

1. PC20200294 ALL ABOUT EQUINE ANIMAL RESCUE v. BYRD

Motion - Sanctions (Plaintiff)

Motion - Sanctions (Defendant)

Plaintiffs filed a Motion to Amend on December, 20, 2023, requesting modification of the June 22, 2022 preliminary injunction in order to address the ongoing lack of adequate fencing, which the court denied following a hearing on January 5, 2024. However, the court left open the Plaintiff's option to claim reimbursement for the costs of constructing a fence, and Plaintiff filed an Amended Supplemental Complaint on February 8, 2024.

On February 2, 2024, Defendants filed a motion for sanctions against Plaintiff for having requested amendment of the Preliminary Injunction. On February 20, 2024, Plaintiffs filed a Notice of Motion for Sanctions against Defendants arguing that Defendants' motion for sanctions is itself frivolous. Both motions are based on the parties' competing claims that the other parties' actions are "made in bad faith, that are frivolous or solely intended to cause unnecessary delay", "totally and completely without merit or for the sole purpose of harassing an opposing party" pursuant to Code of Civil Procedure §§ 128.5 and 128.7.

Request for Judicial Notice

Defendant has filed a Request for the court to take judicial notice of various court records on file 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. A trial court is required to take judicial notice of any matter listed in section Evidence Code § 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453. Evidence Code § 452(b) authorizes the court to take judicial notice of "regulations and legislative enactments issued by or under the authority of the of the United States or any public entity in the United States." Evidence Code § 452(d) permits judicial notice of "records of (1) any court in this state or (2) any court of record of the United States." Accordingly, Defendant's request for judicial notice is granted.

The requested sanctions may be awarded when a party or the party's attorney takes actions that are "wholly incredible and without any merit whatsoever' or 'in total disregard' of patent obligations—i.e., a frivolous position—and taken without 'honest belief in the propriety or reasonableness' thereof—i.e., in subjective bad faith—causing the opposing party to incur additional costs." In re Marriage of Sahafzadeh-Taeb & Taeb, 39 Cal. App. 5th 124, 136 (2019), citing Levy v. Blum (2001) 92 Cal.App.4th 625, 633–634.

The court declines to find that either party's conduct is sanctionable.

TENTATIVE RULING #1:

- (1) DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IS GRANTED.**
- (2) DEFENDANTS' MOTION FOR SANCTIONS IS DENIED.**
- (3) PLAINTIFF'S MOTION FOR SANCTIONS IS DENIED.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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

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

2. 23CV0678 HANSEN v. BLACK OAK LAND HOLDINGS, LLC

Motion - Sanctions

This dispute arises over a contract for a wedding venue. Plaintiff served discovery requests by email in August, 2023, and received no responses. On September 25, 2023, Plaintiff filed a motion to compel responses, to which no opposition was filed. When no party appeared at the hearing on the motion on December 15, 2023 the court adopted the tentative ruling and granted the motion to compel.

On February 6, 2024, Plaintiff filed a motion for terminating sanctions based on Defendant's failure to comply with the order compelling discovery responses.

Defendant counters that it prepared discovery responses in August and thought they had been sent by mail by late August or early September, 2023. Defendant represents that it did not become aware of the motion to compel discovery responses or the resulting order for sanctions until December, 2023. Defendant notes that Plaintiff did not file proof of service of notice of the motion to compel with the court, and that Plaintiff never served any notice of the court's Order following the December 15, 2023 hearing. The Defendant states that it received no further communication on the discovery issue until being served with the notice of the present motion.

Defendant states that it re-served the discovery responses on March 11, 2024 via fax and email, along with a request that Plaintiff withdraw the instant motion.

Request for Judicial Notice

Defendant has filed a Request for the court to take judicial notice of various court records on file 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. A trial court is required to take judicial notice of any matter listed in section Evidence Code § 452 if a party requests it and gives the other party sufficient notice to prepare to meet the request. Evidence Code § 453. Evidence Code § 452(d) permits judicial notice of "records of (1) any court in this state or (2) any court of record of the United States." Accordingly, Defendant's request for judicial notice is granted.

TENTATIVE RULING #2:

(1) DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IS GRANTED.

(2) APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 22, 2024, IN DEPARTMENT NINE.

03-22-24
Dept. 9
Tentative Rulings

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.

3. PC20080086 TATE, ET AL v. FIESELER

Motion to Rescind Roadway Easement

TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 22, 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.

4. 24CV0051 NAME CHANGE OF FERRARINI-TOMMASI

Petition for Name Change

Petitioner filed a Petition for Change of Name on January 11, 2024.

Proof of publication was filed on February 8, 2024, 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).

This matter was continued on March 8, 2024. The hearing on this matter is again continued to allow Petitioner time to file a background check with the court.

TENTATIVE RULING #4: THE MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, APRIL 19, 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.

5. 22CV1015 GABLER v. SMITH

Motion to Consolidate

Plaintiff sued to recover money from Defendant on July 5, 2022. The funds were advanced to help Defendant and Plaintiff's son purchase real property in South Lake Tahoe when they were married. Now that Defendant and Plaintiff's son are in the process of divorce proceedings, Defendant filed this motion to consolidate with the pending related divorce case in South Lake Tahoe (Smith v. Gabler, Case No. SFL20200061) where the real property is located and where the parties to the divorce reside. Plaintiff resides in Fresno County. Proof of service of notice of the hearing on the motion was filed on February 9, 2024. The motion also was served on Plaintiff's son. The motion is unopposed.

In order to avoid the risk of inconsistent decisions in the two actions and for the sake of judicial economy the motion is granted.

TENTATIVE RULING #5: THE MOTION TO CONSOLIDATE IS GRANTED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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

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

6. 23CV1214 WELLS FARGO BANK, N.A. v. MCKENNA

Motion to Deem Matters Admitted in Request for Admissions

February 26, 2024, the court entered an order dismissing the action pursuant to the terms of the settlement agreement entered into by the parties and retaining jurisdiction pursuant to Code of Civil Procedure § 664.6.

TENTATIVE RULING #6: DUE TO DISMISSAL OF THIS ACTION BY COURT ORDER DATED FEBRUARY 26, 2024, THE MATTER IS DROPPED FROM CALENDAR.

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. PC20200246 FRANKLIN v. NORCAL GOLD, INC.

Motion for Leave to File Second Motion for Summary Judgment

At the November 16, 2023 hearing, the court denied Defendants' motion for reconsideration. At the same hearing, the court set a hearing on March 22, 2023 for an anticipated motion from Defendants for leave to file a second motion for summary judgment and/or summary adjudication (MSJ). Defendants filed that motion on February 16, 2024, followed by Plaintiff's opposition on March 1, 2024.

Defendants argue that the testimony of the real estate expert, Alan Wallace at the Department of Real Estate (DRE) hearing provides new or different facts that warrant the filing of a second MSJ. Specifically, Mr. Wallace opined that Defendant Garcia's conduct did not fall below the standard of care in that she appropriately communicated Plaintiff's offer to the seller and, even if she had not, the offer was frivolous, given it was not accompanied with proof of funds, and therefore it would not have been a violation of the standard of care to not communicate this incomplete, frivolous offer to the sellers.

Plaintiff counters that there are no new or different facts or law to support the filing of a new MSJ under either Code of Civil Procedure (CCP) § 1009 or § 437c(f)(2). In particular, Defendants could have obtained the expert opinion in advance of its prior MSJ, so the opinion itself presents no new or different facts. Moreover, even if there were new or different facts or law, a breach of the standard of care is not an element of the remaining causes of action for fraud, breach of fiduciary duty, and civil conspiracy. Plaintiff requests sanctions under CCP § 1008(d).

Upon review of the pleadings, the court denies Defendants' motion. The court agrees with Plaintiff that no new or different facts or law are presented by Defendants. To the extent the testimony of the sellers at the DRE hearing differed in any way from the depositions relied upon in adjudicating the first MSJ, Defendants have not provided a sufficient showing for why they could have obtained this information in connection with the first MSJ. Furthermore, Mr. Wallace does not provide new facts, just new opinions, which could have been obtained for the first MSJ.

As to Defendants' argument that the DRE decision has collateral estoppel effect on the present case. The court disagrees. Plaintiff did not have a right to cross-examine all the witnesses presented in that case, did not have a right to appeal the decisions, and, even if he had a right to an appeal, he was not even sent a copy of the decision to be able to timely review it. Further, the burden of proof in the DRE case, clear and convincing evidence, is higher than that in the civil case, preponderance of the evidence. While Plaintiff would have to meet the clear and convincing evidence standard for his punitive damages claims, this is only a subset of Plaintiff's requests for relief. As such, the court rejects this argument.

The court is mindful of its inherent power to reconsider its prior rulings, including on an MSJ. As cited by Defendants, “[t]o preclude courts from sua sponte reconsideration of their own rulings “would directly and materially impair and defeat the court's most basic functions, exercising its discretion to rule upon controversies between the parties and ensuring the orderly administration of justice.’ [Citation.]” (*Abassi v. Welke* (2004) 118 Cal.App.4th 1353, 1359.) In *Abassi*, the court invited a party to file a second MSJ, after the denial of an earlier one, to avoid the waste in judicial resources in holding a trial on claims without merit.

The court considered this same principle in the present matter. However, the court finds that even considering Mr. Wallace’s expert opinions does not change the court’s analysis. Mr. Wallace’s opinions do not alter the court’s prior finding that there is a triable issue of material fact as to whether the offer was communicated to the sellers. Further, even assuming arguendo that Plaintiff’s offer was incomplete and frivolous, this purported fact does not alter the court’s analysis. If Defendant Garcia failed to communicate the offer while maintaining to Plaintiff’s agent that she had, the trier of fact reasonably could conclude that she did so with intent to deceive, that Plaintiff relied on this representation in not taking additional actions to ensure that the offer was communicated to the sellers, and that this reliance led to damages. Given that the purchase price was reduced substantially after the eventual successful offer was accepted, the sellers knowing about the interest from another potential buyer could have materially affected Plaintiff’s prospects of purchasing the property. This same general analysis applies to other remaining causes of action. As such, the court declines to grant Defendants leave to file a second MSJ through its inherent powers.

As to Plaintiff’s request for sanctions, the court finds that Defendants’ conduct does not run afoul of CCP § 1008(d) nor CCP § 437c(f)(2). At the November 16, 2023 hearing, Defendants sought leave of the court to file a second MSJ with the new purported evidence from the DRE hearing. After objection from Plaintiff, the court instead permitted Defendants to file a motion for leave to file a second MSJ, in hopes of not engaging in the costly process of an MSJ if new or different facts were not presented. The court cannot find that Defendants acted in bad faith in vigorously pursuing the course of action in which they took. The court disagrees with Defendants’ contentions as to the substance but declines to sanction them for taking up the court on its invitation to seek leave for a second MSJ.

TENTATIVE RULING #7: DEFENDANTS’ MOTION FOR LEAVE TO FILE A SECOND MOTION FOR SUMMARY JUDGMENT IS DENIED. PLAINTIFF’S REQUEST FOR SANCTIONS IS DENIED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

03-22-24
Dept. 9
Tentative Rulings

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. PC20210239 PIERCE v. VANDERVEER, ET AL

- (1) Motion to Strike**
- (2) Demurrer**

Defendant's demurrer and motion to strike portions of Plaintiffs Complaint were filed on January 5, 2024.

On February 6, 2024, the parties filed a stipulation to continue the trial on the matter. On February 22, 2024, the court issued an Order adopting the stipulation of the parties granting Plaintiffs leave to file a First Amended Complaint in order to clarify the issues raised in Defendant's motions.

The motions would be rendered moot by the stipulation and Order; however, the stipulation and Order provided that the First Amended Complaint would be filed within 15 calendar days of the issuance of the Order, and to date, there is no First Amended Complaint on file with the court.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 22, 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.

9. 22CV0225 PEREZ v. AZEVEDO

Motion to Compel Discovery

TENTATIVE RULING #10: AT DEFENDANT'S REQUEST PURSUANT TO A STIPULATION ENTERED INTO BY THE PARTIES THIS MATTER IS TAKEN OFF CALENDAR.

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. PC20190309 CITY OF ROCKLIN v. LEGACY FAMILY ADVENTURES

(1) Order of Examination Hearing – Busch

(2) Order of Examination Hearing – Legacy Family Adventures

Proof of service of notice of this hearing as to both named Defendants was filed on February 16, 2024.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 22, 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. 23CV0515 CLAIM OF BRANDYN HERRERA

Claim Opposing Forfeiture

Claimant filed a Claim Opposing Forfeiture regarding \$2,981 on April 11, 2023.

On May 22, 2023, the People of the State of California filed a Petition for Forfeiture pursuant to Health and Safety Code § 11469, et seq. regarding \$2,981 that was seized from Claimant's person on February 2, 2023, and is currently in the possession of the El Dorado County District Attorney's Office.

At the hearing on May 26, 2023, the court found that no proof of service had been filed and there had been no meet and confer efforts and continued the hearing.

At the hearings of July 14, 2023, and January 12, 2024 the matter was continued at the request of counsel for the State of California.

Proof of service of notice of this hearing was filed on January 26, 2024.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 22, 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.

12. 24CV0247 EL DORADO COUNTY DISTRICT ATTORNEY v. RODRIGUEZ

Petition for Forfeiture

A Petition for Forfeiture of currency was filed with the court on February 2, 2024, pursuant to Health and Safety Code § 11470(f). There is no proof of service of the Petition on file with the court.

Health & Safety Code § 11488.4 sets forth the notice requirements for Section 11470 forfeitures, as follows:

(c) The Attorney General or district attorney shall make service of process regarding this petition upon every individual designated in a receipt issued for the property seized. In addition, the Attorney General or district attorney shall cause a notice of the seizure, if any, and of the intended forfeiture proceeding, as well as a notice stating that any interested party may file a verified claim with the superior court of the county in which the property was seized or if the property was not seized, a notice of the initiation of forfeiture proceedings with respect to any interest in the property seized or subject to forfeiture, to be served by personal delivery or by registered mail upon any person who has an interest in the seized property or property subject to forfeiture other than persons designated in a receipt issued for the property seized. Whenever a notice is delivered pursuant to this section, it shall be accompanied by a claim form as described in Section 11488.5 and directions for the filing and service of a claim.

* * *

(e) When a forfeiture action is filed, the notices shall be published once a week for three successive weeks in a newspaper of general circulation in the county where the seizure was made or where the property subject to forfeiture is located.

(f) All notices shall set forth the time within which a claim of interest in the property seized or subject to forfeiture is required to be filed pursuant to Section 11488.5. The notices shall explain, in plain language, what an interested party must do and the time in which the person must act to contest the forfeiture in a hearing. The notices shall state what rights the interested party has at a hearing. The notices shall also state the legal consequences for failing to respond to the forfeiture notice.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MARCH 22, 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).

03-22-24
Dept. 9
Tentative Rulings

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.

13. PCL20180059 BENNETT v. RELIABLE MANPOWER, INC.

Motion to Amend Judgment to Include Successor Corporation

Janice Bennett was an employee of a retail store, Alpine Market, which was owned by Reliant Manpower, Inc., a California corporation. Ms. Bennet obtained an award against Reliant Manpower, Inc., from the California Labor Commission on February 7, 2018, which was reduced to a civil judgment. Reliable Manpower, Inc. is currently a suspended corporation. Exhibit 1 to Amended Motion to Amend Judgment to Include Successor Corporation (filed March 7, 2024) (“March 7 Motion”). Sheeva, Inc. is also listed as a Defendant in the original judgment, as the parent corporation of Reliant Manpower, Inc. Although the judgment did not hold the parent company liable for the wage claims against the subsidiary, *see* Labor Commission Order, Case No. 08-77793 JS (Exhibit to March 7 Motion) at p. 6, the judgment does establish the corporate relationship of Reliant and Sheeva, Inc.

Ms. Bennet subsequently assigned the claim to George Sommers pursuant to Code of Civil Procedure § 673. On August 30, 2023, Sommers (“Assignee”) filed a motion to amend the judgment to include Tahoe Green 2022, alleged to be the successor corporation to the judgment debtor Reliant Manpower, Inc. An amended motion was filed on March 7, 2024.

The motion argues that Tahoe Green 2022 should be added to the judgment based on the following indicators of a shared identity between Bennett’s employers and Tahoe Green 2022:

- Bennett was employed by two liquor stores, Alpine Market, located at 1950 Lake Tahoe Blvd. in South Lake Tahoe (Alcoholic Beverage Control License number 636253) and Green Tahoe, located at 3097 Harrison Ave., #2 in South Lake Tahoe (Alcoholic Beverage Control License number 636082)
- Tahoe Green 2022 holds ABC License No. 636082 under the same name and operates from the same address as Green Tahoe, with Hossein Kazemi is listed as an officer of the licensee. Motion to Amend Judgment to Include Successor, filed August 30, 2023 (“August 30 Motion”), Exhibit 1.
- Tahoe Green 2022 holds ABC License No. 636253 under the same name and operates from the same address as Alpine Market, with Hossein Kazemi is listed as an officer of the licensee. August 30 Motion, Exhibit 2.
- Hossein Kazemi is listed as Director/CFO and Agent for Service of Process of Tahoe Green 2022 on the Secretary of State’s website. August 30 Motion, Exhibit 3.

Labor Code § 1434 provides:

A successor employer is liable for any wages, damages, and penalties its predecessor employer owes to any of the predecessor employer's former workforce if the successor employer meets any of the following criteria: . . . (b) Shares in the ownership, management, control of the labor relations, or interrelations of business operations with the predecessor employer.

Labor Code § 200.3 further provides:

(a) A successor to a judgment debtor shall be liable for any wages, damages, and penalties owed to any of the judgment debtor's former workforce pursuant to a final judgment, after the time to appeal therefrom has expired and for which no appeal therefrom is pending. Successorship is established upon meeting any of the following criteria:

(1) Uses substantially the same facilities or substantially the same workforce to offer substantially the same services as the judgment debtor. . . .

(2) Has substantially the same owners or managers that control the labor relations as the judgment debtor.

* * *

Although the motion is unopposed, the court finds the evidence in the record is insufficient to grant the motion. There is no request for judicial notice of the corporate information from the Secretary of State or Alcohol Beverage Control licensing websites. Although the court could take judicial notice of these matters on its own motion, Evidence Code § 455 requires an opportunity for the other party to be heard on the matter:

(a) If the trial court has been requested to take or has taken or proposes to take judicial notice of such matter, the court shall afford each party reasonable opportunity, before the jury is instructed or before the cause is submitted for decision by the court, to present to the court information relevant to (1) the propriety of taking judicial notice of the matter and (2) the tenor of the matter to be noticed.

(b) If the trial court resorts to any source of information not received in open court, including the advice of persons learned in the subject matter, such information and its source shall be made a part of the record in the action and the court shall afford each party reasonable opportunity to meet such information before judicial notice of the matter may be taken.

The court shall consider taking judicial notice of the above corporate information on its own motion, but in order to give Tahoe Green 2022 an opportunity to object the court continues the matter to March 29, 2024.

TENTATIVE RULING #14: MATTER CONTINUED TO MARCH 29, 2024 AT 8:30 A.M. IN DEPARTMENT NINE.

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.

14. 24CV0116 NAME CHANGE OF GERHARDT

Petition for Name Change

Petitioner filed a Petition for Change of Name on January 22, 2024.

Proof of publication was filed on February 21, 2024, 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 #15: 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.

15. 24CV0208 NAME CHANGE OF BRACKENSICK

Petition for Name Change

Petitioner filed a Petition for Change of Name on February 2, 2024.

Proof of publication was filed on March 6, 2024, 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 #16: 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.

16. 24CV0099 NAME CHANGE OF RENO

Petition for Name Change

Petitioner filed a Petition for Change of Name on January 19, 2024.

Proof of publication was filed on February 16, 2024, 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).

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

TENTATIVE RULING #17: THE MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, APRIL 19, 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.