

Tentative Rulings for September 27, 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.

11CECG04395 *Switzer v. Flourney Management, LLC* is continued to Thursday, September 29, 2022 at 3:30 p.m. in Department 502

16CECG02260 *Gold v. Berbey* is continued to Wednesday, October 26, 2022 at 3:30 p.m. in Department 502

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Tentative Ruling

Re: **Annetta Woods v. Fresno County Private Security (Lead Case)**
Superior Court Case No. 21CECG02134

Hearing Date: September 27, 2022 (Dept. 502)

Motion: By Defendant Fresno County Private Security for Leave to Amend Answers to the Woods Complaint filed July 26, 2021 and to the Smith Complaint filed July 27, 2021

Tentative Ruling:

To grant. Defendant is granted 10 days' leave to file the First Amended Answers to the Woods Complaint filed July 26, 2021 and to the Smith Complaint filed July 27, 2021, which will run from service by the clerk of the minute order. New allegations/language must be set in boldface type.

Explanation:

Defendant seeks leave to amend to add the affirmative defense of use of reasonable force in self-defense to its answers to the Woods complaint and to the Smith complaint. Defendant has met the formalities required of a motion to amend the answers and has given due notice to all plaintiffs.

Motions for leave to amend the pleadings are directed to the sound discretion of the judge. (Code Civ. Proc., § 473, subd. (a)(1); see also Code Civ. Proc., § 576.) Leave of court to amend is usually granted liberally and judicial policy favors resolution of all disputed matters between the parties in the same lawsuit. (*Nestle v. City of Santa Monica* (1972) 6 Cal.3d 920, 939; *Howard v. County of San Diego* (2010) 184 Cal.App.4th 1422, 1428.) Where a motion to amend is timely made and will not prejudice the other party, it would be error for the court to refuse. (*Morgan v. Superior Court of Cal. In and For Los Angeles County* (1959) 172 Cal.App.2d 527, 530.) No opposition was filed, so no facts have been presented to warrant denial of defendant's motion for leave to amend both answers.

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 9/22/2022.
(Judge's initials) (Date)