

**1. JOHNSON, ET AL. v. JOHNSON, SC20180141**

**Report of Sale and Motion to Confirm Sale**

This matter was continued from January 28, 2022.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, FEBRUARY 4, 2022, IN DEPARTMENT FOUR.**

**2. DIAL v. LYCETT, SC20210064**

**Case Management Conference**

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, FEBRUARY 4, 2022, IN DEPARTMENT FOUR.**

**3. HANSEN v. FISCHER, SC20200005**

**Case Management Conference**

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, FEBRUARY 4, 2022, IN DEPARTMENT FOUR.**

**4. COSSOUL v. HEAVENLY VALLEY, LP, ET AL., SC20180207****(1) KCA's Motion for Summary Judgment or Adjudication****(2) Kirkwood Entities' Motion for Summary Judgment****(3) The Palisades at Kirkwood HOA's Motion for Summary Judgment****HOA's and Kirkwood Entities' Motions for Summary Judgment**

The court continued the hearing on these motions to February 10, 2022.

**KCA's Motion for Summary Judgment or Adjudication**

Plaintiffs Tanguy Cossoul and Nolann Cossoul, both minors, by and through their guardian ad litem Matthew Cossoul, and Matthew Cossoul, individually, commenced this action in October 2018. In 2019, Matthew and Nolann dismissed their claims to the complaint, with prejudice. As such, the only remaining cause of action is plaintiff's 1st C/A for negligence/premises liability/failure to warn.

Pending is defendant Kirkwood Community Association's ("KCA") Motion for Summary Judgment or Adjudication, made on the following grounds: (1) primary assumption of risk, (2) KCA had no duty to eliminate, guard against, or warn of potential dangers on the property, and (3) KCA did not own, possess, or control the property. On January 25, 2022, plaintiff filed a Statement of Non-Opposition to KCA's motion.

Even when no opposition is filed, the moving party bears the initial burden of establishing evidentiary facts demonstrating that party's entitlement to summary judgment. (*Quintilliani v. Mannerino* (1998) 62 Cal.App.4th 54, 59–60.)

In considering KCA's motion, the court reviewed the following documents: (1) plaintiff's Complaint; (2) KCA's Notice of Motion and Motion for Summary Judgment or Adjudication; (3) Memorandum of Points and Authorities; (4) Separate Statement of Undisputed Material Facts; (5) Declaration of Joseph Owens; (6) Declaration of Bruce Gianola; and (7) Compendium of Evidence.

Having reviewed and considered KCA's moving papers, the court finds that KCA met its initial burden of establishing it is entitled to judgment as a matter of law. Given plaintiff's non-opposition, he has conceded that KCA's motion is meritorious. As such, KCA's motion for summary judgment is granted.

**TENTATIVE RULING # 4: KIRKWOOD COMMUNITY ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. THE MOTIONS FOR SUMMARY JUDGMENT BY THE KIRKWOOD ENTITIES AND THE PALISADES AT KIRKWOOD HOA ARE CONTINUED TO 2:00 P.M., THURSDAY, FEBRUARY 10, 2022, IN DEPARTMENT FOUR. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**