

**Judge Benson – Law & Motion – Wednesday, September 21, 2022 @ 9:00 AM
TENTATIVE RULINGS**

1-2. 22CV01497 Newlane Finance Company v. Phillips, Calder et al.

EVENT: (1) Application for Writ of Possession (as to Defendant West Coast Adventures LLC)

(2) Application for Writ of Possession (as to Defendant Calder Phillips)

Application for Writ of Possession as to both Defendants Calder Phillips West Coast Adventures Vehicles, LLC is Granted and is unopposed. Plaintiff shall prepare and submit a form of order within 10 days.

3. 21CV01059 People of the State of California, Department of Transportation v. Debonneville, Laura et al.

EVENT: Plaintiff's Motion to Compel Defendant to Amend Her Answer to Conform to Proof

Plaintiff's Motion to Compel Defendant to Amend Her Answer to Conform to Proof is DENIED. However, CCP section 438(b)(2) permits the Court to grant on its own motion a judgment on the pleadings. Based on the information provided, the Court finds good cause to grant its own motion as to Defendant Camille Oxley's Answer in light of the fact Defendant has admitted she cannot produce necessary documentation concerning property ownership. On a motion for judgment on the pleadings, in addition to the facts pleaded, we may consider matters that may be judicially noticed, including a party's admissions or concessions which can not reasonably be controverted, see *Pang v. Beverly Hospital, Inc.*, 79 Cal. App. 4th (2000) 986, 989-990. Here, Defendant has conceded in her discovery responses that the necessary trust documents have yet to be located.

The Motion for Judgment on the Pleadings is hereby granted as to Defendant Camille Oxley's Answer with leave to amend. The Answer must be amended within 20 days addressing the documentation issue concerning ownership and explaining how the problem has been resolved with information sufficient to overcome the admission that Defendant Oxley does not possess the necessary documentation. In other words, information showing that the necessary documentation has been found. The Court on its own motion sets a review hearing for October 19, 2022 at 9:00am. If the answer is not

amended or amended to the Court's satisfaction as noted herein the Court will grant the motion for judgment on the pleadings without leave to amend, and Plaintiff will prepare an order and judgment accordingly. Plaintiff shall prepare and submit a form of order consistent with this ruling within 10 days.

4. 22CV01436 In re: Vosburg, Krystal

EVENT: Change of name (minor)

The Court will hear from Petitioner.

5. 22CV01759 In re: Wallis, Jared Alan

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.

6. 22CV01931 In Re Ed Dutro Corporation, a California Corporation

EVENT: Petition for Appointment of Provisional Director for Ed Dutro Corporation

The parties are ordered to appear. The Court is inclined to grant the Petition and appoint Rob Ramay as provisional director. The Court will hear from the parties concerning the appropriate amount of compensation for Mr. Ramay.

7. 18CV04146 Thurman, Darrin v. Akhurst Machinery

EVENT: Application of Eric Schoonveld, Esq. for Admission Pro Hac Vice

Application of Eric Schoonveld, Esq. for Admission Pro Hac Vice is GRANTED. The Court will sign the proposed order.

8. 22CV00569 B L Griffin Co, Inc v. Larson, Eric D

EVENT: Defendant Eric D. Lawson's Motion for Order Compelling Plaintiff to Provide Further Responses to Document Demands and For Sanctions

In light of the amended responses served by Plaintiff on September 6, Defendant Eric D. Lawson's Motion for Order Compelling Plaintiff to Provide Further Responses to Document Demands and For Sanctions is Denied as moot. Both Defendant's and Plaintiff's request for sanctions is Denied. Plaintiff shall prepare and submit a form of order consistent with this ruling within 10 days.

9. 22CV01462 In re: McCutchen, Patricia Lee

EVENT: Change of Name (Adult) (Continued from 9/7/22)

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