

Tentative Rulings for September 22, 2022
Department 502

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).)

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

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

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Tentative Ruling

Re: **Ferrua v. Campos Family Almonds, LLC**
Superior Court Case No. 20CECG01044

Hearing Date: September 22, 2022 (Dept. 502)

Motion: Amended Petition to Approve Compromise of Disputed
Claim of Minor

Tentative Ruling:

To grant. Orders signed. No appearances necessary.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: RTM on 9/20/2022.
(Judge's initials) (Date)

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Tentative Ruling

Re: **Great American Investment, Inc. v. Elalami et al.**
Superior Court Case No. 21CECG03674

Hearing Date: September 22, 2022 (Dept. 502)

Motion: by defendant Zeyad Elalami for an order staying all proceedings

Tentative Ruling:

To deny.

Explanation:

Defendant Zeyad Elalami seeks an order staying all proceedings due to pending arbitration between Elalami and defendant Shashi Sharma. Defendant Elalami relies on Code of Civil Procedure 1281.4 for relief, which states:

If a court of competent jurisdiction, whether in this State or not, has ordered arbitration of a controversy which is an issue involved in an action or proceeding pending before a court of this State, the court in which such action or proceeding is pending shall, upon motion of a party to such action or proceeding, stay the action or proceeding until an arbitration is had in accordance with the order to arbitrate or until such earlier time as the court specifies.

If an application has been made to a court of competent jurisdiction, whether in this State or not, for an order to arbitrate a controversy which is an issue involved in an action or proceeding pending before a court of this State and such application is undetermined, the court in which such action or proceeding is pending shall, upon motion of a party to such action or proceeding, stay the action or proceeding until the application for an order to arbitrate is determined and, if arbitration of such controversy is ordered, until an arbitration is had in accordance with the order to arbitrate or until such earlier time as the court specifies.

If the issue which is the controversy subject to arbitration is severable, the stay may be with respect to that issue only.

Defendant Elalami fails to demonstrate the applicability of the relied-upon statute in seeking relief. Code of Civil Procedure section 1281.4 conditionally states that if a court of competent jurisdiction has ordered arbitration of an issue involved in an action pending before a California court, then upon motion of a party to the action, the court shall issue a stay pending outcome of the arbitration. Alternatively, Code of Civil Procedure section 1281.4 conditionally states that if an application has been made to a court of competent jurisdiction for an order to arbitrate a controversy and that

application is undetermined, upon motion of a party to the action, the court shall issue a stay pending outcome of the application.

Here, there is no order to arbitrate from a court of competent jurisdiction. Neither is there an application pending for an order to arbitrate before a court of competent jurisdiction. As such, Code of Civil Procedure section 1281.4 is inapplicable. Further, defendant Elalami sought relief of stay due to pending discovery issued by defendant Sharma. Defendant Elalami states that defendant Sharma is a participant to the open arbitration case. The court will not interfere with the arbitrator's jurisdiction.¹

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: **RTM** **on** **9/20/2022** .

(Judge's initials) (Date)

¹ The court notes no opposition was filed to the present motion. Should the parties stipulate to staying the action pending the outcome of arbitration, the court will consider a stipulation for an order of stay.

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Tentative Ruling

Re: ***In Re: Miranda Grace Collins***
Superior Court Case No. 22CECG02683

Hearing Date: September 22, 2022 (Dept. 502)

Motion: Petition to Compromise Claim of Minor

Tentative Ruling:

To grant. The Court intends to sign the proposed orders. No appearances necessary.

Explanation:

Pursuant to California Rules of Court, Rule 3.1312 and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: RTM **on** 9/20/2022 .
(Judge's initials) (Date)

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Tentative Ruling

Re: **Worldway International Investment Holdings Limited v. Advanced Bioenergy LP**
Superior Court Case No. 20CECG03273

Hearing Date: September 22, 2022 (Dept. 502)

Motion: Applications of Nathan Heller and Brian Benjet to Appear *Pro Hac Vice*

Tentative Ruling:

To continue the hearing to Thursday, October 27, 2022. Applicant is to submit amended proofs of service as explained below, no later than on Thursday, October 20, 2022.

Explanation:

California Rules of Court, rule 9.40(c) requires the moving party to serve all parties who have appeared in the action and the State Bar of California at its San Francisco office, with notice of the hearing and a copy of the application. No proofs of service, indicating that the State Bar of California was served, have been filed.

The court notes that the applicant has filed declarations from local counsel of record, Lupe R. Laguna, which state that plaintiff "is uploading a copy of the Application on the AIMS portal of State Bar of California and will pay the \$50.00 fee." However, no attachments are submitted with the declarations to substantiate that the State Bar was served.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: RTM on 9/21/2022.
(Judge's initials) (Date)