

Friday, January 3, 2020

TO REQUEST A HEARING ON ANY MATTER ON THIS CALENDAR, YOU MUST CALL THE COURT AT (209) 257-2692 BY 4:00 P.M. ON THE DAY PRECEDING THE HEARING. NOTICE OF THE INTENTION TO APPEAR MUST ALSO BE GIVEN TO ALL OTHER PARTIES.

IF THE CLERK IS NOT NOTIFIED OF A PARTY'S INTENTION TO APPEAR, THERE WILL BE NO HEARING AND THE TENTATIVE RULING WILL BECOME THE ORDER OF THE COURT. NO FURTHER NOTICE OF THE COURT'S RULING WILL BE PROVIDED.

18-CVC-10752

TORRES, VANESSA

VS.

FCA US LLC A DELAWARE LIMITED
LIABILITY COMPANY

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

This tentative ruling is issued by Commissioner Andrea C. Sexton. Any party who objects to the Commissioner hearing this matter must notify the other parties and notify the Court at (209) 257-2692, by 4:00 p.m. on the court day prior to the hearing.

Since no judge will be available for this law and motion calendar, if any party objects, the matter will be continued to 8:30 a.m. on Friday, January 10, 2020 in Department 2.

Plaintiff's Motion to Require Defendant's Compliance with CCP §583.130 and Other Relief is GRANTED.

CCP § 583.130 provides, in relevant part, "all parties shall cooperate in bringing the action to trial or other disposition" and California Civil Code § 1658 states "If no time is specified for the performance of an act required to be performed, a reasonable time is allowed. If the act is in its nature capable of being done instantly- as, for example if it consists in the payment of money only - it must be performed immediately upon the thing to be done being exactly ascertained." (emphasis added)

The court finds that more than a reasonable amount time has passed and that the Defendant has failed to offer justification for its delay in completing the terms of the accepted 998 Offer.

Defendant is ordered to (1) take return of the Plaintiff's subject vehicle and pay restitution as agreed in the accepted 998 Offer within seven (7) days from the date of the hearing and (2) pay Plaintiff's attorney's fees, costs, and expenses as agreed in the accepted 998 Offer, which shall be determined by the Court by way of a single noticed motion or further agreement of the parties.

Unless a hearing is requested, this ruling is effective immediately. Neither further notice of the ruling nor a formal order per CRC 3.1312 is required.