

**Tentative Rulings for September 21, 2022**  
**Department 502**

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There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).)

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The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

21CECG02940      *Raul Vargas v. JT2, Inc.* is continued from Wednesday, October 12, 2022 at 3:30 p.m. in Department 502

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# **Tentative Rulings for Department 502**

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(38)

**Tentative Ruling**

Re: ***Cha v. Garcia et al.***  
Superior Court Case No. 20CECG02913

Hearing Date: September 21, 2022 (Dept. 502)

Motion: Default Prove-Ups

**Tentative Ruling:**

To deny without prejudice.

**Explanation:**

Statements of Damages:

Neither Plaintiff has provided a statement of damages to the court. In an action for personal injury, the complaint must not state the amount of damages sought. The statement of damages functions as a prayer for damages in a complaint. (Code Civ. Proc., § 425.10(b).) Absent such statement, defendant lacks notice of the potential liability threatened. (Code Civ. Proc., § 425.11; *Schwab v. Rondel Homes, Inc.* (1991) 53 Cal.3d 428, 433; *Weakly-Hoyt b. Foster* (2014) 230 Cal.App.4th 928, 932-933; *Janssen v. Luu* (1997) 57 Cal.App.4th 272, 275.) While plaintiffs have filed proofs of service showing that they have served defendants with their statements of damages, no such documents were filed with the court. Consequently, the court cannot determine whether the judgments sought are appropriate or whether they exceed the relief demanded in the statements of damages.

Special Damages:

The amount of special damages sought by plaintiff Roeun is not supported by the documentation provided. According to Ms. Roeun's declaration, she incurred \$3,169.00 in medical expenses from Chiropractic Health Center. However, this expense has not been substantiated. The health insurance claim forms attached to Ms. Roeun's declaration do not clearly indicate what was charged by the provider and what has been paid by the insurer. Additionally, the amount in total special damages is inconsistently stated in the declaration. Paragraph 13 of Ms. Roeun's declaration refers to \$3,962.75 in special damages, but the final signature page of the declaration refers to \$2,869.00 in special damages.

Similarly, according to plaintiff Cha's declaration, \$2,869.00 in medical expenses were incurred from Chiropractic Health Center, but the expense has not been substantiated. The health insurance claim forms attached to plaintiff Cha's declaration do not clearly indicate what was charged by the provider and what has been paid by the insurer.

