

1. 20CV00109 Belyew, Lisa v. Belyew, Tait

EVENT: Motion to Amend Parties and Correct Legal Name

Motion to Amend Parties and Correct Legal Name is GRANTED in PART. The Court grants Plaintiff leave to file a First Amended Complaint which corrects the caption reflecting Plaintiff's current name. (Although the motion requested that the Court make this amendment, the Court does not amend pleadings) Plaintiff shall file her First Amended Complaint within 30 days of this order.

Further, in light of the name change, Plaintiff will need to submit an amended summons to the clerk which reflects Plaintiff's current name. Once the amended summons is issued and the First Amended Complaint filed, Plaintiff will need to serve the amended summons and First Amended Complaint in compliance with the Code of Civil Procedure as noted in the previous ruling.

The Court will prepare the order.

2. 24CV00919 Wells Fargo Bank, N A v. Duvall, Shon A

EVENT: Motion to Vacate Dismissal Under CCP 664.6 and Enter Judgment Pursuant to Stipulation

Motion to Vacate Dismissal Under CCP 664.6 and Enter Judgment Pursuant to Stipulation is GRANTED. The Court will sign the proposed order and judgment.

3. 25CV03941 Citibank NA v. Brock, Jared

EVENT: Motion for Order that Matters in Request for Admission of Truth of Facts Be Deemed Admitted

Motion for Order that Matters in Request for Admission of Truth of Facts Be Deemed Admitted is GRANTED. The Court will sign the proposed order.

4. **25CV04454 Dunn-King, Keagan Milan v. Aegis Treatment Centers, LLC et al.**

EVENT: Defendant Aegis Treatment Centers LLC's Demurrer to Plaintiff's First Amended Complaint

Pursuant to the Exclusive Concurrent Jurisdiction doctrine, the case is stayed.

Defendants' request for judicial notice is granted.

Regarding the issue of abatement, the facts do not satisfy the requirement of "same parties" and "same cause of action". (CCP 430.10(c)) Accordingly the motion is denied on abatement grounds.

Although the rule of exclusive concurrent jurisdiction is similar in effect to the statutory plea in abatement [Code Civ. Proc., 430.10, subd. (c)], it has been interpreted and applied more expansively, and therefore may apply where the narrow grounds required for a statutory plea [in] abatement do not exist. (*Shaw v. Superior Court* (2022) 78 Cal.App.5th 245, 256) The rule is based upon the public policies of avoiding conflicts that might arise between courts if they were free to make contradictory decisions or awards relating to the same controversy and preventing vexatious litigation and multiplicity of suits. (*Id* at p. 255)

Here, there is a tremendous amount of overlap between the two cases. All of the wage and hour causes of action under the Labor Code asserted in the Stanislaus action are asserted in this action. It is true that there are additional causes of action in this case, including FEHA causes of action that are specific to this Plaintiff.

Nevertheless, if we do not stay the case the potential for conflicting rulings concerning the Labor Code claims is inescapable. This potential outweighs any prejudice to Plaintiff to the extent litigation of his individual claims might be delayed while the Stanislaus matter is pending.

Plaintiff makes a procedural argument that this is a demurrer and Defendants should have brought this as a motion to stay. A trial court is "free to consider the motion regardless of its label." (*Sole Energy Co. v. Petrominerals Corp* (2005) 128 Cal.App.4th 187, 193) Accordingly, the Court declines denying this motion on procedural grounds. A motion to stay would have technically been appropriate, but this issue needs to be dealt with expeditiously.

Defendants shall prepare and submit a form of order consistent with this ruling within 2 weeks.

5. **26CV01723 In re: Spittler, Sean**

EVENT: Change of name (minor)

There is no proof of publication on file. Additionally, CCP 1277(a)(4) requires the non-consenting parent be served with the petition a minimum of 30 days before the hearing. As of this writing there is no proof of service demonstrating the non-consenting parent has been served.

6. **26CV01833 In re: Karazidis, Ioannis**

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. **26CV01885 In re: Harrison, Courtney Ann**

EVENT: Change of name (adult)

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

8. **26CV02166 Connell, Zackary v. Gold Nugget Days Inc.**

EVENT: Motion for Preliminary Injunction

Motion for Preliminary Injunction is DENIED WITHOUT PREJUDICE.

Rule 3.1150. Preliminary injunctions and bonds

(a) Manner of application and service A party requesting a preliminary injunction may give notice of the request to the opposing or responding party either by serving a

noticed motion under Code of Civil Procedure section 1005 or by obtaining and serving an order to show cause (OSC). An OSC must be used when a temporary restraining order (TRO) is sought, or if the party against whom the preliminary injunction is sought has not appeared in the action. If the responding party has not appeared, the OSC must be served in the same manner as a summons and complaint.

[Emphasis Added]

Defendant has yet to appear in this case. Thus, two events must occur: 1) An OSC re: preliminary injunction must be issued and 2) the OSC re: preliminary injunction must be served in the same manner as the summons. Previously, the Court denied Plaintiff's ex parte request for a temporary restraining order. Consequently, no Order to Show Cause has been issued. Further, there is no indication in the file that Defendant has been served with any papers.

The Court will prepare the order.