

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

Monday, October 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

9:00

LINE: 1

17-CIV-05256 CLARENCE STOKES VS. BROADMOOR POLICE DEPARTMENT, ET AL.

CLARENCE STOKES
BROADMOOR POLICE DEPARTMENT

JAMES DUNN

HEARING ON DEMURRER

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

Demurrer to the entire Complaint is sustained with leave to amend.

The first and second causes of action accrued on the date of arrest, which is alleged to be August 9, 2014. The third cause of action accrued when the criminal proceeding against Plaintiff was dismissed on April 3, 2015. The accrual date for the fourth cause of action could be either of those dates, depending on the factual bases for the claim.

All of Plaintiff's claims are subject to a two-year statute of limitations. (Code of Civ. Proc. Sect. 335.1.) Plaintiff filed this action on November 15, 2018, more than two years after both accrual dates. Even assuming that Plaintiff's claims were tolled during the pendency of his federal civil action, from July 21, 2016, to January 27, 2017, all four of Plaintiff's causes of action are time-barred.

Plaintiff is granted leave of court until October 29, 2018, to file and serve a First Amended Complaint addressing the deficiencies of the first through fourth causes of action.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendants 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.

9:00

LINE: 2

17-CIV-05548 ESTATE OF ALAN LEE, ET AL. VS. JEFFREY ALAN TOM, ET AL.

ESTATE OF ALAN LEE
JEFFREY ALAN TOM

ANDREW H. MEISEL
RICHARD R. PEDERSEN

MOTION TO COMPEL

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

The motion to compel is continued to November 15, 2018 at 9 am in the Law and Motion Department. The parties are to appear, in person or by telephone, for a discovery conference on October 22, 2018 at 10:30 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.

9:00

LINE: 3

17-CIV-05548 ESTATE OF ALAN LEE, ET AL. VS. JEFFREY ALAN TOM, ET AL.

ESTATE OF ALAN LEE
JEFFREY ALAN TOM

ANDREW H. MEISEL
RICHARD R. PEDERSEN

MOTION TO COMPEL

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

The motion to compel is continued to November 15, 2018 at 9 am in the Law and Motion Department. The parties are to appear, in person or by telephone, for a discovery conference on October 22, 2018 at 10:30 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.

9:00

LINE: 4

18-CIV-02880 DALINA BOLTE VS. SWISSPORT CARGO SERVICES, INC., ET AL.

DALINA BOLTE
SWISSPORT CARGO SERVICES, INC.

KAILYN SHARP
GARTH W. AUBERT

MOTION TO STRIKE PUNITIVE DAMAGES

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

Defendant's motion to strike Plaintiff's claim for punitive damages is DENIED.

Plaintiff has alleged sufficient facts to support the allegation that Defendant acted with "willful and conscious disregard of the rights or safety of others" in violation of Civil Code. § 3294(c)(1). Plaintiff has specifically alleged that Defendant "continued to understaff its ramps and fail[ed] to provide sufficient training despite receiving written and verbal warnings from SFO about this very problem." [FAC, ¶ 9] Further, Plaintiff has alleged that Defendant used ground support equipment that it knew to be mechanically unfit without making needed repairs. [FAC, ¶ 10] Plaintiff alleges that Defendant failed to remedy known violations of safety standards despite multiple warnings. [FAC ¶¶ 9-12] Taking these facts as true, Plaintiff has alleged sufficient facts to support a claim for punitive damages.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for 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.

9:00

LINE: 5

CIV525758 N.A. SALES COMPANY, INC. VS. HAE-SUK LEE, ET AL.

N.A. SALES COMPANY, INC.
BISHOP RANCH GATEWAY, INC.

BRIAN H. SONG
R. KENNETH BAUER

MOTION TO BE RELIEVED AS COUNSEL

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

The motion to be relieved as counsel of record is denied without prejudice. Counsel has not lodged a copy of the proposed order as required by CRC 3.1362(e) nor is there proof that the proposed order was served in compliance with CRC 3.1362(d).

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

CIV532571 GARY CECCATO, ET AL. VS. 1893 WOODLAND EPA LLC, ET AL.

DAVID MONTGOMERY
1893 WOODLAND EPA LLC

PETER H. BONIS
DAVID J. LONICH

MOTION FOR SUMMARY OF JUDGMENT/ADJUDICATION OF ISSUES

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

The motion for summary judgment is continued to November 19, 2018 at 9 am in the Law and Motion Department on the Court's 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.

9:00

LINE: 7

CIV532571 GARY CECCATO, ET AL. VS. 1893 WOODLAND EPA LLC, ET AL.

DAVID MONTGOMERY
1893 WOODLAND EPA LLC

PETER H. BONIS
DAVID J. LONICH

MOTION TO EXPUNGE LIS PENDENS

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

The motion to expunge the lis pendens is continued to November 28, 2018 at 9 am in the Law and Motion Department on the Court's own 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.

9:00

LINE: 8

CIV537925 WASTE SOLUTIONS GROUP VS. DILLARD TRUCKING, ET AL.

WASTE SOLUTIONS GROUP
DILLARD TRUCKING, INC.

ERIK A. REINERTSON
CHARLES A. KOSS

MOTION FOR ATTORNEY FEES

TENTATIVE RULING:

NOTICE: Please be advised the court may be unable to provide a court reporter for October 15, 2018. Parties desiring to contest the tentative ruling and who require a transcript should arrange to bring a certified shorthand reporter or request a continuance at the time of the hearing.

Cross-Defendant SANTA CLARA VALLEY WATER DISTRICT (“District”)’s Motion for Sanctions is DENIED. The Court does not find that the claims set forth against the District in Defendant / Cross-Complainant DILLARD TRUCKING, INC. dba DILLARD ENVIRONMENTAL SERVICES (“Dillard”)’s Cross-Complaint or First Amended Cross-Complaint were “frivolous” within the meaning of Code Civ. Proc. § 128.5.

The District’s Request for Judicial Notice is GRANTED as to Exhibits 4 and 5. Judicial notice is GRANTED as to Exhibits 1, 2, and 3 to the extent they were filed with this Court, but not as to the truth of any matters asserted therein.

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