

**Judge Benson – Law & Motion – Wednesday, November 20, 2024 @ 9:00 AM
TENTATIVE RULINGS**

1. 21CV02652 Elizdale, Marshall v. Lowe’s Home Centers, LLC

EVENT: Application to Seal Contents of Minor’s Compromise Petition for Minor Plaintiff M.E.

Application to Seal Contents of Minor’s Compromise Petition for Minor Plaintiff M.E. is GRANTED. Counsel is directed to file the proposed order as a separate document.

2. 22CV02551 Zurich American Insurance Company v. Hotai Insurance Company, LTD

EVENT: Specially Appearing Defendant Hotai Insurance Company’s Motion to Quash Service of Summons of Plaintiff’s Complaint and to Dismiss Hotai Insurance Company from this Action for Lack of Jurisdiction Under Code of Civil Procedure Section 418.10 and 581(h)

The motion is continued to April 16, 2025 at 9:00am for Plaintiff to conduct jurisdictional discovery. The Court adopts the framework proposed by Plaintiff, and discovery is limited as follows:

- Insurance policies Hotai issued
- Risks Hotai bears exposure for per the policies it issued
- Claims history for claims made in California
- Underwriting for the policy it issued

Plaintiff’s supplemental brief is due no later than March 27, 2024. Defendant’s supplemental brief is due no later April 4, 2024.

Plaintiff shall prepare and submit a form of order within 2 weeks.

3. **23CV02820 Hurtado, Allix v. United States Bakery et al**

EVENT: Defendant United States Bakery's Motion for Admitting Rachel Timmins to Appear Pro Hac Vice (Continued from 10/16/24)

Defendant United States Bakery's Motion for Admitting Rachel Timmins to Appear Pro Hac Vice is GRANTED. The Court will sign the proposed order.

4. **24CV02513 Josephson, Kristoffer Allen**

EVENT: Change of Name (adult) (Continued from 10/9/24)

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

5. **24CV03227 In re: Her, Na Lee**

EVENT: Change of name (adult)

The Court is in receipt of the proof of publication and will sign the decree provided.

6. **24CV03308 Andrews, Caressa Star**

EVENT: Change of Name (adult)

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

7. 24CV03312 In re: Gutierrez, Rebecca Marie

EVENT: Change of Name (minor)

The Court is in receipt of the proof of publication. There is no proof of service indicating the nonconsenting parent was served as required by CCP § 1277(a)(4). The Court will hear from Petitioner.

8. 24CV03487 In re: Duncan, Mary Christine

EVENT: Change of name (minor)

The Court is in receipt of the proof of publication and the proof of service concerning the non-consenting parent. However, CCP § 1277(a)(4) requires the non-consenting parent be served a minimum of 30 days before the hearing. The proof of service indicates the non-consenting parent was served on October 24, which is 27 days before the hearing. As a result, the hearing is continued to December 4, 2024 at 9:00am. The Clerk is directed to mail a notice of hearing to the address listed on Petitioner's proof of service, which is:

Jonathan Hopper

4417 Pruett Dr.

Yreka, CA 96097

9. 23CV01748 K&M Butte Developers, LLC v. Sewerage Commission – Oroville Region

EVENT: Defendant and Respondent Sewerage Commission – Oroville Region’s Motion to Compel Plaintiff and Petitioner K&M Butte Developers, LLC’s Compliance and Further Responses to Request for Production of Documents, Set One

Defendant and Respondent Sewerage Commission – Oroville Region’s Motion to Compel Plaintiff and Petitioner K&M Butte Developers, LLC’s Compliance and Further Responses to Request for Production of Documents, Set One is GRANTED AS UNOPPOSED. Monetary sanctions are imposed against Plaintiff in the amount of \$2,600.00.

Plaintiff is ordered to comply with its responses to Request Nos. 1-5 and provide additional responses to Request Nos. 6-12 within 20 days of notice of this order. Defendant shall prepare and submit a form of order consistent with this ruling within 2 weeks.

10. 23CV03464 Sornoso, Ellena v. The Buckle Inc.

EVENT: Motion to Approve Private Attorneys General Act Settlement (Continued from 11/6/24)

Motion to Approve Private Attorneys General Act is GRANTED. The Court will sign the proposed order. The Status Conference scheduled for April 30, 2025 is vacated.

11. 24CV03126 In re: Thrailkill, Katherine Kimiko

EVENT: Change of name (adult) (Continued from 11/6/24)

There is no proof of publication on file. If there is no proof of publication on file at the time of the hearing and there are no appearances, the Court will dismiss the Petition without prejudice.

12. 24CV02515 Mesa, Isela v. Pozar, Kimberly

EVENT: Cross Defendant's Motion to Quash Service of Cross Complaint and Verified Answer

Cross Defendant's Motion to Quash Service of Cross Complaint and Verified Answer is DENIED WITHOUT PREJUDICE. The proof of service indicates the moving papers were served on November 12, 2024, which is only 6 court days before the hearing. CCP § 1005 requires a minimum of 16 court days plus an additional 10 calendar days when service is mailed out of state. The POS indicates defense counsel is based in Oklahoma. The Court will prepare the order.