

**Judge Mosbarger – Law & Motion – Wednesday, November 1, 2023 @ 9:00 AM
TENTATIVE RULINGS**

1. 21CV00759 SIMS, SHARON ET AL V. SINGH, JOBANIT ET AL

EVENT: Daimler Truck North America, LLC's Motion to Keep Records Under Seal

Based on the Court's consideration of the notice provided by Plaintiffs under California Rule of Court Rule 2.551(b)(3)(A), the Court finds good cause to extend the time under which Defendant/Cross-Complainant/Cross-Defendant Daimler Trucks North America LLC ("Defendant" herein) may file this Motion, deems the Motion timely, and has considered the merits argued therein. See, Declaration of Philip R. Cosgrove at ¶11 and Exhibit C attached thereto; California Rules of Court, Rule 2.551(b)(3)(A)-(B); and CCP §473. Defendant's argument that the Protective Order executed by the Court in this action prohibits the unsealing of the documents is unavailing as the Protective Order specifically allows for the procedure in California Rules of Court, Rules 2.550 and 2.551. See Protective Order executed and filed on August 17, 2022 at Pg. 4, ¶8. "Unless confidentiality is required by law, court records are presumed to be open." California Rules of Court, Rule 2.550(c). The Court may seal filed records only if it expressly finds facts that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest. California Rules of Court, Rule 2.550(d); *McNair v. National Collegiate Athletic Assn.* (2015) 234 Cal.App.4th 25, 32. The burden to make such a showing is on the party seeking to seal the documents. *H.B. Fuller Co. v. Doe* (2007) 151 Cal.App.4th 879, 894. This matter is continued to allow Defendant to submit further facts to satisfy its burden under California Rules of Court, Rule 2.550(d). Defendant's supplemental briefing is due no later than November 17, 2023 by 4:00 p.m., with any reply due no later than December 1, 2023 by 4:00 p.m. A further hearing is set for December 13, 2023 at 9:00 a.m.

2. 23CV02109 IN RE: SILVERA, REBECCA LEE

EVENT: Petition for Change of Name

The Court has now received proof of service on the non-consenting parent; however, because *Code of Civil Procedure* §1277(a) requires 30-days' notice, the notice provided on October 19, 2023 is insufficient. The Court continues the matter to November 22, 2023 at 9:00 a.m. to allow for sufficient notice. All documents are otherwise in order and absent the filing of an objection prior to the continued hearing date, the Court intends to grant the Petition and sign the Decree provided.

3. 162519 RUMP, JOSEPH V. JOHNSON, VERA

EVENT: Order of Examination (George Johnson)

The Court will swear in the Judgment Debtor for examination.