

**Judge Benson – Law & Motion – Wednesday, March 20, 2024 @ 9:00 AM
TENTATIVE RULINGS**

1. 22CV03048 Cortez, Alberto C v. Cambridge Real Estate Services, Inc.

EVENT: Status Conference (Continued from August 16, 2023 and January 17, 2024)

Pursuant to the Joint Status Conference Report, the hearing is continued to July 24, 2024 at 9:00am.

2. 24CV00240 In re: Muncy, Laura W.

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.

3. 24CV00264 Woodward, Andrew Morgan

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.

4. 20CV00578 Holman, Ryan v. County of Butte et al.

EVENT: Defendant County of Butte's Motion to Seal Defendant's Motion for Summary Judgment and Attached Exhibits

Defendant County of Butte's Motion to Seal Defendant's Motion for Summary Judgment and Attached Exhibits is GRANTED. Defendant shall prepare a form of order within 2 weeks.

5. 22CV01834 Guillon, Douglas v. Gomes, Steven

EVENT: Motion to Abate Proceedings

Motion to Abate Proceedings is DENIED. On the Court's own motion pursuant to CCP § 396(a) this case is transferred to the Mendocino County Superior Court. Defendant's request for judicial notice is GRANTED. In reviewing the motion to transfer venue in case# 22CV01415 and the Court's order, the Court finds the same circumstances exist here – the parties and their residences are the same. Thus, because Mr. Gomes is a resident of Mendocino County, venue is proper in Mendocino County, see CCP § 395(a).

Additionally, the Court is concerned with the potential judicial inefficiency that may result if this case is abated and not transferred to Mendocino County. In this Court's opinion, the breach of contract allegations necessarily take priority over the Labor Commission appeal. If the Court finds in favor of Plaintiffs' (Guillon parties) claims that a settlement agreement was entered prior to the Labor Commissioner hearing, the appeal is necessarily moot.

While the Court appreciates Mr. Gomes' comments that the de novo review of the appeal may encompass more issues than were addressed at the Labor Commissioner hearing, it is not entirely clear whether that review would include Guillon parties' breach of contract claims. Transferring the case to Mendocino should help safeguard against these issues, and as Defendant noted, the Mendocino Court could, in its discretion, consolidate the breach of contract case with the wage claim appeal.

The parties shall split the costs and fees of the transfer to the clerk within 5 days of the date of this Order, as well as the fees for filing in Mendocino County. The clerk of this Court shall transmit all pleadings and papers on file in this action to the clerk of the Superior Court of the State of California, in and for the County of Mendocino, Ukiah Branch, immediately upon payment of the required costs and fees of the transfer.

The Court will prepare the Order.

6. **24CV00758 Butte County Animal Control v. Barcenas, Marco**

EVENT: Petition to Determine if Dog is Potentially Dangerous

The Court will conduct a hearing.

7. **24CV00655 City of Chico Police Department – Animal Control Agency v. Maggard, Veronica**

EVENT: Appeal re: Vicious Dog

The Court will conduct a hearing.