

AMADOR SUPERIOR COURT LAW AND MOTION TENTATIVE RULINGS

Monday, February 7, 2022

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.

19-CVC-11446 THAWLEY, PATRICIA VS. ARIAS, CYNTHIA

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

Defendant's unopposed Notice of Motion and Motion to Compel Plaintiff's Responses to Form Interrogatories, Special Interrogatories, and Document Demand, Including Production of Documents, and Payment of Monetary Sanctions is GRANTED.

Sanctions are awarded to Defendant. The court finds it reasonable and supportable to order Defendant to pay sanctions in the amount of \$160.00, which represents attorney's fees and costs necessarily expended on the instant motion. Sanctions shall be paid to Defendant's counsel within thirty (30) days.

The court shall sign the proposed order lodged in the file, modified to conform to the court's ruling.

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.

20-CVC-11694 HICKMAN, STEVEN VS. PROSTRANSPORT 1

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

Plaintiff's Motion to Order Plaintiff's successor-in interest is continued to March 7, 2022 at 8:30 a.m. in Department 1.

Following the death of a party, any legal action by that party may only proceed upon substitution of the decedent's personal representative or successor in interest in her place. (CCP §§ 377.31, 367.) CCP § 377.31 states that, "[o]n motion after the death of a person who commenced an action or proceeding, the court shall allow a pending action or proceeding that does not abate to be continued by the decedent's personal representative or, if none, by the decedent's successor in interest."

The court finds the motion fails to comply CCP § 377.31 as Plaintiff has not provided to the court Letters of Administration confirming David Hickman's appointment as the decedent's personal representative. A review of the companion probate case no. 21 PR 2035 indicates Letters have not been submitted by the petitioner to the court for issuance.

Plaintiff is ordered to file a supplemental declaration, with supporting documentation pursuant to this court's ruling, no later than seven (7) days prior to the next hearing date.

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.

21-CVC-12114 JERGER, DANIEL VS. SHAWN KARAI DBA NEW YORK FAMILY FITNESS

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

On the court's own motion 1) Plaintiff's Motion to file a First Amended Complaint, 2) Plaintiff's Motion to Compel Responses to Form Interrogatories 3) Plaintiff's Motion to Compel Production of Documents, and 4) Defendant's Motion for Sanctions are continued to February 14, 2022 at 8:30 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.

21-CVC-12136

PACIFIC GAS AND ELECTRIC COMPANY A
CALIFORNIA CORP

VS.

CAMPBELL CONSTRUCTION GENERAL
ENGINEERING INC A CA

DEMURRER - DEFENDANT'S

TENTATIVE RULING:

On the court's own motion, Defendant's Demurrer to Plaintiff's Amended Complaint is continued to March 7, 2022 at 8:30 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.

21-CVC-12334

RAMSDEN, JON

VS.

SUPERIOR COURT OF THE STATE OF
CALIFORNIA AMADOR C

CIVIL MISCELLANEOUS MOTION - PLAINTIFF

TENTATIVE RULING:

On the court's own motion Petitioner's Petition for Writ of Mandate is continued to February 28, 2022 at 8:30 a.m. in Department 1.

The court shall provide notice to the Amador County District Attorney and the Office of the Attorney General .

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.