

Friday, January 17, 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.

17-CVC-10162 PRASAD, DEVI VS. CALIFORNIA DEPARTMENT OF TRANSPORTATION A GOVERNME

CIVIL MISCELLANEOUS MOTION - PLAINTIFF

TENTATIVE RULING:

On the court's own motion Plaintiff's Motion to Compel is continued to February 7, 2020 at 10:00 a.m. in Department 1. 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.

18-CVC-10777 TOMA, CIRO VS. PETERSON, FREDERICK

MOTION TO AMEND COMPLAINT

TENTATIVE RULING:

Plaintiffs' motion for leave to file a First Amended Complaint is GRANTED. CCP § 473(a)(1) provides in relevant part, that "The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect..." Further, CCP § 576 states "Any judge, at any time before or after commencement of trial, in the furtherance of justice, and upon such terms as may be proper, may allow the amendment of any pleading or pretrial conference order." "Although courts are bound to apply a policy of great liberality in permitting amendments to the complaint at any stage of the proceedings, up to and including trial this policy should be applied only "[w]here no prejudice is shown to the adverse party. ..." Atkinson v. Elk Corp., (2003) 109 Cal.App.4th 739, 761 citing Magpali v. Farmers Group, Inc. (1996) 48 Cal.App.4th 471, 487 The court finds no prejudice to the Defendant in granting Petitioner's motion. The parties are to follow Local Rule 4.03 and notify the court and opposing counsel as to the intent to contest the tentative ruling. The parties are further ordered to appear at the hearing and be prepared to be heard on the impact of this ruling on Defendant's Motion for Summary Judgment and Plaintiffs' Notice of Subsequent Hearing on Plaintiffs' Motion for Summary Judgment, both currently calendared for January 21, 2020 at 10:00 a.m. in Department 2.