

TENTATIVE RULINGS

\*If requesting oral argument, please call 530-532-7125\*

1. **21CV01932 Gonzalez, Veronica v. Sierra Health and Wellness Centers, LLC**

*EVENT: Compliance Hearing*

Pursuant to CCP § 384, the Order dated August 16, 2023 is hereby amended to direct the Settlement Administrator to distribute the sum of \$34,226.35 representing unclaimed class member funds to Legal Aid at Work, 180 Montgomery Street, Suite 600, San Francisco CA 94104. Plaintiff shall prepare an order consistent with this ruling within 2 weeks.

2. **24CV02600 In re: Sedillo, Sarah Danielle**

*EVENT: Change of name (adult)*

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

3-4. **24CV02891 Mendoza, Adan v. General Motors, LLC**

*EVENT: (1) General Motors LLC's Demurer to Plaintiff's Complaint*

*(2) General Motors LLC's Motion to Strike Punitive Damages from Complaint*

In light of the filing of the First Amended Complaint, both General Motors LLC's Demurer to Plaintiff's Complaint and Motion to Strike Punitive Damages from Complaint are denied as moot.

5. **24CV03552 In re: Cliff-Hovey, Susan Edith**

*EVENT: Change of name (adult)*

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

6. **24CV03711 In re: Staton, Malissa**

*EVENT: Change of name (minor)*

The Court will hear from Petitioner.

7. **24CV01070 Carrillo, Heriberto et al v. Carrillo, Raul et al.**

*EVENT: Plaintiff's Motion for Mandatory Preliminary Injunction Against Defendants Raul Carrillo and Lorena Carrillo*

Plaintiff's Motion for Mandatory Preliminary Injunction Against Defendants Raul Carrillo and Lorena Carrillo is GRANTED in PART and DENIED in PART. To the extent the motion is denied, it is denied without prejudice.

Plaintiff's Request for Judicial Notice is GRANTED.

The motion is granted as follows:

Defendant Raul Carrillo is ordered to transfer into his name alone the following bills and accounts:

- Water Bill for the property
- Garbage Bill for the Property
- PG&E Bill for the Property
- Comcast Cable
- Tri-Counties checking account ending in 5972

Plaintiff has provided undisputed evidence that Heriberto no longer resides and is not allowed on the subject property. Under these circumstances the Court cannot conceive

of a legal reason why Heriberto would be required to pay these bills considering he is not the legal owner and is being denied possession.

The motion is denied in all other respects. Although this motion is unopposed, Plaintiff still carries the burden of supporting the motion with admissible evidence, see *Finnie v. Town of Tiburon*, (1988) 199 Cal. App. 3d 1, 15. Regarding the mortgages, the points and authorities and Ms. Fox's declaration assert the mortgages were fraudulently obtained or obtained through duress. Neither the points and authorities nor the declaration is admissible evidence on this issue.

Ms. Fox's declaration lacks personal knowledge and foundation concerning the circumstances surrounding execution of the mortgage. Heriberto's declaration fails to address the circumstances concerning the mortgage in any fashion. Further, there is no evidence presented whether the proceeds were used exclusively for Raul's benefit, or whether all or a portion of the proceeds benefited Heriberto.

Regarding other expenses incidental to ownership of the property, such as insurance, property taxes, etc., those expenses are necessary obligations of the legal owner. If Plaintiff is successful in cancelling the deeds, said expenses would be Plaintiff's responsibility.

Plaintiff shall prepare and submit a form of order consistent with this ruling within 2 weeks.

**8. 23CV02738 Hawks, Dixianne v. Bidwell Title and Escrow Company herein called Trustee of the Ida Robinson Revocable Trust Dated August 29, 1989 et al.**

*EVENT: Defendant Lyle Don Robinson's Motion Setting Aside Default/Vacating Default Judgment*

Defendant Lyle Don Robinson's Motion Setting Aside Default/Vacating Default Judgment is DENIED WITHOUT PREJUDICE. Defendant must file a proof of service indicating Plaintiff was served with the motion. Defendant must provide Plaintiff notice that complies with the requirements of Code of Civil Procedure § 1005. Also, any renewed motion must attach a copy of Defendant's proposed order.

The Court will prepare and submit the form of order.

**9. 21CV02652 Elizalde, Marshall v. Lowe's Home Centers, LLC**

*EVENT: Petition for Approval of Minor's Compromise*

The Court will hear from counsel.