

1. 23CV1839 DISCOVER BANK v. EDWARDS-NORFLEET

Petition for Damages

Plaintiff filed the Summons and Complaint on October 20, 2023. The matter falls within California Rules of Court, Rule 3,740 as a collections case for a credit card debt. Although the Statement of Venue filed by the Plaintiff includes a mailing address for the Defendant, there is no proof of service of the Summons and Complaint on file with the court.

California Rules of Court, Rule 3.740 provides:

(d) Time for service

The complaint in a collections case must be served on all named defendants, and proofs of service on those defendants must be filed, or the plaintiff must obtain an order for publication of the summons, within 180 days after the filing of the complaint.

TENTATIVE RULING #1: THE MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, APRIL 19, 2024, IN DEPARTMENT NINE TO ALLOW PLAINTIFF AN OPPORTUNITY TO FILE A PROOF OF SERVICE OR REQUEST PROOF BY PUBLICATION OF THE SUMMONS, AND FOR DEFENDANT TO FILE AN ANSWER TO THE COMPLAINT.

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. 22CV1509 EXPERT PROPERTY SOLUTIONS v. MONGEON

Motion for Reconsideration

This motion is made pursuant to Code of Civil Procedure § 1008:

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).

Pursuant to a judgment entered on June 5, 2023, Plaintiff prevailed on an unlawful detainer action after purchasing residential real property (“Property”) from which Defendant refused to move out after the sale. After the sale closed and prior to the unlawful detainer action Defendant left a note posted at the Property ADDRESSED “to potential buyer” that stated: “I still live here as all my stuff is still here. DO NOT COME ON MY PROPERTY. This is private property. I have not been evicted or asked to leave. SO STAY OUT.” Amended Complaint, Exhibit B.

Service of the Summons and Complaint by posting at the property and mailing to Defendant’s last known address was authorized by court order dated December 13, 2022, on the grounds that service had not been accomplished through reasonable diligence. Five attempts had been made to personally serve Defendant at the Property that was prevented by the presence of a large, aggressive dog in the yard. Affidavit of Reasonable Diligence, filed on December 9, 2022. On January 5, 2023, Defendant filed an Answer in which Defendant acknowledges that he was informed of the sale of the Property as of August 22, 2022, and that he had received the unlawful detainer complaint on December 29, 2022. *See also* Declaration of Gregory Wayland, dated September 27, 2023, (“Wayland Declaration”), ¶13.

Defendant did not appear at the trial on March 27, 2023, and judgment was entered for Plaintiff following Plaintiff’s offer of proof of the purchase and sale of the Property, and of the Five-Day Notice of Unlawful Detainer and associated proof of service. The Clerk of the court mailed notice of the proceedings to Defendant at the address of the Property.

Defendant was personally served with a notice to vacate the premises on September 4, 2023, by the El Dorado County Sheriff’s Office. On September 11, 2023, Defendant filed an *ex parte* application to set aside the judgment claiming that he never received notice of the court

dates because service was made to the wrong address. The court set aside the judgment based on the *ex parte* application on September 12, 2023.

Plaintiff's motion requests the court to reconsider its order setting aside the judgment based on Code of Civil Procedure § 473(b). Plaintiff argues that this motion should be granted for the following reasons:

1. Defendant had previously received notice of the proceedings through posting at the Property, and by mail service to that address where he strenuously claimed to be residing. The Minute Orders from the February 27, 2023 case management conference and the trial proceedings were both mailed to him by the Clerk of the court at the address of the Property.

2. Although Defendant claims that the judgment for his eviction would cause him hardship, he has had notice of these proceedings for a year.

3. The *ex parte* application did not qualify for relief under Code of Civil Procedure § 473(b)¹ because it had been filed more than 90 days after service of the notice of the Minute Order following the trial in March 27, 2023 to Defendant at the address of the Property, which his mailing address of record with the court.

4. Defendant alleges that he informed Plaintiff's counsel of the *ex parte* application by telephone, but Plaintiffs' review of its voicemail and email records did not reveal any call or message from Defendant. Wayland Declaration, ¶¶4-6. The *ex parte* Order should be set aside based upon this newly discovered evidence that was unknown to the court at the time the *ex parte* Order was entered.

TENTATIVE RULING #2: PLAINTIFF'S MOTION FOR RECONSIDERATION IS GRANTED. THE *EX PARTE* ORDER IS VACATED.

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

¹ Code of Civil Procedure § 473(b) provides, in pertinent part: "The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. . . . [I]n the case of a judgment, dismissal, order, or other proceeding determining the ownership or right to possession of real or personal property, . . . , when a notice in writing is personally served within the State of California both upon the party against whom the judgment, dismissal, order, or other proceeding has been taken, . . . , notifying that party and his or her attorney of record, if any, that the order, judgment, dismissal, or other proceeding was taken against him or her and that any rights the party has to apply for relief under the provisions of Section 473 of the Code of Civil Procedure shall expire 90 days after service of the notice, then the application shall be made within 90 days after service of the notice upon the defaulting party or his or her attorney of record, if any, whichever service shall be later."

12-15-23
Dept. 9
Tentative Rulings

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.

3. 21CV0220 SHTULVARG CORPORATION v. WON YOUNH HWANG ET AL.

Motion to be Relieved as Counsel

As the client of the moving party is a corporation, the court orders the parties to appear to make further inquiries before granting the request.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 15, 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).

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.

4. 22CV0722 BRYANT v. PIONEER UNION SCHOOL DISTRICT

Compromise Minor's Claim

This is a Petition to compromise a minor's claim. The Petition states the minor sustained a minor buckle fracture to his wrist and has since fully recovered. Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of \$22,500.

The Petition states no medical expenses will be deducted from the proceeds of the settlement.

The Petition states that the minor has fully recovered from the injuries allegedly suffered and there are no permanent injuries. A doctor's report concerning the minor's condition and prognosis of recovery is attached, 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 \$5,625, which represents 25% 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 \$3,212 which include the costs of filing fees, service of process, appearance fees and litigation support cloud services. While these costs are itemized on Attachment 13b of the Petition, 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 authorizing the amount of \$13,662.78 to be invested in a single premium deferred annuity, subject to withdrawal only on the authorization of the court. The proposed Order is missing the name and address of the depository, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A(7).

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 15, 2023, IN DEPARTMENT NINE. THE PRESENCE OF THE PETITIONER AND THE MINOR ARE REQUIRED BY THE LOCAL RULES OF THE EL DORADO COUNTY SUPERIOR COURT, RULE 7.10.12D.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED.

CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

5. 23CV0678 HANSEN v. BLACK OAK LAND HOLDINGS, LLC

Motion to Compel Discovery

The Complaint in this action was filed on May 4, 2023. Plaintiff served discovery on Defendant on August 4, 2023, and responses were due on September 6, 2023. Defendant has not filed any response to that discovery request, did not request an extension, and did not respond to Plaintiff's September 13, 2023, email requesting those responses. The discovery requests included Form Interrogatories, Special Interrogatories, and Request for Production of Documents-Set One.

The motion is unopposed.

Plaintiff has filed this motion to compel and requests sanctions against Defendant in the amount of \$1,635 pursuant to Code of Civil Procedure § 2030.290. This is based on 3.3 hours preparing the motion, at a rate of \$250.00 per hour (\$825), plus two hours anticipated to review an opposition from Defendant and preparing a reply (\$500), and one hour preparing for and attending the hearing on the motion (\$250), plus the \$60 cost of the court's filing fee.

The court notes that no opposition has been filed. Code of Civil procedure § 2031.300 provides that a monetary sanction is required against a party unsuccessfully opposing a motion to compel, which is not the case here. Instead, Code of Civil Procedure § 2023.010 lists conduct that amounts to the misuse of discovery, including failing to respond to an authorized form of discovery. Section 2023.030(a) authorizes a court to award sanctions for a misuse of discovery unless the party subject to sanction acted with substantial justification or other circumstances make the award of sanctions unjust, after notice and an opportunity for a hearing.

Plaintiff seeks an Order:

- 1) compelling a response to propounded discovery within 15 days of the Order;
- 2) finding that Defendants' failure to respond to interrogatories has waived any right to exercise the option to produce writings, and has waived all objections to the interrogatories, including those based on privilege and work product pursuant to Code of Civil Procedure § 2030.290(a);
- 3) awarding monetary sanctions against Plaintiff and Plaintiffs' attorney pursuant to Code of Civil Procedure §§ 2030.290(c) and 2031.300(c) for failure to respond to interrogatories and document requests.

Pursuant to Code of Civil Procedure §§ 2030.290(a) and 2031.300(a), the court finds that by its failure to provide discovery responses, Defendant has waived objections to the discovery propounded on August 4, 2023 (Form Interrogatories, Special Interrogatories, and Request for Production of Documents-Set One).

The award of monetary sanctions is not supported under Code of Civil Procedure §§ 2030.290(c) and 2031.300(c) where the motion to compel was unopposed. Sanctions may be supported under those sections, or under Section 2023.030(a) after notice and an opportunity for a hearing, in the event that Defendant fails to comply with this Order.

TENTATIVE RULING #5: PLAINTIFF'S MOTION TO COMPEL RESPONSES TO DISCOVERY IS GRANTED. DEFENDANT IS ORDERED TO PROVIDE, WITHOUT OBJECTION, COMPLIANT DISCOVERY RESPONSES TO PLAINTIFF WITHIN FIFTEEN DAYS OF THIS ORDER.

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.

6. PC20170113 GETZ v. SERRANO EL DORADO OWNER'S

Motions for Summary Judgment/Summary Adjudication

In reviewing the pleadings, the court determines it needs to hear oral argument prior to issuing any tentative rulings. The court orders the parties to appear at oral argument regarding all three motions at 2:30 p.m. on December 15, 2023 in Department 9.

TENTATIVE RULING #6: THE COURT ORDERS THE PARTIES TO APPEAR AT ORAL ARGUMENT REGARDING ALL THREE MOTIONS AT 2:30 P.M. ON DECEMBER 15, 2023 IN DEPARTMENT 9.

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.

7. 22CV1565 EWING IRRIGATION PRODUCTIONS, INC. v. LAND TECH INDUSTRIES

Order of Examination

A Notice of Entry of Judgment on Sister-State Judgment was filed with this court on October 28, 2022, for a judgment amount of \$34,828.25. Substituted service of the Notice was effected on November 17, 2022 at the residence of Lawrence Joseph Petretti and filed with this court on December 15, 2022. Service of the Notice was again made on November 30, 2022, by substituted service at the residence of Lawrence Joseph Petretti in his capacity as CEO of Land Tech Industries, Inc. A Writ of Execution was issued on March 10, 2023.

An Application and Order for Appearance and Examination was filed on April 14, 2023 and hearing was set for June 23, 2023. Personal service of notice of the examination hearing, meeting the requirements of Code of Civil Procedure § 415.10, was required. Cal. Code Civ. Pro. § 708.110(d). Personal service of the Application was effected on May 17, 2023 and proof of service was filed with the court on May 31, 2023.

At the June 23, 2023, hearing, the court issued a Bench Warrant with bail set at \$2,500, and stayed the warrant until the hearing held on August 11, 2023.

Following the June 23, 2023, hearing and continuance, Notice of Continuance and Bench Warrant was served on the Defendant by first-class U.S. Mail and proof of service was filed with the court on July 20, 2023.

Following the August 11, 2023, hearing, proof of service of the notice of the continuance of the hearing to October 13, 2023, was filed with the court on August 17, 2023. At the October 13, 2023, hearing the matter was continued to December 15, 2023, and proof of service by mail of the notice of the continuance was filed by Plaintiff on October 20, 2023.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 15, 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).

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. 23CV1851 NAME CHANGE OF CHI

Petition for Name Change

Petitioner filed a Petition for Change of Name on October 25, 2023.

Proof of publication was filed on November 24, 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 #9: 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.

9. 23CV1459 NAME CHANGE OF WEATHERSPOON
Petition for Name Change

TENTATIVE RULING #10: AT PETITIONER'S REQUEST THIS MATTER IS CONTINUED TO 8:35 A.M. ON MARCH 1, 2024, IN DEPARTMENT NINE, TO ALLOW PETITIONER TIME TO FILE PROOF OF PUBLICATION.

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.

10. 23CV1856 NAME CHANGE OF RUBEN

Petition for Name Change

Petitioner filed a Petition for Change of Name on October 23, 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). Proof of publication is to be filed with the court prior to the next hearing date. In addition, the court has yet to receive the background check for petitioner, which is required by law. Code of Civil Procedure §1279.5(f).

The hearing on this matter is continued to allow Petitioner time to file proof of publication and a background check with the court.

TENTATIVE RULING #11: THIS MATTER IS CONTINUED TO 8:35 A.M. ON FEBRUARY 9, 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).

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.

11. 22CV1032 ROCKY TOP RENTALS LLC v. PRATHER-RESOVICH

Writ of Possession Hearing

On July 26, 2022, Plaintiff filed an action for Claim and Delivery based on the rental of a portable storage building to Defendant; Plaintiff alleges that Defendant has not made a rental payment since August 15, 2020. On October 25, 2022, Plaintiff filed a Notice and Application for Writ of Possession.

At a hearing on March 6, 2023, the court noted that there is no proof of service of the Summons and Complaint, or of the Notice and Application for Writ of Possession on file with the court. At the Plaintiff's request the court continued the hearing to allow Plaintiff to serve Defendant with notice of the application.

On June 15, 2023, Plaintiff filed a declaration of due diligence that described four unsuccessful attempts over the course of ten days to personally serve the Defendant at the last-known address, the address that had been provided on the rental application form.

Code of Civil Procedure § 512.030 governs service of process for writ of possession. It requires service of the Summons and Complaint and the Notice of Application and Hearing to be served personally on the Defendant prior to the hearing. If the Defendant has not appeared and personal service is required, "service shall be made in the same manner as a summons is served under Chapter 4 (commencing with Section 413.10) of Title 5."

Code of Civil Procedure § 415.20 provides a mechanism for leaving a copy of a Summons and Complaint at the address of the person to be served if personal service cannot be completed; however, that section requires leaving it at the location "in the presence of a competent member of the household or a person apparently in charge of his or her office." In this case the process server never saw another person at the property.

The court requires Plaintiff's appearance to establish due diligence to accomplish service.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 15, 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).

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.

12. 22CV0649 VALENZUELA v. SPENCER

Order of Examination

A small claims judgment was entered for Plaintiff on February 2, 2023. An Order to appear from examination was entered by the court on August 9, 2023, with a hearing date set for October 20, 2023.

On October 11, 2023, Plaintiff requested that the trial be postponed because, in the course of attempts made between September 3-17, 2023, the process server had been unable to serve the Defendant. The court granted that request and the hearing was continued to December 15, 2023.

No proof of service of notice of the hearing date has been filed with the court.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, DECEMBER 15, 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).

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.