

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

Law and Motion Calendar  
Judge: HONORABLE SUSAN GREENBERG  
Department 3

400 County Center, Redwood City  
Courtroom 2B

Friday, June 15, 2018

**NOTICE TO ALL COUNSEL**

Until further order of the Court, no endorsed-filed "courtesy copy" of pleadings is required to be provided to the Law and Motion Department.

IF YOU **INTEND TO APPEAR** ON ANY CASE ON THIS CALENDAR, YOU MUST DO THE FOLLOWING:

1. YOU MUST CALL (650) 261-5019 BEFORE 4:00 P.M. TO INFORM THE COURT OF YOUR INTENT TO APPEAR.
2. You must give notice before 4:00 P.M. to all parties of your intent to appear pursuant to California Rules of Court 3.1308(a)(1).

Failure to do both items 1 and 2 will result in no oral presentation.

**Notifying CourtCall with your intent to appear is not an alternative to notifying the court.**

All Counsel are reminded to comply with California Rule of Court 3.1110. The Court will expect all exhibits to be tabbed accordingly.

Case

Title / Nature of Case

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9:00

LINE: 1

17-CIV-03086      REBECCA SNELL VS. PATRICIA FRANCO-BROWN, ET AL.

REBECCA SNELL  
PATRICIA FRANCO-BROWN

PATRICK BALDWIN  
TIMOTHY G. MCFARLIN

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MOTION FOR LEAVE

**TENTATIVE RULING:**

The motion to amend is granted. There is a liberal policy in favor of permitting amendments and defendants have not demonstrated they will suffer prejudice as a result of the proposed amendment. No trial date has been set and discovery is ongoing. Plaintiff shall file her Second Amended Complaint no later than June 18, 2018.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

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9:00

LINE: 3

17-CIV-05646      ROSE CHUNG VS. IRWIN WELKER, ET AL.

ROSE CHUNG  
IRWIN WELKER

PRO/PER

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MOTION TO DISMISS

**TENTATIVE RULING:**

The motion to dismiss is reset for June 29, 2018 at 9 am.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

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9:00

LINE: 4

18-UDL-00412 JEFF GLOWNIAK VS. NADER RAEISSI, ET AL.

JEFF GLOWNIAK  
NADER RAEISSI

STEPHEN R. PAPPAS  
FRANCOIS X. SORBA

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HEARING ON DEMURRER

**TENTATIVE RULING:**

The demurrer is overruled. Defendant contends that plaintiff improperly seeks damages to which he is not entitled. However, a demand for improper relief must be addressed by a motion to strike, not a demurrer. *Caliber Bodyworks, Inc. v. Superior Court* (2005) 134 Cal.App.4<sup>th</sup> 365; *Saberi v. Bakhtiari*, (1985) 169 Cal.App.3d 509. Moreover, Paragraphs 11 and 17 of the form complaint concern permissible daily rental value damages.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

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9:00

LINE: 5

CIV534203 JONATHAN MCDOUGALL VS. MANUEL SEDILLO, ET AL.

JANE DOE #1  
COUNTY OF SAN MATEO

DEK KETCHUM  
PETER H. CRUZ

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MOTION TO COMPEL

**TENTATIVE RULING:**

Plaintiff's motion to compel compliance with subpoena is granted.

When a subpoena is issued for employee records, two potential options are available to the employee: (1) Any employee may bring a motion to quash; (2) If the employee is not a party, he may serve a written objection. (Code of Civ. Proc. Sect/ 1985.6, subd. (f)(1).) Defendant Sedillo did not move to quash the subpoena. He served a written objection. Since Defendant Sedillo is not a nonparty, the written objection was not available to him. His only available course was to move to quash, and he did not.

A witness is not required to produce employment records "after receipt of notice that the motion (to quash) has been brought by an employee, or after receipt of a written objection from a nonparty employee." (Id. sect. 1985.6, subd. (f)(3).) Since Defendant Sedillo did not move to quash the subpoena and since he was not eligible to serve a written objection, the witness County Probation Department was not excused from complying with the subpoena.

The meet-and-confer requirement cited by Defendant County (Code of Civ. Proc. Sect. 1985.6, subd. (f)(4)) is inapplicable. Subdivision (f)(4) describes a motion to compel compliance when a nonparty employee serves an objection. Since no valid objection was served, subdivision (f)(4) does not apply. Plaintiff had was not required to satisfy a meet-and-confer requirement before bringing this motion.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Plaintiff shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

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9:00

LINE: 6

CIV535154                      CYPRESS INSURANCE COMPANY VS. STATE OF CALIFORNIA, ET AL.

CYPRESS INSURANCE COMPANY  
STATE OF CALIFORNIA

DAVID W. HUGHES  
DAVID SULLIVAN

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MOTION FOR SUMMARY JUDGMENT

**TENTATIVE RULING:**

This matter is dropped from calendar. A Dismissal was filed 5-31-18.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

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9:00

LINE: 7

CIV535928 EVE SUTTON, ET AL. VS. HSBC BANK USA, ET AL.

EVE SUTTON  
WELLS FARGO BANK, N.A

GLENN L. MOSS  
EVELINA MANUKYAN

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MOTION FOR SUMMARY OF JUDGMENT/ADJUDICATION OF ISSUES

**TENTATIVE RULING:**

The hearing on Defendant Eagle Vista Equities LLC's Motion for Summary Judgment/Adjudication is continued to July 6, 2018 at 9 a.m. in the Law & Motion Department. The parties shall file, no later than June 27, 2018, a supplemental brief not exceeding two (2) pages explaining the impact/effect, if any, of Plaintiff's recent settlement with and dismissal of the other defendants on the arguments made in the papers supporting and opposing this motion.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

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POSTED: 3:00 PM