

**Judge Benson – Law & Motion – Wednesday, April 24, 2024 @ 9:00 AM**  
**TENTATIVE RULINGS**

**1-2. 20CV00558 Snider, Elizabeth v. FDM Community Services, Inc.**

*EVENT: (1) Final approval of Class Action Settlement*

*(2) Case Management Conference*

Motion for Final Approval of Class Action Settlement is GRANTED. The Court will sign the proposed order. A compliance hearing is scheduled for December 11, 2024 at 9:00am.

**3-4. 21CV02640 Espinoza, Raquel v. Delallo's Italian Foods, Inc.**

*EVENT: (1) Plaintiff's Motion for Final Approval of Class Action Settlement*

*(2) Final Approval Hearing*

Motion for Final Approval of Class Action Settlement is Granted. Pursuant to CCP § 384, a compliance hearing is scheduled for December 11, 2024 at 9:00am. The parties shall submit a report to the court specifying the total amount paid to settlement class members and any leftover residual settlement funds that will be paid to the California State Controller's Unclaimed Property Division. The court will sign the proposed order with this modification.

5. **24CV00615 In re: Melchor, Yesenia**

*EVENT: Change of name (minor)*

The Court will hear from Petitioner.

6. **24CV00616 In re: Melchor, Yesenia**

*EVENT: Change of Name (minor)*

The Court will hear from Petitioner.

7. **23CV01975 Citibank, N.A. v. Ramirez, Johnnie L.**

*EVENT: Plaintiff's Motion for Judgment on the Pleadings*

Plaintiff's Motion for Judgment on the Pleadings is GRANTED and is unopposed. Based on Defendant's admissions, Defendant cannot state facts sufficient to constitute a defense. The Court will sign the Proposed Order and the Proposed Judgment. The Trial Readiness Conference and Court Trial dates are vacated.

**8. 20CV01884 Tyler Edwards, Inc. v. McCain, Kevin et al.**

*EVENT: Opposition to Claim of Exemption*

Cross Defendant Tyler Edwards Inc.'s Claim of Exemption is DENIED. CCP § 704.255 only applies to natural persons, see CCP § 703.020. The McCains shall prepare the form of order.

**9. 22CV00964 Barton, John v. Pillai, Josephine et al.**

*EVENT: Defendant America's Best Value Inn Chico and Josephine Pillai's Motion to Compel Further Responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Request for Production of Documents, Set One, and Request for Sanctions*

Defendant America's Best Value Inn Chico and Josephine Pillai's Motion to Compel Further Responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Request for Production of Documents, Set One, and Request for Sanctions is GRANTED. The Court will sign the proposed order.

**10. 23CV01057 ST v. County of Butte**

*EVENT: County of Butte's Motion to Compel Plaintiff S.T.'s Further Responses to Form Interrogatories, Set One*

County of Butte's Motion to Compel Plaintiff S.T.'s Further Responses to Form Interrogatories, Set One is GRANTED as to interrogatory 17.1. Regarding interrogatory 20.1 the motion is moot.

Subdivision (b) of interrogatory 17.1 asks for all facts upon which you base your response. This is an explicit inquiry which seeks more than just a conclusion that Plaintiff was in the legal care of the foster parents at the time of the incidents. The request clearly seeks facts supporting that position.

As Defendant notes,

Where the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions.

*Deyo v. Kilbourne*, (1978) 84 Cal. App. 3d 771, 783)

Plaintiff's position that she cannot respond in any clearer fashion disregards subdivision (c) of CCP § 2030.220.

(c) If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party.

If Plaintiff does not have personal knowledge concerning the facts supporting her position, she must so state, and make a reasonable inquiry.

Plaintiff's objections are unsubstantiated and without merit.

Plaintiff is ordered to provide further responses within 20 days. Sanctions are awarded against Plaintiff in the amount of \$2,085.50. Defendant shall prepare and submit the form of order within 2 weeks.

**11. 24CV00411 In re: Dugger, Anna Daneen**

*EVENT: Change of Name (Adult) Continued from 4/10/24)*

The Court is in receipt of the proof of publication and will sign the decree provided.

**12. 23CV00686 Campbell, Lenn v. Oroville Hospital et al.**

*EVENT: Plaintiff's Motion for Trial Preference*

Plaintiff's Motion For Preference to Set Trial Within 120 days is GRANTED. The parties are ordered to appear and to be prepared to select trial and related dates.

