

Tentative Rulings for June 1, 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.

21CECG02397	<i>Regional Certified Registered Nurse Anesthetist v. John Juve</i> is continued to Thursday, June 30, 2022 at 3:30 p.m. in Department 501
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Tentative Rulings for Department 501

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(24)

Tentative Ruling

Re: ***Delgado v. Oasis Saloon & Grill, LLC***
Superior Court Case No. 18CECG03370

Hearing Date: June 1, 2022 (Dept. 501)

Motion: Two Petitions for Approval of Compromise of Minors' Claims

Tentative Ruling:

To grant. However, the proposed Orders have errors, as noted below. They must be corrected and resubmitted for signature. The hearing is ordered off calendar.

Explanation:

The Order Approving Compromise forms each have the same minor's name at Item 3, and also Item 8b on each proposed Order has the same dollar amount for the minors' net settlement balance, when each minor had a slightly different balance because their share of costs differed slightly.

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 5/31/2022.
(Judge's initials) (Date)

(24)

Tentative Ruling

Re: **Moreno v. RJMS Corporation**
Superior Court Case No. 21CECG00458

Hearing Date: June 1, 2022 (Dept. 501)

Motion: by Plaintiff Victor Moreno for an Order Compelling Verified Responses from Christopher Allen Moore to Form Interrogatories, Special Interrogatories, and Demand for Production of Documents and for an Order that Matters in Requests for Admissions be Deemed Admitted

Tentative Ruling:

To grant all motions, and to award monetary sanctions in the total amount of \$1,440 against defendant Christopher Allen Moore and his attorneys, the Law Offices of Lynn M. Yempuku, jointly and severally, payable within 20 days of the date of this Order, with the time to run from the service of this minute order by the clerk. Defendant Christopher Allen Moore shall serve a verification to the responses already made to plaintiff Victor Moreno's Form Interrogatories, Set One, Special Interrogatories, Set One, and the Request for Production of Documents, Set One, no later than 30 court days from the date of this Order, with the time to run from the service of this minute order by the clerk.

The matters specified in plaintiff's Requests for Admission (Set One) served on defendant Christopher Allen Moore are deemed admitted, unless said defendant serves, before the hearing, a proposed verified response to the requests for admission that is in substantial compliance with Code of Civil Procedure section 2033.220.

Explanation:

Defendant's counsel filed a late opposition to the motion, as it was served and filed only six court days before the hearing, rather than the required nine court days. (Code Civ. Proc., § 1005.) No excuse or explanation was given for the late filing. Given the time that has elapsed since the verified responses were due, the court sees no reason to grant Mr. Moore an extension of time to serve verifications, especially since the opposition papers make it clear that Mr. Moore is willfully choosing to not cooperate with his counsel and is therefore refusing to comply with his duties under the Discovery Act. He must face the consequences of this decision.

As for the monetary sanctions, these are lowered significantly from the amount requested because the motions were nearly identical, with only a few words needing to be changed in each one, so it is reasonable to allow only three hours' time for preparation of all motions, as opposed to the six hours requested. And since plaintiff did not file a reply brief, and no hearing should be needed, the time requested for those activities is not allowed. Therefore, the court allows \$1,200 in fees and \$240 in costs (motion fees), for a total monetary sanction of \$1,440.

The court finds it appropriate to order the sanctions payable jointly and severally by defendant Moore and the defense firm, as requested, because even though the firm is not responsible for its client's apparent decision to not participate in the litigation, it is responsible for what appears to be its own lack of attention to this case over many months.

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** 5/31/2022.
(Judge's initials) (Date)