "inadvertence and/or oversight", specifically because he asserts he did not receive any documents, had moved to a new address five months previously, and was not aware that he needed to update his address with the court. As a defense to the action he asserts that he was not an owner of the business and was not involved in business decisions.

Code of Civil Procedure § 473(b) allows the court to relieve a party or his or her legal representative from a judgment that is a result of "mistake, inadvertence, surprise, or excusable neglect." The application "shall be" accompanied by a copy of the answer that the moving party proposes to file, "otherwise the application shall not be granted." The statute further requires that the motion be made within six months of the entry of the default judgment.

Defendant has complied with the statutory deadlines for filing a motion to set aside a default. The court finds that the fact that the Defendant's address in the official court record is that of his counsel and that there was no service of the application for default judgment at that address is sufficient evidence of "surprise or excusable neglect." However, the statute further requires the motion to be accompanied by the answer, motion or other pleading proposed to be filed. No Answer in on file with the court.

[B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default (*Waite v. Southern Pacific Co.* (1923) 192 Cal. 467, 470-471 [221 P. 204]; *Carli v. Superior Court* (1984) 152 Cal.App.3d 1095, 1099 [199 Cal.Rptr. 583] [in the context of deemed admissions § 473 should be applied liberally "so cases can be tried on the merits"]; *Flores v. Board of Supervisors, supra*, 13 Cal.App.3d at p. 483.) . . . A motion seeking such relief lies within the sound discretion of the trial court, and the trial court's decision will not be overturned absent an abuse of discretion. (*Weitz v. Yankosky* (1966)

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<sup>1</sup> "A person required to have a valid registration under the provisions of this chapter shall not have the benefit of any lien for labor or materials, including the ability to charge storage fees in accordance with applicable laws, or the right to sue on a contract for motor vehicle repairs unless the person possesses a valid registration." Business and Profession Code § 9884.16.

12-01-23  
Dept. 9  
Tentative Rulings

63 Cal.2d 849, 854 [48 Cal.Rptr. 620, 409 P.2d 700]; *Martin v. Cook* (1977) 68 Cal.App.3d 799, 807 [137 Cal.Rptr. 434].)

Elston v. City of Turlock, 38 Cal. 3d 227, 233, 695 P.2d 713 (1985).

**TENTATIVE RULING #9: THE MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, JANUARY 5, 2024, IN DEPARTMENT NINE TO ALLOW DEFENDANT AN OPPORTUNITY TO FILE AN AMENDED MOTION IN COMPLIANCE WITH CODE OF CIVIL PROCEDURE § 473(B).**

**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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10. 23CV0967 C.G. v. COUNTY OF EL DORADO, ET AL  
Demurrer

**TENTATIVE RULING #10: THIS MATTER IS CONTINUED TO 8:31 A.M. ON FRIDAY, DECEMBER 29, 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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11. 22CV0968 COCHRAN v. ACKLEY

Motion for Summary Judgment/Summary Adjudication

**TENTATIVE RULING #11: THIS MATTER IS CONTINUED TO 8:31 A.M. ON FRIDAY, FEBRUARY 16, 2024, 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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**12. 23CV0499 TAPIA v. HAMLIN**

**Motion to Strike**

Defendant has filed a motion to strike all references in Plaintiffs' Complaint to "negligence per se" and "punitive damages" because negligence per se is an evidentiary burden and not an independent cause of action. Defendant further argues that the evidentiary requirements of negligence *per se* are mis-stated in the Complaint.

Further, Defendant argues that the Complaint does not allege sufficient facts to support a prayer for punitive damages.

Request for Judicial Notice

Defendant has filed a Request for the court to take judicial notice of the Complaint filed in this action. 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." Evidence Code § 452(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, Defendant's request for judicial notice is granted.

Standard of Review

Code of Civil Procedure § 436 authorizes a court, in its discretion, to "strikeout any irrelevant, false, or improper matter inserted in any pleading," or "any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court."

Negligence *Per Se*

Defendant is correct that negligence *per se* is an evidentiary presumption affecting the burden of proof which is codified by Evidence Code § 669:

Under subdivision (a) of this section, the doctrine creates a presumption of negligence if four elements are established: (1) the defendant violated a statute, ordinance, or regulation of a public entity; (2) the violation proximately caused death or injury to person or property; (3) the death or injury resulted from an occurrence the nature of

which the statute, ordinance, or regulation was designed to prevent; and (4) the person suffering the death or the injury to his person or property was one of the class of persons for whose protection the statute, ordinance, or regulation was adopted. (*Spates v. Dameron Hosp. Assn.* (2003) 114 Cal.App.4th 208, 218, 7 Cal.Rptr.3d 597.) These latter two elements are determined by the court as a matter of law. (*Galvez v. Frields* (2001) 88 Cal.App.4th 1410, 1420, 107 Cal.Rptr.2d 50.)

If the presumption of negligence is established under subdivision (a) of Evidence Code section 669, it may be rebutted under subdivision (b) by proof that “(1) [t]he person violating the statute, ordinance or regulation did what might reasonably be expected of a person of ordinary prudence, acting under similar circumstances, who desired to comply with the law; or [¶] (2)[t]he person violating the statute, ordinance, or regulation was a child and exercised the degree of care ordinarily exercised by persons of his maturity, intelligence, and capacity under similar circumstances, but the presumption may not be rebutted by such proof if the violation occurred in the course of an activity normally engaged in only by adults and requiring adult qualifications.” (Evid.Code, § 669, subd. (b).)

Quiroz v. Seventh Ave. Ctr., 140 Cal. App. 4th 1256, 1285 (2006).

The references in the Complaint to negligence *per se* are legal conclusions that are irrelevant to pleading the negligence cause of action in the Complaint. Plaintiff may well take advantage of the evidentiary presumption of Evidence Code § 669 from the time of the Plaintiff’s offers of proof at trial and continuing through the instructions that are presented to the jury. However, the references in the Complaint are not necessary to support the negligence cause of action, nor does the inclusion of these references at the pleading stage help or hinder the Plaintiffs’ case. “[T]he doctrine of negligence *per se* is within the scope of pleadings that allege general negligence, as proof of a breach of duty is not limited to common law standards of care.” Jones v. Awad, 39 Cal. App. 5th 1200, 1211 (2019).

Accordingly, as to the references to “negligence *per se*” in the Complaint, Defendant’s motion to strike is granted.

#### Punitive Damages

A different circumstance is presented by the issue of the prayer for punitive damages. If the Defendant’s motion to strike is granted Plaintiff will be prevented from presenting evidence on that issue and from collecting heightened damages even if the evidence ultimately supports that result. Defendant argues that the facts of this case, as alleged, do not rise to the same level of conduct as has supported punitive damages in prior judicial decisions.

Civil Code § 3294(a) provides:



In an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant.

The legal standard for punitive damages does not list particular facts patterns that do or do not qualify for punitive damages as a matter of law. Rather, the cases describe this standard in terms of the state of mind of the Defendant. In the case of Taylor v. Superior Ct., 24 Cal. 3d 890 (1979), the California Supreme Court overturned a demurrer to the portion of the plaintiff's complaint related to punitive damages, holding that "the act of operating a motor vehicle while intoxicated may constitute an act of "malice" under [Civil Code] section 3294 if performed under circumstances which disclose a conscious disregard of the probable dangerous consequences." Id. at 892.

The question of whether Defendant's conduct comes within the legal standard for punitive damages is a highly factual issue. Allowing the Plaintiff to include a prayer for such damages does not prevent the Defendant from establishing that the conduct at issue does not meet the high standard for imposing such damages according to proof at trial. To allow the Complaint to include a request for such damages does not prejudice the Defendant, but striking the prayer for such punitive damages could ultimately prejudice the Plaintiffs.

**TENTATIVE RULING #12:**

- (1) DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IS GRANTED.**
- (2) DEFENDANT'S MOTION TO STRIKE REFERENCES TO "NEGLIGENCE *PER SE*" IN THE COMPLAINT IS GRANTED.**
- (3) DEFENDANT'S MOTION TO STRIKE REFERENCES TO PUNITIVE DAMAGES IN THE COMPLAINT 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).**

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**13. PC20090321 JOHN DEERE CONSTRUCTION v. TASSEL**

**Order of Examination Hearing**

**TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:35 A.M. ON FRIDAY, DECEMBER 1, 2023, IN DEPARTMENT NINE.**

**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.**

**14. 22CV0690 MALAKHOV v. MARTINEZ**

**Demurrer**

Plaintiffs/Cross-Defendants Joshua Brost and Daniel Malakhov filed an action alleging breach of contract, breach of the covenant of good faith and fair dealing, fraudulent inducement of a contract, negligent and intentional infliction of emotional distress, negligence, fraud, deceptive business practices and attempted civil extortion in a dispute arising from the construction of a custom home by Defendants/Cross-Complainants.

Defendants/Cross-Complainants 5059 Greyson Creek Drive, LLC and Brian Morrow filed a Cross-Complaint against Plaintiffs for 1) breach of contract, 2) substantial performance, 3) anticipatory breach and 4) breach of covenant of good faith and fair dealing. The Cross-Complaint was filed on March 28, 2023.

Plaintiffs/Cross-Defendants filed a demurrer to the Cross-Complaint on May 11, 2023.

Timeliness of Demurrer/Lack of Notice

Cross-Complainants argue that Cross-Defendants' demurrer was late under the deadlines specified in Code of Civil Procedure § 430.40, which requires a demurrer to be filed within 30 days of the pleading it addresses. Cross-Defendants have provided documentation of Cross-Complainants' informal agreement to extend the deadline for filing to May 10, 2023. Declaration of Timothy Ivanovich Kokhanets, dated July 7, 2023, Exhibit 1. The demurrer was filed on May 11, 2023, along with a proof of service showing delivery of the demurrer and supporting documents to Cross-Complainants on May 10, 2023. Accordingly, the demurrer was timely filed in accordance with the parties' agreement to extend the statutory deadline to May 10, 2023.

Cross-Complainants further argue that the demurrer should not be heard because the notice of the demurrer was served without a hearing date, and that the lack of notice constitutes a violation of due process. It is not clear from the record when Cross-Complainants were notified of the hearing date; the Opposition alleges that they have never been served with notice of the date, time and place for hearing on the demurrer.

At the hearing on this motion held on July 14, 2023, this matter was continued to allow for proper service of notice of the hearing. No proof of service of notice of the hearing on the demurrer has been filed. However, on October 31, 2023, a proof of service of Plaintiff's Notice of Motion to a File First Amended Complaint was filed with the court, which was scheduled for hearing on December 22, 2023.

12-01-23  
Dept. 9  
Tentative Rulings

On November 22, 2023, a Notice of Bankruptcy was filed by Defendant/Cross-Complainant 5059 Greyson Creek Drive, LLC.

**TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:35 A.M. ON FRIDAY, DECEMBER 1, 2023, IN DEPARTMENT NINE.**

**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.    **22CV1082**                    **NAJAFPIR v. VSIONARY REALTY GROUP, INC.**  
**Oral Decision**

**TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:35 A.M. ON FRIDAY, DECEMBER 1, 2023, IN DEPARTMENT NINE.**

**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.**

**16. 23CV0669 NAME CHANGE OF SCHUETTE**

**Petition for Name Change**

Petitioner filed a Petition for Change of Name on May 3, 2023.

There is nothing in the court's records indicating that the OSC has been published in a newspaper of general circulation for four consecutive weeks as required by Code of Civil Procedure § 1277(a). Petitioner is ordered to file the OSC in a newspaper of general circulation in El Dorado County for four consecutive weeks. Proof of publication is to be filed with the court prior to the next hearing date.

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 #16: THE HEARING ON THIS MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, JANUARY 26, 2024, IN DEPARTMENT NINE TO ALLOW PETITIONER TIME TO FILE PROOF OF PUBLICATION AND 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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**17. 23CV1079 NAME CHANGE OF HATT**

**Petition for Name Change**

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

Proof of publication was filed on August 28, 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 #17: 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).**

**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.**



**18. 23CV1745 NAME CHANGE OF POTKAJ**

**Petition for Name Change**

Petitioner filed a Petition for Change of Name on October 12, 2023.

Proof of publication was filed on November 13, 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 #18: THIS MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, DECEMBER 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).**

**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.**

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**19. PCL20190512 PEOPLE OF THE STATE OF CALIFORNIA v. RODRIGUEZ**  
**Petition for Forfeiture**

**TENTATIVE RULING #19: APPEARANCES ARE REQUIRED AT 8:35 A.M. ON FRIDAY, DECEMBER 1, 2023, IN DEPARTMENT NINE.**

**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.**

**20. PC20200443 PEOPLE OF THE STATE OF CALIFORNIA v. KRYLOC**  
**Claim Opposing Forfeiture**

**TENTATIVE RULING #20: APPEARANCES ARE REQUIRED AT 8:35 A.M. ON FRIDAY, DECEMBER 1, 2023, IN DEPARTMENT NINE.**

**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.**