

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

Law and Motion Calendar

Judge: HONORABLE LELAND DAVIS, III
Department 1

400 County Center, Redwood City
Courtroom 4C

Thursday, February 21, 2019

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

16-CIV-02377 CONSUMER ADVOCACY GROUP, INC. VS. ROSS STORES, INC., ET AL.

CONSUMER ADVOCACY GROUP, INC.
ROSS STORES, INC.

REUBEN YEROUSHALMI
THOMAS N. FITZGIBBON

MOTION TO COMPEL FURTHER RESPONSES TO INSPECTION DEMANDS AND FOR
SANCTIONS IN THE AMOUNT OF \$4,668 BY LIFEWORKS TECHNOLOGY GROUP, LLC

TENTATIVE RULING:

The parties are ORDERED TO APPEAR, in person or by telephone, to discuss the status of discovery in this case. The court notes that the motion has previously been continued three times. The current stipulation to continue would be the fourth hearing date. The court also notes a history of continuances of past or other pending discovery motions.

9:00

LINE: 2

16-CIV-02377 CONSUMER ADVOCACY GROUP, INC. VS. ROSS STORES, INC., ET AL.

CONSUMER ADVOCACY GROUP, INC.
ROSS STORES, INC.

REUBEN YEROUSHALMI
THOMAS N. FITZGIBBON

MOTION TO COMPEL RESPONSES TO REQUEST FOR ADMISSION AND FOR SANCTIONS
IN THE AMOUNT OF \$3,996 BY LIFEWORKS TECHNOLOGY GROUP, LLC

TENTATIVE RULING:

The parties are ORDERED TO APPEAR, in person or by telephone, to discuss the status of discovery in this case. The court notes that the motion has previously been continued three times. The current stipulation to continue would be the fourth hearing date. The court also notes a history of continuances of past or other pending discovery motions.

9:00

LINE: 3

16-CIV-02377 CONSUMER ADVOCACY GROUP, INC. VS. ROSS STORES, INC., ET AL.

CONSUMER ADVOCACY GROUP, INC.
ROSS STORES, INC.

REUBEN YEROUSHALMI
THOMAS N. FITZGIBBON

MOTION TO COMPEL RESPONSES TO REQUEST FOR ADMISSION AND FOR SANCTIONS
IN THE AMOUNT OF \$3,996 BY LIFEWORKS TECHNOLOGY GROUP, LLC

TENTATIVE RULING:

The parties are ORDERED TO APPEAR, in person or by telephone, to discuss the status of discovery in this case. The court notes that the motion has previously been continued three times. The current stipulation to continue would be the fourth hearing date. The court also notes a history of continuances of past or other pending discovery motions.

9:00

LINE: 4

16-CIV-02377 CONSUMER ADVOCACY GROUP, INC. VS. ROSS STORES, INC., ET AL.

CONSUMER ADVOCACY GROUP, INC.
ROSS STORES, INC.

REUBEN YEROUSHALMI
THOMAS N. FITZGIBBON

MOTION TO COMPEL RESPONSES TO SPECIAL INTERROGATORIES AND FOR SANCTIONS
IN THE AMOUNT OF \$3,996 BY LIFEWORKS TECHNOLOGY GROUP, LLC

TENTATIVE RULING:

The parties are ORDERED TO APPEAR, in person or by telephone, to discuss the status of discovery in this case. The court notes that the motion has previously been continued three times. The current stipulation to continue would be the fourth hearing date. The court also notes a history of continuances of past or other pending discovery motions.

9:00

LINE: 5

17-CIV-02513 MICHAEL S. HENSLEY, ET AL. VS. DAX YEOPHANTONG CRAVEN, ET AL.

MICHAEL S. HENSLEY
DAX YEOPHANTONG CRAVEN

JEFFREY A. BERGER
PRO/PER

DEFENDANT CHICAGO TITLE INSURANCE COMPANY'S MOTION TO COMPEL
DEFENDANT/CROSS DEFENDANT DAX YEOPHANTONG CRAVEN'S RESPONSES TO SPECIAL
INTERROGATORIES (SET ONE) AND DEMANDS FOR INSPECTION (SRET ONE) AND FOR
MONETARY SANCTIONS

TENTATIVE RULING:

The motion is GRANTED. Defendant Dax Craven shall provide verified responses, without objection, to the interrogatories and requests for production of documents within 14 days.

The request for sanctions is DENIED.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant 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: 6

17-CIV-03349 GEORGE P. ESHOO VS. SYED ALI HUSAIN, ET AL.

GEORGE P. ESHOO
SYED ALI HUSAIN

DAWN M. WARD
ALLEN SPLOPUKO

PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO GEORGE P. ESHOO'S
FIRST SET REQUEST FOR PRODUCTION OF DOCUMENTS

TENTATIVE RULING:

Plaintiff's unopposed motion to compel further responses to requests for production of documents is GRANTED. To the extent Defendant has asserted the objection of attorney-client privilege, work product doctrine, privacy, and/or other applicable privileges, Defendant "shall provide sufficient factual information for other parties to evaluate the merits of that claim, including, if necessary, a privilege log." Code Civ. Proc. 2031.240, subd. (c)(1). Defendant shall provide verified supplemental responses, without objection, to Plaintiff's requests for production of documents within 14 days of this order.

Plaintiff's unopposed motion to compel compliance with the Defendant's responses to requests for production of documents is also GRANTED. Other than documents identified as privileged or private, Defendant shall supplement his responses with "a statement that the party will comply with the particular demand for inspection, copying, testing, or sampling by the date set for the inspection, copying, testing, or sampling," or "a representation that the party lacks the ability to comply with the demand for inspection, copying, testing, or sampling of a particular item or category of item." Code of Civ. Proc. section 2031.210, subd. (a)(1) & (2). To the extent Defendant lacks ability to comply, the supplemental response shall fully comply with Code of Civil Procedure section 2031.230.

Plaintiff's motion for sanctions is GRANTED, in part, pursuant to CCP §§2030.290(c) and 2031.300(c). Defendant shall pay Plaintiff \$2,490.00 within 14 days of this order.

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: 7

17-CIV-03647 MERCEDITA VERADOR, ET AL. VS. SERVIS ONE, INC., ET AL.

MERCEDITA VERADOR
SERVIS ONE, INC.

JESSICA GALLETTA
JARLATH M. CURRAN

DEFENDANT SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES' MOTION FOR SUMMARY OF JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION OF ISSUES

TENTATIVE RULING:

Defendant SERVIS ONE, INC. dba BSI FINANCIAL SERVICES' Motion for Summary Judgment or, in the Alternative, Summary Adjudication is GRANTED. Defendant has demonstrated that Plaintiffs' causes of action for breach of contract and negligence cannot be established, and Plaintiffs fail to meet their 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.

Moving and opposing papers in a summary judgment motion must be supported by admissible evidence consisting of "affidavits, declarations, admissions, answers to interrogatories, depositions, and matters of which judicial notice shall or may be taken." Code Civ. Proc. § 437c(b)(1), (2). The Court notes that although Plaintiffs filed an Opposition and Response to Separate Statement, they failed to file any supporting evidence. Accordingly, no triable issue has been raised, and summary judgment in Defendant's favor is granted.

Defendant's Request for Judicial Notice is GRANTED as to Exhibits A-G. Evid. Code § 452.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant 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: 8

18-CIV-01965 HERMINIA CHOTANGCO VS. ROSANA GAUNA, ET AL.

HERMINIA CHOTANGCO
ROSANA GAUNA

JEFFREY NEEDELMAN
NICK HEIMLICH

PLAINTIFF HERMINIA CHOTANGCO'S MOTION FOR LEAVE TO FILE FIRST AMNEDED COMPLAINT

TENTATIVE RULING:

The motion for leave to amend is DENIED WITHOUT PREJUDICE on several grounds. First, plaintiff has not provided proof that defendants received proper notice. The POS indicates that the motion was served by mail and email on November 26, 2019, almost a month before the moving papers were signed. Second, the hearing date on the notice of motion appears to have been altered at the time of filing and there is no indication that defendants were ever served with an amended notice of motion.

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: 9

18-CLJ-03353 PORTFOLIO RECOVERY ASSOCIATES, LLC VS. MELISSA GARAY

PORTFOLIO RECOVERY ASSOCIATES, LLC
MELISSA GARAY

EMILY COLLINS
PRO/PER

PLAINTIFF PORTFOLIO RECOVERY ASSOCIATES, LLC MOTION FOR JUDGMENT ON
PLEADINGS

TENTATIVE RULING:

Plaintiff's Motion for Judgment on the Pleadings is DENIED. Plaintiff has not established that the answer fails to state facts to constitute a defense as required by Code of Civ. Proc. Section 438(c)(1)(A). While Plaintiff contends Defendant has been deemed to have admitted the essential elements of its claims, Plaintiff does not address the affirmative defenses alleged in the answer nor why any of the facts deemed admitted would render these defenses ineffective.

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: 10

18-UDL-01169 BEN HARPER VS. MARILYN LOIS PARKER, ET AL.

BEN HARPER
MARILYN LOIS PARKER

DONALD BLOOM
DAVID BUTLER

DEFENDANT MARILYN LOIS PARKER DEMURRER - UNLAWFUL DETAINER

TENTATIVE RULING:

The Demurrer is MOOT. A dismissal was filed in this case on January 22, 2019.



POSTED: 3:00 PM