

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

Law and Motion Calendar  
HONORABLE SUSAN GREENBERG  
Department 3

400 County Center, Redwood City  
Courtroom 2B

Friday, October 12, 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

---

9:00

LINE: 1

17-CIV-01534 SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, ET AL.  
VS. LOCUSPOINT NETWORKS, LLC, ET AL.

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT  
LOCUSPOINT NETWORKS, LLC

JOHN C. BEIERS  
E. CLAY MARQUEZ

---

MOTION TO SEAL

**TENTATIVE RULING:**

Defendant PRICEWATERHOUSECOOPERS ADVISORY SERVICES, LLC (“PwC”)’s Motion to Seal is GRANTED as to Exhibits 9, 11, and 18 to the Declaration of Michael Behrens, filed in support of PwC’s Motion for Summary Judgment or, in the Alternative, Summary Adjudication. California Rules of Court, Rule 2.550.

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.

---

9:00

LINE: 2

17-CIV-01534 SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, ET AL.  
VS. LOCUSPOINT NETWORKS, LLC, ET AL.

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT JOHN C. BEIERS  
LOCUSPOINT NETWORKS, LLC E. CLAY MARQUEZ

---

MOTION FOR SUMMARY OF JUDGMENT/ADJUDICATION OF ISSUES

**TENTATIVE RULING:**

Defendants LOCUSPOINT NETWORKS, LLC and LOCUSPOINT II KCSM, LLC (“LPN”)’s Motion for Summary Judgment or, in the Alternative, Summary Adjudication is DENIED in its entirety.

As a preliminary matter, LPN’s motion is procedurally defective in that it does not seek to completely dispose of all of Plaintiff SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT (“District”)’s claims against it, thereby precluding summary judgment. As for summary adjudication in the alternative, LPN’s Separate Statement fails to separately identify each cause of action and affirmative defense, and each supporting material fact claimed to be without dispute with respect to that cause of action, as required by California Rules of Court, Rule 3.1350(d).

On its merits, the motion is denied. Summary judgment or adjudication in favor of a defendant is only proper if (1) the defendant shows that one or more elements of a cause of action cannot be established or there is a complete defense to it; and (2) the plaintiff fails to meet his or her burden of showing the existence of a triable issue of material fact. Code Civ. Proc. § 437c(p)(2); *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 735.

Here, there are multiple triable issues of material fact which preclude a grant of summary adjudication of any of the claims or affirmative defenses set forth in LPN’s motion, as follows: LPN’s Separate Statement of Undisputed Material Facts (“UMFs”), UMF Nos. 17-30, 35-41, 42-49, 53-70, 82-84, 86-89, 91-93, 96, 99-100, 102, 105-109, 111, 113, 115, and 118-123.

The District’s Evidentiary Objections are OVERRULED as to Objection Nos. 1-50.

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.

---

9:00

LINE: 3

17-CIV-01534 SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, ET AL.  
VS. LOCUSPOINT NETWORKS, LLC, ET AL.

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT JOHN C. BEIERS  
LOCUSPOINT NETWORKS, LLC E. CLAY MARQUEZ

---

MOTION FOR SUMMARY OF JUDGMENT/ADJUDICATION OF ISSUES

**TENTATIVE RULING:**

Defendant PRICEWATERHOUSECOOPERS ADVISORY SERVICES, LLC (“PwC”)’s Motion for Summary Judgment or, in the Alternative, Summary Adjudication is DENIED in its entirety.

Summary judgment or adjudication in favor of a defendant is only proper if (1) the defendant shows that one or more elements of a cause of action cannot be established or there is a complete defense to it; and (2) the plaintiff fails to meet his or her burden of showing the existence of a triable issue of material fact. Code Civ. Proc. § 437c(p)(2); *Calvillo-Silva v. Home Grocery* (1998) 19 Cal.4th 714, 735.

There are multiple triable issues of material fact in this case which preclude a grant of summary judgment or summary adjudication of any of the claims or issues of duty set forth in PwC’s motion, as follows: PwC’s Separate Statement of Undisputed Material Facts (“UMFs”), UMF Nos. 6-14, 17-31, 40-44, 47-48, and 51-59.

The District’s Evidentiary Objections are OVERRULED as to Objection Nos. 1-13. The District’s Request for Judicial Notice is GRANTED as to Exhibits A and B.

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.

---

9:00

LINE: 4

17-CIV-03337 FAIZAN BUZDAR VS. CONVO CORPORATION, ET AL.

FAIZAN BUZDAR  
CONVO CORPORATION

BRIAN T. HAFTER  
S. ASHAR AMED

---

MOTION TO COMPEL

**TENTATIVE RULING:**

This motion is dropped from calendar. A dismissal was filed 10-9-18.

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.

---

9:00

LINE: 5

18-CIV-02441      TONY PHAM VS. CARL D. HILSZ, ET AL.

TONY PHAM  
CARL D. HILSZ

ROSS MCLAURAN MADDEN  
THOMAS J. LALANNE

---

HEARING ON DEMURRER

**TENTATIVE RULING:**

This motion is dropped from calendar. A First Amended Complaint was filed 9-19-18.

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.

---

9:00

LINE: 6

18-CLJ-02360 CITIBANK, N.A. VS. LISSETH VELASQUEZ

CITIBANK, N.A.  
LISSETH VELASQUEZ

DEVIN JACOBSEN  
PRO/PER

---

MOTION FOR ORDER

**TENTATIVE RULING:**

The motion is granted. The genuineness of any documents and the truth of any matters in the requests for admission are deemed admitted.

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.

---

9:00

LINE: 7

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

EVE SUTTON  
EAGLE VISTA EQUITIES, LLC

GLENN L. MOSS  
ELAINE YANG

---

MOTION TO DISMISS

**TENTATIVE RULING:**

This motion is dropped from calendar. A dismissal was filed 10-2-18.

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.

---



9:00

LINE: 8

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

EVE SUTTON  
EAGLE VISTA EQUITIES, LLC

GLENN L. MOSS  
ELAINE YANG

---

MOTION FOR LEAVE

**TENTATIVE RULING:**

This motion is dropped from calendar. A dismissal was filed 10-2-18.

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.

---

POSTED: 3:00 PM