

**TENTATIVE RULINGS**

*\*This calendar will be heard by Judge Benson*

**1. 16CV01891 BAILEY, CATHERINE C ET AL V. CATOMERISIOS, CATHY**

*EVENT: Petition for Release of Funds Following Entry of Judgment*

On September 14, 2023, the Third District Court of Appeal dismissed the appeal filed by Plaintiffs Catherine C. Bailey and J. Doug Sutton in relation to the Sacramento County Superior Court judgment upon which Ms. Goodman seeks the release of funds pursuant to Rule 8.140(b) of the California Rules of Court. The Court therefore has considered the merits of the pending Petition for Release of Funds Following Entry of Judgment. After the client obtains a judgment, the attorney must bring a separate, independent action against the client to establish the existence of the lien, to determine the amount of the lien, and to enforce it. *Carroll v. Interstate Brands Corp.* (2002) 99 Cal.App.4th 1168, 1173; *Brown v. Superior Court* (2004) 116 Cal.App.4th 320, 328; *Cal-Western Reconveyance Corp. v. Reed* (2007) 152 Cal.App.4th 1308. The instant Motion is the incorrect procedural mechanism by which to seek enforcement of the Sacramento County Superior Court Order and this Court lacks jurisdiction to grant the requested disbursement of interpled funds to Ms. Goodman. The Motion is denied.

**2. 19CV02948 EASTWIN, LLC V. FOUR SEASONS LANDSCAPE**

*EVENT: Eastwin LLC's Motion to Submit Tardy Expert Witness Information*

The Court finds that Plaintiff has presented no evidence of exceptional circumstances to warrant consideration of this Motion beyond the statutory deadline set forth in *Code of Civil Procedure* §2034.710(b). The Motion is untimely and is denied. The Defendant's request for sanctions is granted in the amount of \$3,200, which is to be paid within 30 days' notice of this ruling. Defendant shall submit a form of order consistent with this ruling within two weeks.

**3. 20CV00531 BERTAGNA, BERTON N ET AL V. DEAL REAL INTERNATIONAL, INC. ET AL**

*EVENT: Plaintiffs' Motion to Reclassify Cases*

It is clear that the time by which these Plaintiffs could amend their initial pleading has passed. Thus, the Court may grant the motion and enter an order for reclassification only if both of the following conditions are satisfied, pursuant to CCP §403.040(b): The case is incorrectly classified, and the moving party shows good cause for not seeking reclassification earlier. Here, the Court finds that Plaintiffs have made a sufficient showing as to both requirements and the Motion is granted. Pursuant to CCP §403.040(d)(1), once the required reclassification fee is paid pursuant to CCP §403.060 (Case No. 21CV03094) or no reclassification fee is required (22CV02826), the clerk shall promptly reclassify the cases as unlimited. Additionally, Plaintiffs in Case Nos. 21CV03094 and 22CV02826 may file amended Complaints reflecting that they are classified as unlimited. The Court will sign the form of order submitted by counsel.

4. **23CV00189 VOLLRATH, MICHAEL DAVID V. MID VALLEY TITLE AND ESCROW COMPANY ET AL**

*EVENT: Motion for Leave to Supplement Pleading*

The Motion was filed on October 10, 2023, 6 Court days prior to the noticed hearing date and there is no proof of service in the Court's file showing sufficient service pursuant to Code of Civil Procedure §1005, which requires a minimum of 16 Court days' notice. Notice is therefore insufficient and the Motion is continued to November 15, 2023 at 9:00 a.m. to allow for sufficient notice.

5. **23CV01412 IN RE: LOPEZ, EMMA RAE**

*EVENT: Petition for Change of Name*

If proper proof of publication is submitted at or before the hearing, the Petition will be granted. If there is no appearance by the Petitioners and the Court still has not received proof of publication, the Petition will be dismissed without prejudice.

6. **23CV02017 REYES, ALISON ET AL V. 320 NORTH CRAWFORD AVENUE OPERATIONS, LLC ET AL**

*EVENT: Defendant's (Hanalei Holding, LLC d/b/a Bridgeview Post Acute) Petition to Compel Binding Arbitration and to Stay the Superior Court Matter Pending Hearing on The Petition*

Defendant Hanalei Holding, LLC d/b/a Bridgeview Post Acute's Petition to Compel Binding Arbitration is unopposed and is granted. The Court will sign the form of order submitted by counsel.

7. **23CV02418 IN RE: ABARCA RAMIREZ, ALEXIA SOFIA**

*EVENT: Petition for Change of Name*

All documents are in order and the Petition is granted. The Court will sign the Decree submitted by the Petitioner and no appearances are required.

8. **23MH00400 PETITION OF: GOMES, TREVER JAMES**

*EVENT: Request for Hearing for Relief from Firearms Prohibition / Petition Seeking Judicial Determination Regarding Return of Firearm (Welfare & Institutions Code §8102)*

The Court will hear from the parties.