

These are the tentative rulings for civil law and motion matters set for Tuesday, November 15, 2016, 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, Monday, November 14, 2016. 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 MICHAEL A. JACQUES AND IF ORAL ARGUMENT IS REQUESTED, ORAL ARGUMENT WILL BE HEARD IN DEPARTMENT 40, LOCATED AT 10820 JUSTICE CENTER DRIVE, ROSEVILLE, CALIFORNIA.

1. M-CV-0064563 Yarber, Kevin vs. Mustapha, John

Defendant's motion to dismiss is granted. In light of the court's ruling on April 26, 2016 sustaining defendant's demurrer without leave to amend, the current action is dismissed pursuant to CCP§581(f)(1).

2. M-CV-0065005 Creditors Adjustment Bureau Inc vs. Atazz Technical Services

Plaintiff's Motion to Compel Responses to Special Interrogatories

The motion is granted. Defendant Atazz Technical Services, Inc. shall provide verified responses, without objections, to special interrogatories, set one, on or before November 18, 2016.

Sanctions are denied because the motion was not opposed. (CCP§2030.290(c).) However, repeated conduct of failing to comply with discovery obligations may lead the Court to find an abuse of the discovery process and award sanctions on that basis. (*Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal.App.3d 481, overruled on other grounds in *Garcia v. McCutchen* (1997) 16 Cal.4th 469, 478, fn. 4.)

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Plaintiff's Motion to Compel Responses to Request for Production of Documents

The motion is granted. Defendant Atazz Technical Services, Inc. shall provide verified responses and responsive documents, without objections, to demand for documents, set one, on or before November 18, 2016.

Sanctions are denied because the motion was not opposed. (CCP§2031.300(c).) However, repeated conduct of failing to comply with discovery obligations may lead the Court to find an abuse of the discovery process and award sanctions on that basis. (*Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal.App.3d 481, overruled on other grounds in *Garcia v. McCutchen* (1997) 16 Cal.4th 469, 478, fn. 4.)

3. M-CV-0066181 IH6 Property West, L.P. vs. Ingegneri, Francisca, et. al.

Defendant's application for stay of writ of execution is denied as defendant failed to comply with the ex parte order and did not post the rental amount.

4. S-CV-0033065 Myers, Ronda vs. Larson, Jerry

Petitioner's motion to compel further responses to discovery is denied. The current action stems from a civil harassment petition filed under CCP§527.6. This statutory scheme does not provide for discovery procedures. (see *Thomas v. Quintero* (2005) 126 Cal.App.4th 635, 650.) Moreover, an evidentiary hearing on the renewal of the restraining order has already been held and there is no discussion as to the basis for this post-proceeding discovery. For these reasons, the motion is denied.

5. S-CV-0035361 Precision Medical Products, Inc. vs. Van Der Boom, Gant

Defendants' Motion to Compel Further Responses to Discovery and Compel Compliance with Document Production Demands

Ruling on Request for Judicial Notice

Defendants' request for judicial notice is granted.

Ruling on Motion

Defendants' motion is granted. In the current motion, defendants seek to compel further responses to several discovery requests propounded on plaintiff. The court will address each group of requests separately.

Requests for Production of Documents (RPDs), Set One

The court has carefully reviewed the briefing of the parties and finds plaintiffs' responses to RPDs nos. 1, 3, 13, 14, 15, 16, 19, 20, 22, and 23 are incomplete and

evasive, especially in light of the alter ego allegations in plaintiff's second amended complaint (SAC) and plaintiff's responses to special interrogatories.

Plaintiff shall provide further verified responses and responsive documents on or before November 28, 2016.

Special Interrogatories, Set One

The court has carefully reviewed the briefing of the parties and finds plaintiffs' responses to special interrogatory nos. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 32, and 34 are incomplete and evasive.

Plaintiff shall provide further verified responses and responsive documents on or before November 28, 2016.

Form Interrogatories, Set One

The court has carefully reviewed the briefing of the parties and finds plaintiff's objections to form interrogatory nos. 3.1, 3.6, 3.7, 4.1, 4.2, 8.1, 9.1, 12.1, 12.2, 12.3, and 14.1 are without merit. The court also finds the responses to form interrogatory nos. 15.1 and 17.1 are inadequate and incomplete.

Plaintiff shall provide further verified responses and responsive documents on or before November 28, 2016.

Compliance with Document Production Demands

The court has carefully reviewed the briefing of the parties and finds plaintiff's responses are incomplete and inadequate to RPDs nos. 2, 4, 5, 6, 7, 8, 9, 10, and 11.

Plaintiff shall further comply with the document demands in RPDs nos. 2, 4, 5, 6, 7, 8, 9, 10, and 11 on or before November 28, 2016.

6. S-CV-0035599 Voyager Restaurant Group, Inc. vs Sonora Petroleum, Inc.

The motion to compel further responses to discovery is dropped from the calendar at the request of the moving party.

7. S-CV-0037075 Ross, Monica vs. Bertrand, Cynthia E.

Plaintiff's application for service by publication is granted. Plaintiff has made a sufficient showing that defendant cannot, with reasonable diligence, be served in another manner. (CCP§415.50(a).) Plaintiff shall publish the summons pursuant to Govt C§6064 in the Press Tribune, a newspaper most likely to give defendant actual notice.

8. S-CV-0037617 Corea II, Rene vs Kidder, John William et al

The motion for consolidation is dropped from the calendar as no moving papers were filed with the court.

9. S-CV-0037829 Corea II, Rene vs. Allstate Insurance Company

The motion for consolidation is dropped from the calendar as no moving papers were filed with the court.

10. S-CV-0037849 Conti, Elizabeth vs. Naas, Erin, et al.

Plaintiff's application to permit alternative service of summons, service by publication, and continuance of case management conference is granted in part. As it pertains to the request for alternative service of the summons, including service by publication, plaintiff has not made a sufficient showing to warrant such relief.

Plaintiff's request to continue the case management conference is granted. The case management conference hearing is continued to January 10, 2017 at 10:00 a.m. in Department 40.

11. S-CV-0037897 National Collegiate Stu. Loan Trust vs. Leis, James, et al.

Motion to Strike Defendant's Notice of Stay

Ruling on Request for Judicial Notice

Plaintiff's request for judicial notice is denied.

Defendant's request for judicial notice is denied.

The court, on its own motion, takes judicial notice of the Eastern District's docket in 10-43467-D-7, which shows the bankruptcy proceeding was terminated on January 7, 2011 and the case closed.

Ruling on Motion

The motion is granted. As an initial matter, the court makes no determination regarding the effect of the bankruptcy discharge in this proceeding. The sole issue presented to the court is whether the notice of stay should be stricken. A review of the court file shows that the order attached to the notice of stay does not reflect there is a current bankruptcy stay in effect. Instead, it demonstrates a discharge of debt. The completion and closing of a bankruptcy case ceases the bankruptcy stay. (see 11 USC §349(b)(3).) Since the attached order does identify the existence of a bankruptcy stay that impairs this court's jurisdiction, the notice is properly stricken.

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