

Monday, March 29, 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.

14-CVC-08850 AMERICAN EXPRESS CENTURION BANK A VS. WISNESKI, PEGGY
UTAH STATE CHART

CIVIL MISCELLANEOUS MOTION - PLAINTIFF

TENTATIVE RULING:

On the court's own motion, Plaintiff's Motion for Order Vacating Dismissal and Entering Judgment against Defendant (pursuant to CCP § 664.6) is continued to April 26, 2021 at 8:30 a.m. in Department 1.

Plaintiff is ordered to file with the court, no later than ten (10) days prior to the hearing date a declaration containing the following: 1) An explanation as to why Plaintiff was not notified of the default in the manner set forth in paragraph 2 of the Stipulation for Conditional Entry of Judgment filed December 28, 2015; 2) A record of all payments made by Defendant pursuant to the Stipulation, and; 3) A detailed description as to Plaintiff's efforts to contact Defendant at all known addresses, email and otherwise, in regard to both the notice of the default and the service of the instant motion.

Parties are ordered to personally appear. The court shall provide notice.

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.

19-CVC-11488 VANN, OLIVER VS. OSAROBO OSEMWINGIE LVN

MOTION FOR SUMMARY JUDGMENT

TENTATIVE RULING:

Plaintiff's Motion for Summary Judgment is DENIED

A motion for summary judgment shall be granted when the moving party demonstrates that there is no triable issue as to any material fact and that the moving party is entitled to judgment as a matter of law. CCP § 437c(c). In making its decision the court may rely on affidavits, declarations, or matters of which judicial notice may be taken. CCP § 437c(b).

On plaintiff's motion for summary judgment or summary adjudication of issues, burden is on plaintiff to prove every element necessary to establish its right to relief it seeks and to disprove every affirmative defense asserted against it ; until that point, defendant has no burden to produce opposing evidence or to disprove anything at all. (United Community Church v. Garcin (1991) 231 Cal.App.3d 327.)

Plaintiff's points and authorities and separate statement fail to include material facts to support each element of the cause of action of medical negligence. Plaintiff fails to meet his burden.

Plaintiff is incarcerated at Mule Creek State Prison. As per Amador Local Rules of Court, rule 4.03, subdivision F, the tentative ruling procedures do not apply in any case in which a self-represented party in the custody of the California Department of Corrections and Rehabilitation. Plaintiff may appear telephonically for hearing; orders will be made at time of hearing.

19-CVC-11510 GLENN, PATRICK VS. PARZYCH, MATT

MOTION TO QUASH

TENTATIVE RULING:

On the court's own motion, Defendant's Motion to Quash Service of Summons and Complaint is continued to April 12, 2021 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.

20-CVC-11775

YOCHHEIM, TASH

VS.

DEPARTMENT OF MOTOR VEHICLES
OF THE STATE OF CALIF

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

Petitioner's First Amended Writ of Mandate is denied.

After review of the record of the hearing, the court finds the Department made a determination supported by the evidence in the record.

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-11818

BANK OF AMERICA NA

VS.

DAVIS, JEFFERY

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

Plaintiff's unopposed Motion to Set Aside Default Judgment and Vacate Judgment against Jeffery Michael Davis is GRANTED .

Plaintiff is ordered to appear either in person or remotely and be prepared to advise the court as to whether or not Plaintiff intends to dismiss the case.