

Judge Benson – Law & Motion – Wednesday, November 8, 2023 @ 9:00 AM
TENTATIVE RULINGS

1. 23CV00074 Miller, Carol v. Goodman, Mollie

EVENT: OEX (Mollie Goodman)

The Court will swear in the witness.

2-3. 23CV00698 Cream of the Crop Ag Service, Inc. v. Petersen Pistachio Development, Inc.

EVENT: (1) OEX of Barbara Lynn Peterson

(2) OEX of David R. Peterson

The Court will swear in the witnesses.

4. 23CV02388 In re: Smith, Evelyn Adell

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.

5. 23CV02587 In re: Krusch, Lejla

EVENT: Change of name (Adult)

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

6. 158784 Cavalry. SPV I, LLC v. Yeng Lee

EVENT: Motion for Reconsideration of Interpretation of CCP § 685.010

Motion for Reconsideration of Interpretation of CCP § 685.010 is DENIED. The Court notes that the ruling in this case is not inconsistent with case # 158761 which involved a judgment in excess of \$63,000. Section 685.010 (a)(2)(A)(ii) provides the 5% interest rate only applies to money judgments less than \$50,000 relating to personal debt.

Further, the interpretation that section 685.010 requires judgments prior to January 1, 2023 accrue interest at 5% beginning January 1, 2023 is not a retroactive application of the statute. The statute became effective January 1, 2023 and simply provides that starting that same date interest will accrue at 5% concerning certain judgments.

The Court will prepare the order.

7. 20CV00558 Snider, Elizabeth v. FDM Community Services, Inc.

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

Plaintiff's Motion for Preliminary Approval of Class Action Settlement is continued to November 22, 2023 at 9:00am. The Court notes there has been no explanation as to why this motion should be heard on shortened time.