AMADOR SUPERIOR COURT LAW AND MOTION TENTATIVE RULINGS

Monday, September 28, 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.

19-CVC-10958 EMMONS, BARBARA VS. RAYMOND, NADINE

MOTION TO STRIKE

TENTATIVE RULING:
On the court's own motion, Defendant's Special Motion to Strike is continued to October 26, 2020 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.

19-CVC-11368 GARCIA, LENIN VS. T MEZA AGPA MCSP APPEAL COORDINATOR

MOTION TO QUASH

TENTATIVE RULING:
Respondent's Motion to Quash Service of Petition for Writ of Mandate is DENIED.
A writ of mandate may be either alternative or peremptory. (CCP § 1087) In a trial court, if no alternative writ is sought, proof of service of a copy of the petition need not accompany the application for a writ at the time of filing, but proof of service of a copy of the filed petition must be lodged with the court prior to a hearing or any action by the court. (CCP § 1088.5) Petitioner is required to serve the petition just as he would serve summons and complaint on any public entity. (CCP § 416.50) There court finds no requirement that a summons issue or be served upon the Respondent for a writ of mandate.
Petitioner has properly served the petition. The writ must be served in the same manner as a summons in a civil action, except when otherwise expressly directed by order of the court. (CCP §1096)
Respondent is ordered to file a responsive pleading pursuant to CCP § 418.10(b).

PARTIES TO APPEAR
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 is incarcerated at MCSP. The parties are ordered to appear for hearing on the above tentative ruling. Plaintiff is authorized to appear by telephone using the CourtCall system. Orders will be made at time of hearing.

20-CVC-11775 YOCHHEIM, TASH VS. DEPARTMENT OF MOTOR VEHICLES OF THE STATE OF CALIF

CIVIL MISCELLANEOUS MOTION

TENTATIVE RULING:

Petitioner filed an ex parte application to file an Amended Petition on September 22, 2020.

Parties are ordered to appear either in person or remotely to choose a new date to hear Petitioner' s Writ of Mandamus.