These are the tentative rulings for civil law and motion matters set for Thursday, July 30, 2015, at 8:30 a.m. in the Placer County Superior Court. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by 4:00 p.m. today, Wednesday, July 29, 2015. Notice of request for oral argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date, and after approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

NOTE: Effective July 1, 2014, all telephone appearances will be governed by Local Rule 20.8. More information is available at the court's website, www.placer.courts.ca.gov.

EXCEPT AS OTHERWISE NOTED, THESE TENTATIVE RULINGS ARE ISSUED BY COMMISSIONER DIRK AMARA AND IF ORAL ARGUMENT IS REQUESTED, ORAL ARGUMENT WILL BE HEARD IN DEPARTMENT 40, LOCATED AT 10820 JUSTICE CENTER DRIVE, ROSEVILLE, CALIFORNIA.

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1. **S-CV-0031202 L'Amoreaux, Roger, et al vs. Baldwin Contracting Co., et al**

   The motion to compel further responses is continued, on the court's own motion, to August 6, 2015 at 8:30 a.m. in Department 40.

2. **S-CV-0031742 Tarantino, Allessandria Gabriella vs. Sheehy, A. Macduff**

   The motion to strike and motion to tax costs are continued to August 6, 2015 at 8:30 a.m. in Department 43 at the request of the moving party.

3. **S-CV-0034348 Swearingen, Olga, et al vs. Bank of America, NA, et al**

   The motion to be relieved as counsel is dropped from the calendar as no moving papers were filed with the court.

4. **S-CV-0034500 Andoria LLC vs. Gaube, Donald F., et al**

   The motion for attorney's fees is dropped from the calendar as no moving papers were filed with the court.

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5. S-CV-0034862 Crosby, Darwin vs. Save Mart Supermarkets, Inc.

This tentative ruling is issued by the Honorable Michael W. Jones. If oral argument is requested, such argument shall heard in Department 43:

Plaintiffs' Motion to Compel Discovery of Class Members

Ruling on Request for Judicial Notice

Plaintiffs' request for judicial notice is granted pursuant to Evidence Code section 452.

Ruling on Motion

The court grants plaintiffs' motion in part. The information sought by plaintiffs in RFPs nos. 8 and 9 shall be subject to a privacy opt-out notice procedure. (see *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554.) The parties shall share equally in the costs of preparation and service of the notices. After careful review of the parties' briefing, including their respective supplemental briefs, the court declines to adopt either party's proposed notice. Instead, the court amends the proposed privacy opt-out notice, which the parties agree is identical except as it pertains to the usage of the phrase "medical conditions or physical disabilities", to read as follows:

> "The lawsuit alleges that Save Mart's attendance policy discriminates against individuals with medical/physical disabilities and fails to reasonably accommodate those disabilities."

The usage of "medical/physical" disabilities coincides with phrase used in plaintiffs' second amended complaint. (SAC ¶¶15, 21, 22, 38, 46, 48, 54, 55, 57, 66, 67, 72.)

Defendant shall use the best information reasonably available to identify employees whose employment has been terminated for excessive points under the attendance policy at the Roseville Distribution Center between January 15, 2013 and July 30, 2015. The defendant shall distribute the privacy opt-out notice as amended by the court by first-class mail, and electronic transmission if available, to the identified current and former employees. The notice shall be served within 20 calendar days of service of the signed order after hearing. The recipients of the privacy opt-out notice shall be given a full 30 calendar days to respond to the notice.

The defendant shall produce responses to RFPs Nos. 8 and 9 within 30 calendar days after the recipients' response period has expired. The responses shall be limited to those recipients who did not opt out as a result of the notice.

Plaintiffs' request as to RFP No. 10 is denied in light of defendant's representations that no such documents exist in its possession.

6. S-CV-0034892 CSAA Insurance Exchange vs. Kamps Propane, Inc., et al

Defendants' motion for leave to file cross-complaint is granted. The court may permit a party to file a compulsory cross-complaint at any time during the course of the action upon a showing of good faith. (Code of Civil Procedure §§428.50(c), 426.50.) The moving party has shown good faith in bringing the motion to warrant granting the request. However, defendants have not properly noticed or made a sufficient showing pursuant to CRC Rule 3.1322 to warrant vacating or continuing the trial date. The cross-complaint shall be filed and served on or before August 7, 2015.

7. S-CV-0035262 Piatti Restaurant Company, L.P. vs. Andoria, LLC

The motion for attorney's fees is dropped from the calendar as no moving papers were filed with the court.

8. S-CV-0035576 Rao, Layla vs. High Sierra Water Ski School, Inc., et al

Plaintiff's motion for leave to file amended complaint is granted. The court may permit a party to amend its operative pleading in the furtherance of justice and on such terms as may be just. (*Code of Civil Procedure section 473(a)(1); Code of Civil Procedure section 576.*) The moving party must also show that the amendment will not prejudice any opposing party. (*Douglas v. Superior Court (1989) 215 Cal.App.3d 155, 158.*) Courts have broad discretion in granting leave to amend a pleading and such discretion is usually exercised liberally to permit amendment to the pleading. (*Howard v. County of San Diego* (2010) 184 Cal.App.4th 1422, 1428.) After careful review the moving papers, supporting declarations, and notices of errata, the court finds good cause to allow plaintiff to file her proposed first amended complaint. The motion has been brought in a timely fashion, the proposed amendments are appropriate, the motion comports with the requirements of California Rules of Court, Rule 3.1324, and there is no showing of prejudice to any of the defendants.

Plaintiff shall file and serve her first amended complaint on or before August 7, 2015.

9. S-CV-0035920 National ADA, et al vs. Cocking, Chadwick, et al

The demurrer to the first amended complaint is dropped from the calendar in light of the stipulation and order to file a second amended complaint entered on July 24, 2015.

10. S-CV-0035928 Equus 2, LLC , et al vs. Lee, J. Bernard, et al

Samuel A. Chuck and Madolyn D. Orr's motion to be relieved as counsel is continued to August 13, 2015 at 8:30 a.m. in Department 40. The current motion fails to provide a general description for the basis of the request as required under CRC Rule 3.1362(c). The matter is continued to afford counsel the ability to file a supplemental declaration providing a description, in general terms, giving rise to the motion. Any

supplemental declaration shall be filed and served on or before August 6, 2015. Counsel is also to provide plaintiffs with notice of the continued hearing date.

11. S-CV-0036084 Moodi, Reza, et al vs. Mahboubian, Maziar, et al

The court notes that plaintiff submitted new documentary evidence in his reply papers. The court, however, cannot consider such evidence unless the opposing party is afforded an opportunity to respond to this new evidence. (*Alliant Ins. Services, Inc. v. Gaddy* (2009) 159 Cal.App.4th 1292, 1307-1308.) In order to afford defendants an opportunity to respond to this new evidence, the motion is continued to August 13, 2015 at 8:30 a.m. in Department 40. Any supplemental response by defendants may be filed by August 6, 2015.

12. S-CV-0036264 Langslet, Justin, et al vs. Roseville City School District

The appearances of the parties are required for the hearing on the petition for minor's compromise. The court notes that while petitioner seeks reimbursement of $3,322.17 in out-of-pocket expenses, she provides no documentary evidence or declaration to support this request. Petitioner will bring such documentary evidence to the hearing. The appearance of the minor at the hearing is waived.

13. S-CV-0036558 Lubin, Mark D., et al vs. Madsen, Roland Craig, et al

The OSC re preliminary injunction is continued to August 20, 2015 at 8:30 a.m. in Department 40 pursuant to the stipulation of the parties.

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