

Judge Benson – Law & Motion – Wednesday, April 25, 2023 @ 9:00 AM
TENTATIVE RULINGS

1. 22CV00518 Rivera, Jose v. Chavoya, Martha et al

EVENT: Jose Rivera's Demurrer to Cross-Complaint

Jose Rivera's Demurrer to Cross-Complaint is sustained with leave to amend. Cross-Complainants shall amend within 20 days of service of this order. The demurrer is sustained on the grounds the pleading is not verified (CCP § 761.020), and that it fails to state a date for which determination is sought (CCP § 761.020(d)). Additionally, the demurrer is sustained as to the quiet title action on the grounds the allegations of fraud supporting it are not specifically plead.

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

2. 22CV01848 Gulbransen, Mike et al v. Golightly, Michaela

EVENT: Motion for Order That Matters In Request For Admissions Be Admitted And For Sanctions

Motion for Order That Matters In Request For Admissions Be Admitted And For Sanctions is continued to May 3, 2023 at 9:00am. Plaintiffs shall give notice. According to the proof of service, the papers were served by mail, thereby triggering an additional (5) days pursuant to CCP § 1005(b).

3. 21CV01932 Gonzalez, Veronica v. Sierra Health and Wellness Centers, LLC

EVENT: Plaintiff's Motion for Preliminary Approval of Class Action Settlement

Plaintiff's Motion for Preliminary Approval of Class Action Settlement is continued to May 17, 2023 at 9:00am. Plaintiff to give notice. Upon review, the Court is not finding any evidence that the settlement was served on the LWDA as required by Labor Code Section 2699(l)(2).

4. 22CV02845 In re: Poliquin, Darcelle

EVENT: Change of Name (minor) (Continued from 2/8/23 and 3/15/23)

There is no proof of publication on file nor is there a proof of service as to the non-consenting parent. If the Petitioner does not appear, the Petition will be dismissed without prejudice.

5. 22CV02975 LL Jane Doe DJ v. Doe 1 et al.

EVENT: Motion for an In Camera Review and Order to Seal and Keep Confidential All Certificates of Merit; Approving Certificates of Merit; and Granting Permission to Serve The Complaint on Defendants (Continued from 3/15/23 and 4/5/23)

Motion for an In Camera Review and Order to Seal and Keep Confidential All Certificates of Merit; Approving Certificates of Merit; and Granting Permission to Serve The Complaint on Defendants is continued to May 17, 2023 9:00am. Upon review, the Court has yet to receive Certificates of Merit from the licensed health practitioner.

6. 22CV01411 Hawks, Dixianne v. Bidwell Title and Escrow Company

EVENT: Plaintiff's Motion for Relief Due to Excusable Neglect/Mistake

Plaintiff's Motion for relief due to excusable neglect/mistake is continued to May 10, 2023 at 9:00am. The moving papers fail to comply with CCP § 1005 in that the proof of service indicates service was accomplished by mail on April 3, 2023. However, that is only 16 court days plus one additional day before the hearing. Section 1005 requires 16 court days plus 5 additional days for mail. Further, section 1005 requires that it be served and filed a minimum of 16 court days before the hearing. This motion was filed on April 17, 2023, 7 court days before the hearing. The Court will provide notice.