

Tentative Rulings for March 2, 2022
Department 501

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.

16CECG03557 *Lowe v. Happy Yu, LLC* is continued to Wednesday, March 23, 2022, at 3:30 p.m. in Department 501.

18CECG00487 *Miller v. Fisher et al.* is continued to Thursday, August 18, 2022, at 3:30 p.m. in Department 501.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(24)

Tentative Ruling

Re: **Cox v. Sikes**
Superior Court Case No. 19CECG01477

Hearing Date: March 2, 2022 (Dept. 501)

Motion: Petition for Approval of Compromise of Disputed Claim of Minor

Tentative Ruling:

To grant. Proposed 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: DTT **on** 2/24/2022.
(Judge's initials) (Date)

(24)

Tentative Ruling

Re: **Medrano v. Hem**
Superior Court Case No. 17CECG01948

Hearing Date: March 2, 2022 (Dept. 501)

Motion: Default Prove-Up

Tentative Ruling:

To deny without prejudice.

Explanation:

No default judgment can be obtained at this juncture because a default has not yet been entered, nor could it be since plaintiff has yet to serve a Statement of Damages on defendants. The Statement of Damages has the same function as a prayer for damages in a complaint, since in a personal injury action the amount of damages cannot be stated. (Code Civ. Proc., § 425.10, subd. (b).) Thus, the function of the form is to serve the due process requirement of giving the defendant fair notice of the damages liability at stake. It gives the defendant "one last clear chance" to respond to the complaint by providing actual notice of the potential liability. (Code Civ. Proc., § 425.11; *Schwab v. Rondel Homes, Inc.* (1991) 53 Cal.3d 428, 433; *Weakly-Hoyt v. Foster* (2014) 230 Cal.App.4th 928, 932-933.)

This case has been languishing for several years, with no progress being made and the only activity being numerous Case Management Conferences and hearings on Orders to Show Cause. Since the Statement of Damages has apparently still not been served, progress is still no further along. The next Order to Show Cause is currently set for April 5, 2022. **The court will expect to see progress made, or the Complaint will be subject to dismissal.**

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: DTT on 2/25/2022.
(Judge's initials) (Date)