

**Judge Benson – Law & Motion – Wednesday, August 30, 2023 @ 9:00 AM
TENTATIVE RULINGS**

TO BE HEARD BY JUDGE MOSBARGER

1. 19CV02572 Synchrony Bank v. Killian, Margo

EVENT: Plaintiff's Motion to Vacate Dismissal Pursuant to California Code of Civil Procedure § 664.6 and Enter Judgment Pursuant to Stipulated Settlement Agreement

Plaintiff's Motion to Vacate Dismissal Pursuant to California Code of Civil Procedure § 664.6 and Enter Judgment Pursuant to Stipulated Settlement Agreement is GRANTED. The Court will sign the Proposed Order and Judgment.

2. 21CV00287 Peters, Ed v. Foster, Lionel, Jr. et al.

EVENT: Defendants Lionel S. Foster, Jr. M.D. (erroneously sued as Lionel Foster Jr. M.D.), Dove's Landing Multispecialty Practice (erroneously sued as Oroville Hospital Urology) and Oroville Hospital's Motion for Summary Judgment

On the Court's motion, Defendants' Motion for Summary Judgment is continued to September 13, 2023 at 9:00am.

3. **21CV01249 Palmquist, Andrew v. Russell, Faith**

EVENT: OEX

There is no proof that the witness has been served. If proof is provided, the Court will swear in the witness.

4. **22CV01783 Capital One Bank (USA) NA v. Jankuska, Nyema G**

EVENT: Plaintiff's Motion to Vacate Dismissal Pursuant to Code of Civil Procedure § 664.6 and Enter Judgment

Plaintiff's Motion to Vacate Dismissal Pursuant to Code of Civil Procedure § 664.6 and Enter Judgment is GRANTED. The Court will sign the proposed order.

5. **23CV01430 In re: McWhinney, Sandra Kathleen**

EVENT: Change of Name (adult)

The Court is in receipt of the proof of publication and will sign the decree provided. No appearance is necessary.

6. **23CV01735 In re: Ching, Marshall Koon Lum**

EVENT: Change of Name (Adult)

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

7. **21CV00181 Jumper, Rochelle et al. v. Base Trans. Inc. et al.**

EVENT: Defendants/Cross Complainants/Cross Defendants Sardaar 22 G, Inc. and Kirpal Sidhu's Motion for Determination of Good Faith Settlement

Defendants/Cross Complainants/Cross Defendants Sardaar 22 G, Inc. and Kirpal Sidhu's Motion for Determination of Good Faith Settlement is GRANTED and is unopposed. The Court will sign the Proposed Order.

8-9. **22CV01582 Klempa, Sandra et al v. California Capital Insurance Company**

EVENT: (1) Defendant's Demurrer to the Third Amended Complaint

(2) Defendant's Motion to Strike Portions of the Third Amended Complaint

On the Court's own motion, Defendants' demurrer is continued to September 20, 2023 at 9:00am.

10. 23CV01523 Greentek Services, LLC v. Kingsborough, Richard P et al

EVENT: OEX of Cindy Kingsborough

The Court will hear from counsel. The Court notes there is no proof “by affidavit or otherwise” demonstrating the witness has “possession or control of property in which the defendant has an interest” pursuant to CCP § 491.110 on file. Also, there is no proof of service on file indicating the witness was personally served and that defendant was served pursuant to CCP § 491.110(b).

11-12. 21CV02497 Knoefler, Michael et al. v. Knoefler, Wayne

EVENT: (1) Motion to be Relieved as Counsel (as to Plaintiff John Knoefler)
(2) Motion to be Relieved as Counsel (as to Plaintiff Michael Knoefler)

Both motions are continued to September 20, 2023 at 9:00am as there is no proof of service as to defense counsel.

13. 18CV03791 McClure, Angela et al v. Anderson, Deborah, MD

EVENT:

Petition to Compromise Claim of Minor

The Petition to Compromise Claim of Minor is GRANTED. The Court will sign the Proposed Order.

14. 22CV02781 Mountain Circle Family Services v. Rossington, Shauna

EVENT: Motion to be Relieved as Counsel (Counsel for Defendant Mountain Circle Family Services)

There is no proof of service on file demonstrating when Defendant was served and at what address. Also, there is no proof of service as to Plaintiff. The motion is thus continued to September 27, 2023 at 9:00am. Counsel is directed to file a proof of service addressing these issues.

15. 18CV02797 Reviver Financial, LLC Successor in Interest to CNU of California v. Reynolds, Kimmie

EVENT: Opposition to Claim of Exemption

The Court is still awaiting the claim of exemption. The matter is continued to September 13, 2023 at 9:00am.