

2. PCL20200429 FORD MOTOR CREDIT CO. v. BELLI, ET AL

Motion for Order Setting Aside Dismissal and Judgment Pursuant to Stipulation

The parties entered into a verbal settlement and executed a Stipulation for Entry of Judgment (“Stipulation”) declaring that if the Defendants failed to make payments in accordance with the terms of the settlement, the clerk of the court is authorized to enter judgment in favor of Plaintiff and against the Defendants upon filing the in the Stipulation with the court. Pursuant to the settlement, the matter was dismissed on December 5, 2023, in accordance with Code of Civil Procedure § 664.6.

In the Stipulation the parties agreed that the court would retain jurisdiction over the settlement pursuant to Code of Civil Procedure § 664.6.

The total amount of the debt was \$23,485, and the settlement called for payment of a compromise sum of \$21,795.09. Declaration of Fanny Wan, dated April 8, 2024, Exhibit 1, ¶13. Stipulation Defendants made payments totaling \$2,100, with the last payment made on May 26, 2021. *Id.*, ¶16. With court costs (\$520), interest (\$9,318.57), attorney’s fees (\$1,690) and filing fees for this motion (\$91.88), Plaintiffs request judgment be entered in the amount of \$27,855.59.

The motion is unopposed. Proof of service of notice of the hearing by mail on April 8, 2024 was filed on April 9, 2024.

TENTATIVE RULING #1: PLAINTIFF’S MOTION IS GRANTED.

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

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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

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**APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING
INFORMATION WILL BE PROVIDED.**

3. 24CV0714 MATTER OF AARON FERRANTINO

Claim Opposing Forfeiture

See Related Case No.24CV0713 (Item 3)

On April 9, 2024, Claimant Aaron Ferrantino filed a claim opposing forfeiture, stating that \$1,280 of \$3,080 that was seized on February 29, 2024, was his property, and that the source of the funds was reimbursement from his landlord for emergency house repairs (receipts attached to the Claim).

Proof of personal service of this claim on the El Dorado County District Attorney's Office on April 10, 2024, was filed by the Claimant on April 11, 2024.

The People's Petition for Forfeiture contends: \$3,080 in U.S. Currency was seized by the El Dorado County Sheriff's Office; such funds are currently in the hands of the El Dorado County District Attorney's Office; and the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of the Health and Safety Code. The People pray for judgment declaring that the money is forfeited to the State of California.

Proof of publication was filed with the court on May 6, 2024.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 17, 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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4. 24CV0713 MATTER OF CANDACE J. AUBUCHON

Claim Opposing Forfeiture

See Related Case No.24CV0714 (Item 2)

On April 9, 2024, Claimant Candace Aubuchon filed a claim opposing forfeiture, stating that \$1,800 of \$3,080 that was seized on February 29, 2024, was her property. Proof of personal service of this claim on the El Dorado County District Attorney's Office on April 10, 2024, was filed by the Claimant on April 11, 2024.

A receipt from the District Attorney's Office is attached to the Petition. The Petition for Forfeiture for the funds subject to this claim are in the court's file under Case No. 24CV0714.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 17, 2024, IN DEPARTMENT NINE.

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5. PC20200443 PEOPLE OF THE STATE OF CALIFORNIA v. KRYLOV

Claim Opposing Forfeiture

On August 21, 2020, Claimant Victor Krylov filed a claim opposing forfeiture in response to a notice of administrative proceedings to determine that certain funds are forfeited. The People responded by filing a petition for forfeiture. The unverified petition contends: \$25,510 in U.S. Currency was seized by the El Dorado County Sheriff's Office; such funds are currently in the hands of the El Dorado County District Attorney's Office; and the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of Health and Safety Code, § 11358. The People pray for judgment declaring that the money is forfeited to the State of California. This matter has been continued since the original filings in order to allow time for the criminal proceeding to conclude.

On February 10, 2023, a competing claim of ownership was filed by Claimant Eugene Ivanov.

At the prior hearing on April 5, 2024, the court continued the hearing at the request of the State, and the court found that the parties have waived further notice.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 17, 2024, IN DEPARTMENT NINE.

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6. 23CV1500 KUVAKOS v. ROSS

- (1) Demurrer**
- (2) Motion to Strike**
- (3) Motion for Sanctions**
- (4) Motion to Strike**

Plaintiffs filed a verified Complaint on September 5, 2023, with a single cause of action, seeking to have real property partitioned as between Plaintiffs and Defendant, who is Plaintiff James Kuvakos' sister and is the record owner of the property. See Declaration of Elijah Underwood, dated November 3, 2023 ("Underwood Declaration"), Exhibit 1. Defendant filed a demurrer to the original Complaint on November 9, 2023, whereupon Plaintiff filed a First Amended Complaint ("FAC") on December 11, 2023, before that demurrer could be heard. The FAC included the original cause of action for partition of real property as well as adding six additional causes of action as detailed below. Defendant filed a demurrer to the FAC on January 9, 2024.

Request for Judicial Notice

As part of the litigation a deposition of Plaintiff James Kuvakos was conducted on October 12, 2023. Underwood Declaration, Exhibit 2. Defendant requests the court to take judicial notice of an excerpt from the transcript of that deposition. The basis for this request is Evidence Code § 452(g) ("Facts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute.") and (h) ("Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.") This request is not supported by record title to the disputed property or any public record of ownership. Rather, Defendant requests the court to accept the truth of the statements of a party in a deposition. "While the *existence* of a document, such as a document recorded in the official records of a government body, may be judicially noticeable, the truth of statements contained in the document and *their proper interpretation* are not subject to judicial notice. [Citation]." Tenet Healthsystem Desert, Inc. v. Blue Cross of California, 245 Cal. App. 4th 821 (2016) (emphasis original). Accordingly, the request for judicial notice is denied.

Demurrer

Defendant demurs to the FAC, which includes causes of action for partition, negligent misrepresentation, equitable estoppel, breach of contract, breach of implied covenant of good faith and fair dealing, detrimental reliance, and intentional misrepresentation.

Standard of Review

A demurrer tests the sufficiency of a complaint by raising questions of law. (*Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20, 223 Cal.Rptr. 806.) In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe, supra*, 7 Cal.4th at p. 638, 29 Cal.Rptr.2d 152, 871 P.2d 204; *Interinsurance Exchange v. Narula, supra*, 33 Cal.App.4th at p. 1143, 39 Cal.Rptr.2d 752.) The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. (*Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679, 197 Cal.Rptr. 145.)

Rodas v. Spiegel, 87 Cal. App. 4th 513, 517 (2001).

In addition to the facts actually pleaded, the court considers facts of which it may or must take judicial notice. Cantu v. Resolution Trust Corp., 4 Cal.App.4th 857, 877 (1992).

The court notes that Paragraphs 11, 19, 20, 21, 27, 28 and 32 of the FAC may be disregarded for the purpose of this analysis, as they contain pure legal argument devoid of any allegation of fact.

First Cause of Action-Partition

Code of Civil Procedure § 872.210(a)(2) allows a partition action to be brought by an “owner” of an estate in real property “owned by several persons concurrently or in successive estates.” The FAC alleges that Defendant is the only person named in the title to the property. FAC ¶18. Although the FAC also alleges in the subsequent paragraph that Defendant also holds a one-half interest in the property, that is a conclusion of fact that directly contradicts the allegations in the previous paragraph. The principal allegations of this action are that Plaintiffs are seeking to enforce promises made to transfer an interest in real estate which has not yet been perfected.

While Plaintiffs assert various theories as to why they should be granted ownership rights to the property in dispute, none of these theories support an assertion of a current ownership interest. Accordingly, Plaintiffs do not have standing to bring a partition action.

Second Cause of Action-Negligent Misrepresentation

The elements of negligent misrepresentation are “(1) the misrepresentation of a past or existing material fact, (2) without reasonable ground for believing it to be true, (3) with intent to induce another's reliance on the fact misrepresented, (4) justifiable reliance on the misrepresentation, and (5) resulting damage.” (*Apollo Capital Fund LLC v. Roth Capital Partners, LLC* (2007) 158 Cal.App.4th 226, 243, 70 Cal.Rptr.3d 199.)

Nat'l Union Fire Ins. Co. of Pittsburgh, PA v. Cambridge Integrated Servs. Grp., Inc., 171 Cal. App. 4th 35, 50 (2009).

Paragraph 22 of the FAC alleges that “When [Defendant told [Plaintiff] that he could stay on the property until his passing, [Defendant] failed to exercise reasonable and competent care to truthfully communicate to [Plaintiff] that [Defendant] was not going to follow through and allow [Plaintiff] to remain on the property till [sic] his passing.” Defendant argues, and the court agrees, that this does not meet the pleading requirements for a cause of action based on negligent misrepresentation because it does not allege “the misrepresentation of a past or existing material fact.”

“[T]here is no recognized cause of action for a negligent misrepresentation based on a false promise, . . .” Hooked Media Grp., Inc. v. Apple Inc., 55 Cal. App. 5th 323, 331 (2020).

Third Cause of Action-Equitable Estoppel

“To establish estoppel as an element of a suit the elements of estoppel must be especially pleaded in the complaint with sufficient accuracy to disclose facts relied upon.” (*Chalmers v. County of L.A.* (1985) 175 Cal.App.3d 461, 467, 221 Cal.Rptr. 19.) “In order to assert equitable estoppel, the following four elements must be present: (1) the party to estopped must be apprised of the facts; (2) he must intend that his conduct be acted on, or must so act that the party asserting estoppel had a right to believe it was so intended; (3) the party asserting estoppel must be ignorant of the true state of facts; and (4) he must rely upon the conduct to his injury.” (*Sofranek v. County of Merced* (2007) 146 Cal.App.4th 1238, 1250, 53 Cal.Rptr.3d 426 (*Sofranek*).)

Citizens for a Responsible Caltrans Decision v. Dep't of Transportation, 46 Cal. App. 5th 1103, 1128, 260 Cal. Rptr. 3d 306, 324 (2020).

Defendant argues that this cause of action must fail because Plaintiff’s allegations are ambiguous and unspecific, in that they do not specify when or how the alleged promises were made, citing Smith v. City & Cnty. of San Francisco, 225 Cal. App. 3d 38, 48 (1990) (“The party claiming estoppel must specifically plead all facts relied on to establish its elements.”)

Following are all of the references to Defendant’s conduct in the FAC, none of which directly allege any statement or conduct by Defendant:

Paragraph 22: “When [Defendant told [Plaintiff] that he could stay on the property until his passing, [Defendant] failed to exercise reasonable and competent care to truthfully communicate to [Plaintiff] that [Defendant] was not going to follow through and allow [Plaintiff] to remain on the property till [sic] his passing.”

Paragraph 23: “[Defendant’s] promise led [Plaintiff] to believe his sister and accept the offer particularly when she made the offer numerous times over the course of several years, insisting that ‘This property was all ours’ and kept using the phrase ‘God’s will,’ and that: [Defendant] stated that: she ‘prayed over this and this is what we need to do.’

Which [Plaintiff] reasonably believed to mean that [Defendant] wanted him to stay on the property till[sic] his passing.”

Paragraph 31: “[Defendant] failed to honor her promise to allow [Plaintiff] to stay on the property till [sic] his passing.”

Paragraph 36: “When [Defendant] permitted [Plaintiff] to stay on the property for life . . .”

And, confusingly, Paragraph 38: “When [Defendant] made her promise to pay back the bonus. . .”

Nowhere in the FAC is there a specific reference to any clear statement made by Defendant or conduct by the Defendant which communicates a promise upon which Plaintiff might argue that he was entitled to rely.

Fourth Cause of Action- Breach of Contract

The sole factual allegation specific to this cause of action is that “[Defendant] failed to honor her promise to allow [Plaintiff] to stay on the property till [sic] his passing.” FAC ¶31. Paragraph 32 under this cause of action is a legal argument regarding the possibility of finding an implied contract based on the conduct of the parties with no factual allegations.

From this allegation within the context of the FAC it is necessary to infer that Plaintiff is alleging the existence of an oral agreement to transfer from Defendant to himself an interest in real property, either a life estate (¶¶22, 23, 31, 36) or a portion of the fee interest (¶4).

Code of Civil Procedure § 1971 provides:

No estate or interest in real property, other than for leases for a term not exceeding one year, nor any power over or concerning it, or in any manner relating thereto, can be created, granted, assigned, surrendered, or declared, otherwise than by operation of law, or a conveyance or other instrument in writing, subscribed by the party creating, granting, assigning, surrendering, or declaring the same, or by the party's lawful agent thereunto authorized by writing.

By necessity, then, the Fourth Cause of Action cannot be sustained pursuant to the rule of the statute of frauds.

Fifth Cause of Action- Breach of Implied Covenant of Good Faith and Fair Dealing

Given that there cannot be an oral contract transferring an interest in real property, this cause of action cannot be sustained in the absence of any contract containing the covenant.

Sixth Cause of Action- Detrimental Reliance

Detrimental reliance is an element of a fraud or estoppel claim, not an independent cause of action. *See, e.g. West v. JPMorgan Chase Bank, N.A.*, 214 Cal. App. 4th 780 (2013):

The elements of promissory estoppel are (1) a promise, (2) the promisor should reasonably expect the promise to induce action or forbearance on the part of the promisee or a third person, (3) the promise induces action or forbearance by the promisee or a third person (which we refer to as detrimental reliance), and (4) injustice can be avoided only by enforcement of the promise.

Id. at 803.

Seventh Cause of Action- Intentional Misrepresentation

The elements of intentional misrepresentation “are (1) a misrepresentation, (2) knowledge of falsity, (3) intent to induce reliance, (4) actual and justifiable reliance, and (5) resulting damage.” *Aton Ctr., Inc. v. United Healthcare Ins. Co.*, 93 Cal. App. 5th 1214, 1245 (2023).

In California, fraud must be pled specifically; general and conclusory allegations do not suffice. (*Stansfield v. Starkey* (1990) 220 Cal.App.3d 59, 74 [269 Cal.Rptr. 337]; *Nagy v. Nagy* (1989) 210 Cal.App.3d 1262, 1268 [258 Cal.Rptr. 787]; 5 Witkin, Cal. Procedure (3d ed. 1985) Pleading, § 662, pp. 111-112.) “Thus ‘the policy of liberal construction of the pleadings ... will not ordinarily be invoked to sustain a pleading defective in any material respect.’ [Citation.] [¶] This particularity requirement necessitates pleading *facts* which ‘show how, when, where, to whom, and by what means the representations were tendered.’” (*Stansfield, supra*, 220 Cal.App.3d at p. 73, italics in original.)

Lazar v. Superior Ct., 12 Cal. 4th 631, 645, 909 P.2d 981 (1996).

As discussed in the context of the Third Cause of Action, the FAC lacks any allegation of any specific representation made by Defendant. While Paragraph 38 alleges Defendant had knowledge of falsity when she made a promise to “pay back the bonus”, it does not address Defendant’s intent to induce reliance, not to mention the extraneous reference to a “bonus” that is not at issue in this case.

Motion to Strike

Defendant moves to strike the Opposition pleadings that Plaintiff filed on May 14, 2024, after the deadline for filing an Opposition had passed on May 6, 2024.

Given the court’s ruling on Defendant’s demurrer the court finds that the Plaintiff’s motion to strike the Opposition pleadings is moot.

Motion for Sanctions

Defendant brings this motion arguing that the Complaint for partition is frivolous, because Plaintiff does not have standing to bring a partition action. Defendants make this motion pursuant to the authority of Code of Civil Procedure §§ 128.5 and 128.7.

At the last hearing, the court continued the matters and provided deadlines for the parties to submit any updated declarations regarding fees and costs incurred.

TENTATIVE RULING #6:

- (1) DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IS DENIED.**
- (2) DEFENDANT'S DEMURRER IS SUSTAINED WITH LEAVE TO AMEND WITHIN TEN DAYS OF THIS ORDER.**
- (3) APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 17, 2024, IN DEPARTMENT NINE FOR AN ORAL DECISION ON THE ISSUE OF SANCTIONS.**
- (4) DEFENDANT'S MOTION TO STRIKE IS MOOT.**

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

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7. 23CV1783 PATHENS, INC., ET AL v. HEROPOPULOS

Demurrer

The Cross-Complaint was filed on December 20, 2023, and includes three causes of action: 1) breach of oral agreement (purchase of defective golf cart), 2) quantum meruit (catering and venue services), and 3) breach of oral contract (catering and venue services).

Cross-Defendant demurs on the grounds that all three causes of action are barred by a two-year statute of limitations.

Specifically, the Cross-Complaint alleges an oral agreement for Cross-Complainant's purchase of a golf cart in 2019, but that the agreement was breached because the golf cart was defective and not in working condition. Also in 2019, that Cross-Complainant provided wedding venue and catering services and was not paid for those services.

Standard of Review

A demurrer tests the sufficiency of a complaint by raising questions of law. (*Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20, 223 Cal.Rptr. 806.) In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe, supra*, 7 Cal.4th at p. 638, 29 Cal.Rptr.2d 152, 871 P.2d 204; *Interinsurance Exchange v. Narula, supra*, 33 Cal.App.4th at p. 1143, 39 Cal.Rptr.2d 752.) The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. (*Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679, 197 Cal.Rptr. 145.)

Rodas v. Spiegel, 87 Cal. App. 4th 513, 517 (2001).

In addition to the facts actually pleaded, the court considers facts of which it may or must take judicial notice. Cantu v. Resolution Trust Corp., 4 Cal.App.4th 857, 877 (1992).

The elements of a breach of oral contract cause are: "(1) existence of the contract; (2) plaintiff's performance or excuse for nonperformance; (3) defendant's breach; and (4) damages to plaintiff as a result of the breach." (*CDF Firefighters v. Maldonado* (2008) 158 Cal.App.4th 1226, 1239, 70 Cal.Rptr.3d 667 [elements of breach of contract]; *Stockton Mortgage, Inc. v. Tope* (2014) 233 Cal.App.4th 437, 453, 183 Cal.Rptr.3d 186 [elements of breach of oral contract and breach of written contract claims are the same].)

Aton Ctr., Inc. v. United Healthcare Ins. Co., 93 Cal. App. 5th 1214, 1230 (2023).

Cross-Complainant argues that the demurrer cannot be granted on the Cross-Complaint because the time for performance had never been specified and is not stated in the pleadings. The Opposition states that the parties worked together in an informal relationship and they had been in prolonged negotiations over the arrangements.

Given the applicable standard of review at the stage of a demurrer and construing the Cross-Complaint liberally, it cannot be said that the time of breach has been established on the face of the pleadings such that the affirmative defense of statute of limitations can be established as a matter of law.

“ ‘A demurrer on the ground of the bar of the statute of limitations will not lie where the action may be, but is not necessarily barred.’ [Citations.] It must appear clearly and affirmatively that, upon the face of the complaint, the right of action is necessarily barred. [Citations.] This will not be the case unless the complaint alleges every fact which the defendant would be required to prove if he were to plead the bar of the applicable statute of limitation as an affirmative defense. [Citation.]” (*Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort* (2001) 91 Cal.App.4th 875, 881, 110 Cal.Rptr.2d 877.)

Leasequip, Inc. v. Dapeer, 103 Cal. App. 4th 394, 400 (2002).

TENTATIVE RULING #7: CROSS-DEFENDANT’S DEMURRER IS OVERRULED.

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. 23CV1387 DEITS TRUST v. CURETIS, ET AL

Prove Up Hearing

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 17, 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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9. 24CV0565 NAME CHANGE OF ZACHARY

Petition for Name Change

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

Proof of publication was filed on April 19, 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).

TENTATIVE RULING #10: THIS MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, JUNE 7, 2024, IN DEPARTMENT NINE, TO ALLOW PETITIONER TIME TO FILE A BACKGROUND CHECK WITH THE COURT.

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

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10. 24CV0548 NAME CHANGE OF TRAN

Petition for Name Change of a Minor

Petitioner filed a Petition for Change of Name on March 20, 2024.

Proof of publication was filed on April 15, 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 #11: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

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

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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. 24CV0693 NAME CHANGE OF SMILEY

Petition for Name Change

Petitioner filed a Petition for Change of Name on April 5, 2024.

Proof of publication was filed on May 2, 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 #12: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

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

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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. 22CV1330 NAME CHANGE OF VILLIAMMAL

Petition for Name Change

Petitioner filed a Petition for Change of Name on August 22, 2022.

Proof of publication was filed on November 4, 2022, as required by Code of Civil Procedure § 1277(a).

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 matter was continued following a hearing at which there were no appearances on December 2, 2022, March 10, 2023, April 14, 2023, May 26, 2023, and November 17, 2023.

At the hearing on May 26, 2023, the court noted the receipt of a letter on May 8, 2023, from Petitioner's mother requesting a continuance because Petitioner is currently an inmate in El Dorado County Jail and has been transferred to State Hospital.

TENTATIVE RULING #13: THE MATTER IS CONTINUED TO 8:35 A.M. ON FRIDAY, AUGUST 2, 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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13. PC20200268 PEOPLE OF THE STATE OF CALIFORNIA v. HARRIS

Trial Confirmation

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, MAY 17, 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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