These are the tentative rulings for civil law and motion matters set for Friday, October 4, 2013, at 9:00 a.m. in the TAHOE DIVISION (Department 14) of 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., Thursday, October 3, 2013. Notice of request for oral argument to the court must be made by calling (530) 584-3463. 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.

EXCEPT AS OTHERWISE NOTED, THESE TENTATIVE RULINGS ARE ISSUED BY COMMISSIONER TRILLA BAHRKE AND IF ORAL ARGUMENT IS REQUESTED, ORAL ARGUMENT WILL BE HEARD IN DEPARTMENT 14, LOCATED AT 2501 N. LAKE BLVD., TAHOE CITY, CALIFORNIA.

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1. T-CV-0001864 Granfield, Jacqui S. vs. California Tahoe Conservancy et al

Defendant California Tahoe Conservancy moves to change venue in this action from Placer County to El Dorado County.

As a preliminary matter, the opposition to the motion was untimely. The opposition was due nine court days prior to the hearing, or no later than September 23, 2013, but was not filed until September 26, 2013. C.C.P. § 1005. The court may refuse to consider untimely papers. C.R.C. 3.1300(d). As discussed further below, even if the court were to consider the untimely opposition, the court's ruling would not change.

The complaint in this matter includes a claim under the Fair Employment and Housing Act. The proper county for filing a FEHA claim is the county where the FEHA violation occurred, where the records related to the FEHA violation are maintained and administered, or the county where the plaintiff would have worked but for the FEHA violation. When the defendant is not located in said county or counties, venue is proper at the location of defendant's principal office. Govt.C. § 12965(b). Defendant must show by competent evidence that the county where the action was filed is improper. Fontaine v. Super. Court (2009) 175 Cal.App.4th 830, 836; Karson Industries, Inc. v. Super. Court (1969) 273 Cal.App.2d 7, 8-9; Lieppman v. Lieber (1986) 180 Cal.App.3d 914, 919. Defendant has shown by competent declaration testimony that the California Tahoe Conservancy is located in El Dorado County, that plaintiff was hired to work for the Conservancy there, and that its records are kept and maintained there.

The untimely opposition filed by plaintiff is not supported by a declaration establishing that venue is proper in Placer County. The points and authorities are unverified and the attached exhibits are not authenticated. Even if the court were to consider the opposition, it includes no admissible factual showing overcoming the motion. The court is limited in its review to the facts properly before it—either by admissible declaration or affidavit, or in limited circumstances, by an uncontroverted verified complaint (as in Mission Imports, Inc. v. Super. Court (1982) 31 Cal.3d 921, 929).

Accordingly, the motion to change venue is granted. This matter is transferred to the El Dorado County Superior Court.

Plaintiff's fee waiver excuses the filing of the transfer-out fee ordinarily charged by this court. Plaintiff is responsible for the required filing fee to be tendered to the El Dorado County Superior Court, or to submit an appropriate renewed fee waiver application.

These are the tentative rulings for civil law and motion matters set for Friday, October 4, 2013, at 8:30 a.m. in the <u>TAHOE DIVISION</u> (Department 14) of 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., Thursday, October 3, 2013. Notice of request for oral argument to the court must be made by calling (530) 584-3463. 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.