

AMADOR SUPERIOR COURT LAW AND MOTION TENTATIVE RULINGS

Monday, February 8, 2021

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-10777 TOMA, CIRO VS. PETERSON, FREDERICK

MOTION FOR SUMMARY JUDGMENT

TENTATIVE RULING:

THE FOLLOWING TENTATIVE RULING IS ISSUED BY JUDITH S. CRADDICK, ASSIGNED JUDGE OF THE SUPERIOR COURT

On the court's own motion, the Motions for Summary Judgment are continued to March 15, 2021 at 8:30 a.m. via remote appearance, if argument is timely requested.

No further oppositions or responses shall be filed. Tentative rulings will be posted on Friday, March 12, 2021.

18-CVC-10789 DEANDA, ANGELA VS.

MOTION FOR SUMMARY JUDGMENT

TENTATIVE RULING:

Parties or their attorneys are ordered to appear remotely or in person to discuss the status of Plaintiff's counsel's unopposed Motion to Be Relieved as Counsel and Defendant's unopposed Motion for Summary Judgment/ Summary Adjudication.

19-CVC-11114 JH PORTFOLIO DEBT EQUITIES LLC VS. ALCANTAR, AMARIS

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

Plaintiff's unopposed Motion to Enter Judgment Pursuant to Defendant's Default Under Settlement and Release Agreement pursuant to CCP §664.6 is GRANTED.

The court shall sign the proposed 1) Order Granting Motion for Entering Judgment Pursuant to Defendant's Default Under Settlement and Release Agreement and; 2) Judgment pursuant to CCP §664.6.

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-11674 DORN, DEVON VS. CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

DEMURRER - DEFENDANT'S

TENTATIVE RULING:

Defendant's Demurrer to Plaintiff's First Amended Complaint is continued to March 8, 2021 at 8:30 a.m. in Department 1.

The demurring party failed to file a declaration, as required by CCP § 430.41(a)(3), showing that the parties met and conferred in person or by telephone for the purpose of determining whether an agreement could be reached to resolve the objections to be raised in the demurrer.

Accordingly, the demurring party is required to file, no later than seven (7) days prior to the new hearing date, a code-compliant declaration stating either (1) the parties have met and conferred and (a) the parties have resolved the objections raised in the Demurrer, which shall be taken off-calendar or (b) the parties did not reach an agreement resolving the objections raised in the Demurrer or (2) the party who filed the pleading subject to Demurrer failed to respond to the meet and confer request or otherwise failed to meet and confer in good faith.

If the demurring party fails to file and serve the declaration demonstrating compliance with the requirements of Section 430.41, the Demurrer will be stricken as procedurally improper.

Further, Plaintiff is ordered to file a Proof of Service of Summons and Complaint prior to the next court 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.

20-CVC-11798

VOSS, TIMOTHY

VS.

WETHERBEE, LEE

CIVIL MISCELLANEOUS MOTION - DEFENDANTS

TENTATIVE RULING:

Defendant's Motion to Deem Matters Admitted for Failure to Respond is DENIED as Plaintiff provided responses prior to the hearing date of this motion.

Defendant's request for sanctions is GRANTED as Plaintiff's responses to the Request for Admissions were untimely, and the request for sanctions was unopposed.

CCP §2033.280(c) provides:

The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. It is mandatory that the court impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated this motion.

The court awards Defendant their attorney's fees in the amount of \$500 and costs in the amount of \$60 for a total attorney's fees and costs of \$560, payable within sixty (60) days.

Moving party to prepare an order consistent with this 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.