

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

Wednesday, February 20, 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

17-CIV-03802 COLDWELL BANKER COMMERCIAL-WESTBAY REAL ESTATE GROUP,
LLC VS. HILDA LAI

COLDWELL BANKER COMMERCIAL-WESTBAY
REAL ESTATE GROUP, LLC
HILDA LAI

SEAN P. RILEY

ASHLEE D. ADKINS

DEFENDANT'S MOTION FOR ORDER GRANTING LEAVE TO DESIGNATE LATE EXPERT
Witness

TENTATIVE RULING:

Defendant's Motion for Order Granting Leave to Designate Late Expert Witness is DENIED pursuant to Code of Civ. Proc. Section 2034.720.

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: 2

18-CIV-05023 PETER A. NEISSER VS. BRIAN SMITH, ET AL.

PETER A. NEISSER
BRIAN SMITH

CHARLES S. BRONITSKY

DEFENDANTS BRIAN SMITH AND WENDY SMITH'S DEMURRER TO VERIFIED
COMPLAINT

TENTATIVE RULING:

**Pursuant to stipulation between the parties and order of the Court this matter is
CONTINUED to March 25, 2019 in the Law and Motion Department.**

9:00

LINE: 3

18-CIV-05380 RIE HIRABARU RUBIN VS. STEPHEN M. PETERS, ET AL.

RIE HIRABARU RUBIN
STEPHEN M. PETERS

BRIAN DANITZ
KENDALL A. LAYNE

DEFENDANT ANDREW RUBIN' MOTION TO SEAL THE COMPLAINT

TENTATIVE RULING:

Pursuant to an order from the Presiding Judge, this matter will be heard in Department 10. The parties shall contact the clerk in Department 10 at (650) 261-5110 to reschedule the hearing date.

9:00

LINE: 4

18-CIV-05380 RIE HIRABARU RUBIN VS. STEPHEN M. PETERS, ET AL.

RIE HIRABARU RUBIN
STEPHEN M. PETERS

BRIAN DANITZ
KENDALL A. LAYNE

DEFENDANT ANDREW RUBIN'S MOTION TO SEAL ALL PAPERS RELATING TO
DEMURRER TO COMPLAINT AND MOTION TO STRIKE PORTIONS OF COMPLAINT

TENTATIVE RULING:

Pursuant to an order from the Presiding Judge, this matter will be heard in Department 10. The parties shall contact the clerk in Department 10 at (650) 261-5110 to reschedule the hearing date.

9:00

LINE: 5

18-CIV-05380 RIE HIRABARU RUBIN VS. STEPHEN M. PETERS, ET AL.

RIE HIRABARU RUBIN
STEPHEN M. PETERS

BRIAN DANITZ
KENDALL A. LAYNE

PLAINTIFF RIE HIRABARU RUBIN TO UNSEAL PORTIONS OF COMPLAINT PLACED
TEMPORARILY UNDER SEAL

TENTATIVE RULING:

Pursuant to an order from the Presiding Judge, this matter will be heard in Department 10. The parties shall contact the clerk in Department 10 at (650) 261-5110 to reschedule the hearing date.

9:00

LINE: 7

18-CIV-05380 RIE HIRABARU RUBIN VS. STEPHEN M. PETERS, ET AL.

RIE HIRABARU RUBIN
STEPHEN M. PETERS

BRIAN DANITZ
KENDALL A. LAYNE

DEFENDANT ANDREW RUBIN'S MOTION TO STRIKE PORTIONS OF THE COMPLAINT

TENTATIVE RULING:

Pursuant to an order from the Presiding Judge, this matter will be heard in Department 10. The parties shall contact the clerk in Department 10 at (650) 261-5110 to reschedule the hearing date.

9:00

LINE: 6

18-CIV-05380 RIE HIRABARU RUBIN VS. STEPHEN M. PETERS, ET AL.

RIE HIRABARU RUBIN
STEPHEN M. PETERS

BRIAN DANITZ
KENDALL A. LAYNE

DEFENDANT ANDREW RUBIN'S DEMURRER TO COMPLAINT

TENTATIVE RULING:

Pursuant to an order from the Presiding Judge, this matter will be heard in Department 10. The parties shall contact the clerk in Department 10 at (650) 261-5110 to reschedule the hearing date.

9:00

LINE: 8

18-CLJ-00690 CAPITAL ONE BANK (USA), N.A. VS. JEANINE HENLY, ET AL.

CAPITAL ONE BANK (USA), N.A.
JEANINE HENLY

ELIZABETH A. BLEIER

CAPITAL ONE BANK (USA), N.A.'S MOTION FOR ORDER DEEMING REQUEST FOR
ADMISSIONS TO DEFENDANT ADMITTED
ADMISSIONS

TENTATIVE RULING:

The motion is granted. The genuineness of any documents and the truth of any matters in Plaintiff's Requests for Admission, Set One, served on defendant Jeanine S. Henly are deemed admitted.

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-05515 JANETTE PALAFOX VS. TRAX AUTO WHOLESALE, INC., ET AL.

JANETTE PALAFOX
TRAX AUTO WHOLESALE, INC.

KEVIN FAULK
WALTER C. COOK

CROSS-COMPLAINANT TRAX AUTO WHOLESALE, INC., 'S MOTION TO COMPEL
ARBITRATION AND TO STAY PROCEEDINGS

TENTATIVE RULING:

This case has settled. Therefore, this matter is ordered OFF CALENDAR.

9:00

LINE: 10

CIV506540 CERTAIN UNDERWRITERS VS. FEDERAL INSURANCE COMPANY, ET AL.

CERTAIN UNDERWRITERS AT LLOYD'S LONDON
FEDERAL INSURANCE COMPANY

JAMES M. MCFAUL
STEPHEN L. NEWTON

PLAINTIFFS' MOTION FOR ORDER ESTABLISHING ADMISSIONS AND FOR SANCTIONS
TENTATIVE RULING:

This matter is CONTINUED to August 20, 2019 in the Law and Motion Department.

9:00

LINE: 11

CLJ522303 FIA CARD SERVICES, N.A. VS. GERTRUDE C. BALLETE

FIA CARD SERVICES, N.A.
GERTRUDE C. BALLETE

ROBERT SCOTT KENNARD
DAVID B. GOLDEN

DEFENDANT GERTRUDE BALLETE'S MOTION TO DISMISS

TENTATIVE RULING:

**Defendant Gertrude Ballete's Motion to Dismiss, filed 12-21-18, is ordered OFF
CALENDAR in light of Plaintiff's filing of a Request for Dismissal on 2-19-19.**

POSTED: 3:00 PM