IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

Law and Motion Calendar
HONORABLE MICHAEL L. MAU
Department 20

800 North Humboldt Street, San Mateo
COURTROOM: Courtroom G

Friday, October 3, 2025 at 9:00 AM

IF YOU *INTEND TO APPEAR* ON ANY CASE ON THIS CALENDAR, YOU MUST DO THE FOLLOWING:

1. **EMAIL Dept20@Sanmateocourt.org BEFORE 4:00 P.M. CONTEMPORANEOUSLY COPIED TO ALL PARTIES OR THEIR COUNSEL OF RECORD. IF BY EMAIL, IT MUST INCLUDE THE NAME OF THE CASE, THE CASE NUMBER, AND THE NAME OF THE PARTY CONTESTING THE TENTATIVE RULING OR;**

2. **CALL (650) 261-5120 BEFORE 4:00 P.M. WITH THE CASE NAME, NUMBER, AND THE NAME OF THE PARTY CONTESTING.**

3. **GIVE NOTICE BEFORE 4:00 P.M. TO ALL PARTIES OF YOUR INTENT TO APPEAR PURSUANT TO CALIFORNIA RULES OF COURT 3.1308(A)(1).**

Failure to comply with 1 or 2, and 3 will result in no oral presentation.

At this time, personal appearances are allowed but not required. Parties may appear via Zoom. Advance authorization is not required for remote appearances. Mute your line until your case is called. RECORDING OF A COURT PROCEEDING IS PROHIBITED.

Zoom Video Information:

https://sanmateocourt.zoomgov.com/

Meeting ID: 161 964 0802
Password: 734616

Please note: Zoom Meeting can be joined directly from Judge Mau's page on the court's website – Courtroom G credentials.

TO ASSIST THE COURT REPORTER, the parties are ORDERED to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) use a dedicated land line if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any case cites; and (8) spell all names, even common names.

Case	Title / Nature of Case
LINE 1	
9:00	
19-CIV-06555	JINGYI MA VS BRENDON FARRELL
JINGYI MA	RODNEY N. MAYR
BRENDON FARRELL	JOSHUA J. BORGER

DEFENDANT BRENDON FARREL'S MOTION TO COMPEL NON-PARTY BUMBLE TRADING LLC TO PRODUCE DOCUMENTS AND FOR PLAINTIFF/CROSS-DEFENDANT MA AND NON-PARTIES LAN YUN AND HENG ZHANG TO CONSENT TO THE PRODUCTION

TENTATIVE RULING:

Defendant Brendon Farrell's ("Defendant") Motion to Compel Nonparty Bumble Trading LLC ("Bumble") to Produce Documents and for Plaintiff/Cross-Defendant Ma and Nonparties Lan Yun and Heng Zhang to Consent to the Production is GRANTED in Part and DENIED in Part.

The Court has reviewed Defendant's Notice of Motion and Motion [], Memorandum [], Declaration of Joshual J. Borger, Esq. [], Declaration of Bren Farrell [], and the submitted Proof of Service ("POS") all bearing a file stamped date of 9/8/2025.

As a threshold issue, the Court notes that the POS filed on 9/8/2025 appears defective. The POS is signed on the same date 9/8/2025 by Monica H. Rocha, an employee of the Berliner Cohen law firm as defense counsel. The e-service on Plaintiff's counsel Rodney Mayr appears valid. However, the POS states that the referenced pleadings were all by "Personal Service" on Nonparty Bumble Trading, LLC with an address in Glendale, CA, on Nonparty Zhang with an address in Mountain View, CA and on Nonparty Yun with an address in Burlingame, CA, with the declaration then referring to service by United States Postal Service/Express Mail, Federal Express and other overnight mail service. Obviously, employee Rocha could not have performed the claimed "Personal Service" all at the same time at all three different locations in California, nor are there any details of any such personal service attached, and the overnight mail service description is itself contradictory.

Defendant acknowledges that the Stored Communications Act ("Act"), 18 U.S.C.§ 2701, et seq., states that an electronic communication service shall not knowingly divulge the contents of communications while in electronic storage by that service, except when users give lawful consent to disclosure under Section 2701(b)(3). Memorandum, pg. 2. The case of *Negro v. Superior Court* (2014) 230 Cal. App. 4th 879, 881 stands for the holding that a Court ordered consent is sufficient lawful consent under the Act.

Plaintiff Jingyi Ma by and through her attorney Rodney Mayr have not filed any opposition to this motion. Instead, Attorney Mayr for Plaintiff had already expressly indicated they have no objections to the release of any material from Bumble as it relates to Ms. Ma. Declaration of Joshua J. Borger, Exh. D, pg. 23 (copy of email from Rodney Mayor of August 19, 2025 3:03 p.m.). Furthermore, Attorney Borger also was in dialogue with Bumble regarding the subpoena and the potential production of records. Declaration of Joshua J. Borger, Exh. D, pg. 25.

Accordingly, as to plaintiff Ma the Motion is GRANTED, and plaintiff Ma is ordered to consent to the release of the information from Bumble Trading LLC including signing the express authorization letter for same. Bumble Trading, LLC is then ordered to produce its responsive records for Jingyi Ma pursuant to the Deposition Subpoena (Declaration of Joshua J. Borger, Exh. B, pg. 10-15.)

However, as to nonparties Lan Yun and Heng Zhang, due to the defective POS noted above, the motion is DENIED.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 2
19-CIV-06555 JINGYI MA VS BRENDON FARRELL

JINGYI MA	RODNEY N. MAYR
BRENDON FARRELL	JOSHUA J. BORGER

DEFENDANT BRENDON FARRELL'S NOTICE OF MOTION AND MOTION TO COMPEL NON-PARTY EHARMONY, INC. TO PRODUCE DOCUMENTS AND FOR PLAINTIFF/CROSS-DEFENDANT MA AND NON-PARTIES LAN YUN AND HENG ZHANG TO CONSENT TO THE PRODUCTION

TENTATIVE RULING:

Defendant Brendon Farrell's ("Defendant") Motion to Compel Nonparty Eharmony, Inc. to Produce Documents and for Plaintiff/Cross-Defendant Ma and Nonparties Lan Yun and Heng Zhang to Consent to the Production is DENIED.

The Court has reviewed Defendant's Notice of Motion and Motion [], Memorandum [], Declaration of Joshual J. Borger, Esq. [], Declaration of Bren Farrell [], and the submitted Proof of Service ("POS") all bearing a file stamped date of 9/8/2025. This Motion was filed at the same time as Defendant's related motion to nonparty Bumble Trading, LLC and while similar, it is different.

As a threshold issue, the Court notes that the POS filed on 9/8/2025 appears defective. The POS is signed on the same date 9/8/2025 by Monica H. Rocha, an employee of the Berliner Cohen law firm as defense counsel. The e-service on Plaintiff's counsel Rodney Mayr appears valid. However, the POS states that the referenced pleadings were all by "Personal Service" on Nonparty Eharmony, Inc. with an address in Glendale, CA, on Nonparty Zhang with an address in Mountain View, CA and on Nonparty Yun with an address in Burlingame, CA, with the declaration then referring to service by United States Postal Service/Express Mail, Federal Express and other overnight mail service. Obviously, employee Rocha could not have performed the claimed "Personal Service" all at the same time at all three different locations in California, nor are there any details of any such personal service attached, and the overnight mail service description is itself contradictory.

Defendant acknowledges that the Stored Communications Act ("Act"), 18 U.S.C.§ 2701, et seq., states that an electronic communication service shall not knowingly divulge the contents of communications while in electronic storage by that service, except when users give lawful consent to disclosure under Section 2701(b)(3). Memorandum, pg. 2. The case of *Negro v. Superior Court* (2014) 230 Cal. App. 4th 879, 881 stands for the holding that a Court ordered consent is sufficient lawful consent under the Act.

Plaintiff Jingyi Ma by and through her attorney Rodney Mayr have not filed any opposition to this motion. However, unlike the similar motion related to Bumble Trading, LLC, in this motion there is no submitted declaration with any dialogue by and between plaintiff's counsel and defense counsel, or between defense counsel and Eharmony, Inc., on the records sought from Eharmony, Inc. The record is therefore blank on whether Ms. Ma consents, or objects, to this disclosure. Without an adequate record, the Court DENIES the motion.

As to nonparties Lan Yun and Heng Zhang, due to the defective POS noted above, the motion is DENIED.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 3

22-CIV-01891 SUSANA GUADALUPE OCHOA GOMEZ, ET AL, VS. ALEXEY KHARIS, ET AL

SUSANA GUADALUPE OCHOA GOMEZ	DELANEY L. MILLER
ALEXEY KHARIS	BRADLEY R. LARSON

MOTION TO TAX COSTS BY PLAINTIFF

TENTATIVE RULING:

Plaintiff I.G.O. a Minor by and through his Guardian Ad Litem, Susana Ochoa Gomez's ("Plaintiff") Motion to Tax Costs is DENIED.

The Court has reviewed Defendant Alexey Kharis' ("Defendant") Memorandum of Costs (Summary) filed 05/15/2025, Plaintiff's Notice of Motion and Motion to Tax Costs with Declaration of Alberto Daniel Ramos filed 05/22/2025, and Defendant's Opposition to Motion to Tax Costs, Memorandum of Points and Authorities, and Declaration of Michael Richardson filed on 09/18/2025.

Plaintiff seeks to tax (1) $35,600.00 in witness fees, and (2) $11,782.50 in deposition costs. These costs were supported by receipts and/or invoices per the defense declaration, and appear reasonable, appropriate, and necessary to the litigation in defense of Plaintiff's Complaint. Accordingly, the Court DENIES Plaintiff's Motion to Tax Costs.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 4

23-CIV-01186 LISETTE PATINO VS. AMERICAN HONDA MOTOR CO., INC., ET AL

LISETTE PATINO	PAULIANA LARA
AMERICAN HONDA MOTOR CO., INC.	JESSICA L. BARAKAT

MOTION TO BE RELIEVED AS COUNSEL

TENTATIVE RULING:

Plaintiff's Motion to be Relieved as Counsel filed by Pauliana N. Laura, Esq. is CONTINUED to October 31, 2025 at 9:00 a.m.

The Court has reviewed the Plaintiff's Motion to be Relieved as Counsel, Declaration in Support of Attorney's Motion to be Relieved as Counsel by Pauliana N. Laura, Esq., and the Proof of Service, all file stamped May 22, 2025.

The unopposed motion of attorney Pauliana N. Lara to be relieved as counsel of record for plaintiff, Lisette Patino, is being continued on the Court's own motion. The Court notes this is the 2nd attempt by Ms. Lara to seek to be relieved, as the first motion was denied without prejudice for failure to provide proof that all parties received proper notice of the hearing date.

This motion was filed on May 22, 2025. The Proof of Service indicates the moving papers were served the same day. However, at the time of filing, the hearing date on the Notice of Motion was changed from May 30, 2025 to October 3, 2025. It is unclear, yet again, whether the notice served on May 22nd was the original or amended version. To date, the court's record does not reflect the filing or service of an amended notice. To remedy this issue, this motion is being CONTINUED to October 31, 2025 at 9:00 a.m. Attorney Lara is ordered to file and serve a Notice of Continued Hearing with this new date and time, along with a complete copy of this current motion and declaration, AND file a new Proof of Service demonstrating that this has been so served on her client.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 5

24-CIV-00404 YINGQIAN WANG VS. PRODESSE PROPERTY GROUP

YINGQIAN WANG	PRO SE
PRODESSE PROPERTY GROUP	DENISE J SERRA

MOTION TO COMPEL PLAINTIFF TO PROVIDE FURTHER RESPONSES TO REVISED SPECIAL INETRROGATORIES, SET NO. ONE AND TO PROVIDE A VERIFICATION; REQUEST FOR SANCTIONS AGAINST PLAINTIFF

TENTATIVE RULING:

For the reasons stated below, Defendant Prodesse Property Group's "Motion to Compel Plaintiff to Provide Further Responses to Revised Special Interrogatories, Set No. One, and to Provide a Verification," filed May 20, 2025, which also seeks monetary sanctions against Plaintiff, is GRANTED-IN-PART and DENIED-IN-PART.

Defendant's 5-20-25 Request for Judicial Notice ("RJN") is GRANTED as to all attached Exhibits. (Evid. Code Sect. 452(d).)

Defendant's Motion to Compel further responses to the Special Interrogatories (Set One) is GRANTED-IN-PART, as set forth below.

- Special Interrogatory Nos. 16-17 (seeking identity of treating medical providers). GRANTED. Plaintiff has waived the claimed privacy protections by alleging that Defendant's actions caused her emotional distress, depression, anxiety, PTSD, etc. Plaintiff has placed her emotional state and its cause directly at issue. Accordingly, the identity of Plaintiff's treating medical providers who treated Plaintiff for emotional distress is discoverable. *Britt v. Superior Court* (1978) 20 Cal.3d 844, 859, 862; Evid. Code Sect. 994, 1016. Plaintiff's responses to these interrogatories are non-committal, vague/evasive, and not code complaint. Plaintiff has not answered the interrogatories. The Court notes that these two special interrogatories, may be somewhat duplicative of Form Interrogatory No. 6.4, which Plaintiff has apparently already answered. However, since the entirety of those form interrogatories or responses are not before the Court on this motion, specific responses to these two special interrogatories are warranted.

- Special Interrogatory No. 27. (seeking the name of each representative of Defendant with whom Plaintiff communicated during her tenancy.) GRANTED. Plaintiff's response refers to a "Supervisor" and "an unidentified Asian woman." The Discovery Act requires that Plaintiff provide as complete a response as possible. Plaintiff shall serve a further response providing the names of these persons, to the extent Plaintiff can reasonably obtain their names.

- Special Interrogatory No. 28. (seeking the names of witnesses to the events alleged in the Complaint.) GRANTED. (Same as No. 27.) Plaintiff shall provide the full name of "Stirling," and the referenced police officers, to the extent Plaintiff can reasonably obtain their names.

- Special Interrogatory No. 29. (seeking the name and contact information for all persons who assisted Plaintiff in preparing the interrogatory responses.) GRANTED. This information is discoverable. Plaintiff's response is non-responsive, incomplete, and evasive.

- Special Interrogatory No. 30. (asking whether Plaintiff contends that Defendant's conduct during her tenancy caused Plaintiff to suffer depression.) DENIED. This interrogatory seeks a yes/no response, which has been provided.

- Special Interrogatory No. 31. GRANTED. Plaintiff's response identifies no medical providers. The response is non-responsive, incomplete, and evasive.

- Special Interrogatory No. 33. GRANTED. Plaintiff's response identifies no medical providers. The response is non-responsive, incomplete, and evasive. The privacy objections were waived, as explained above.

- Special Interrogatory No. 35. GRANTED. (See reasoning for No. 33, incorporated herein.)

For each interrogatory (above) regarding which this Motion is being granted, within 20 days of this Order, Plaintiff shall serve a further, code-compliant, verified further response to the interrogatory.

Defendant's request for monetary sanctions of $1,000.00 against Plaintiff is GRANTED-IN-PART, in the Court's discretion sanctions are awarded in the amount of $530.00, which Plaintiff shall pay to Defendant's counsel within 30 days of this Order.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 6

24-CIV-00404 YINGQIAN WANG VS. PRODESSE PROPERTY GROUP

YINGQIAN WANG	PRO SE
PRODESSE PROPERTY GROUP	DENISE J SERRA

MOTION TO COMPEL PLAINTIFF TO RESPOND TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. ONE AND TO PRODUCE DOCUMENTS; REQUEST FOR SANCTIONS AGAINST PLAINTIFF PURSUANT TO C.C.P. SECTIONS 2023.010(a) AND (d), 2023.030A(a) AND 2031.310

TENTATIVE RULING:

For the reasons stated below, Defendant Prodesse Property Group's "Motion to Compel Plaintiff to Respond to Requests for Production of Documents, Set No. One, and to Produce Documents," filed May 20, 2025, which also seeks monetary sanctions against Plaintiff, is GRANTED-IN-PART and DENIED-IN-PART.

Defendant's 5-20-25 Request for Judicial Notice ("RJN") is GRANTED as to all attached Exhibits. (Evid. Code Sect. 452(d).)

Defendant's Motion to Compel Plaintiff to serve responses to the RFPs is GRANTED-IN-PART. This is a motion to compel responses; not a motion to compel further responses. Accordingly, Defendant need only show that Defendant served the subject Requests for Production of Documents ("RFPs") on Plaintiff, and that Plaintiff did not respond.

Defendant has sufficiently shown that on 10-21-24, Defendant served the subject RFPs (Set One) on Plaintiff, and that the Plaintiff has not responded. Plaintiff disputes service of the RFPs, arguing that Plaintiff never received them. Plaintiff also argues that Defendant never mentioned the Oct. 2024 RFPs until Defendant filed this Motion on May 20, 2025.

The 5-20-25 Serra Declaration, Ex. A, attaches the Oct. 21, 2024 RFPs (Set One), along with a Proof of Service (POS), signed under penalty of perjury, stating that Defendant served the RFPs on 10-21-24. The 9-25-25 Serra Decl., Ex. A, attaches email that Defendant sent to Plaintiff on 10-21-24, attaching the RFPs.

Further, the 5-20-25 Serra declaration attaches email discussions from April 2025, which reference these RFPs and Plaintiff's failure to respond to them. (See Serra Decl., Ex. F, G, & H [April 2025 email from attorney Serra to Plaintiff, reminding Plaintiff that she had not responded to these RFPs: ("Nor did you respond to the [RFPs] which we served you in case no. 24-CIV-00404. If you do not promptly indicate you will respond to both sets of [RFPs], you will leave us with no choice but to move to compel") ("you did not respond to the document request we served upon you in case no. 24-CIV-00404. You have left

us with no choice but to move to compel …") Thus, it is incorrect that Defendant did not mention these RFPs until Defendant filed the present Motion.

Accordingly, within 20 days of this Order, Plaintiff shall serve code-compliant, verified responses to the Oct. 21, 2024 RFPs (Set One), without objections, which have been waived.

However, the Court finds that *Plaintiff need not respond to RFPs Nos. 25-31; 39, and 43*, which appear only relevant to the case ending in 989, rather than to this case. RFP No. 39 seeks documents relating punitive damages, but Plaintiff's Complaint does not seek punitive damages.

The Motion to Compel Plaintiff to *produce the documents* requested in the Oct. 2024 RFPs is DENIED as premature. Where, as here, Defendant has not served responses to RFPs, Defendant's remedy is an order compelling Plaintiff to serve responses. After Plaintiff serves responses agreeing to produce the documents, if Plaintiff thereafter fails to produce the requested documents, Defendant may then move to compel compliance/production by appropriate motion. (Code Civ. Proc. Sect. 2031.320.)

Defendant's request for monetary sanctions of $1,000.00 against Plaintiff is GRANTED-IN-PART, in the Court's discretion sanctions are awarded in the amount of $530.00, which Plaintiff shall pay to Defendant's counsel within 30 days of this Order.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 7

24-CIV-03377 MICHAEL FONG VS. FCA US LLC

MICHAEL FONG	ELLIOT CONN
FCA US LLC	ERIN E. HANSON

MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, REQUEST NOS. 1, 2, 22, 23, AND 24

TENTATIVE RULING:

Plaintiff Michael Fong's Motion to Compel Defendant FCA US, LLC's Further Responses to Requests for Production of Documents is GRANTED.

Upon receipt of a response to a request for production, a propounding party may move for an order compelling further responses if the party deems, *inter alia*, a statement of compliance incomplete or an objection without merit. (Code of Civ. Proc., § 2031.310, subd. (a).) As a prerequisite to such an order, the moving party must "set forth specific facts showing good cause justifying the discovery sought by the demand." (*Id.*, at subd. (b)(1).)

"To establish good cause, a discovery proponent must identify a disputed fact that is of consequence in the action and explain how the discovery sought will tend in reason to prove or disprove that fact or lead to other evidence that will tend to prove or disprove the fact." (*Digital Music News LLC v. Superior Court* (2014) 226 Cal.App.4th 216, 224, disapproved of on other grounds by *Williams v. Superior Court* (2017) 3 Cal.5th 531, 557, fn. 8.) While good cause for discovery from a nonparty must be shown by "factual evidence … supplied to the court by way of declarations" (*Calcor Space Facility, Inc. v. Superior Court* (1997) 53 Cal.App.4th 216, 224), good cause for discovery from a party may be shown by reference to the pleadings (*Digital Music News LLC*, *supra*, at p. 224 ["facts of consequence in the New York lawsuit between UMG and Escape may be found in UMG's complaint and Escape's affirmative defenses and counterclaims"].)

Though a propounding party may also move for an order compelling production if a responding party fails to produce documents in accordance with its statement of compliance, Fong only moves here for the former relief. (See Code of Civ. Proc., § 2031.320, subd. (a); May 9, 2025 Notice of Motion, pp. 1–2.) The requests at issue are nos. 1–2 and 22–24 from Plaintiff Michael Fong's first set of requests for production served on Defendant FC US, LLC ("FCA").

A. Request No. 1

The first request seeks FCA's, its employees', its agents', and its representatives' "complete file(s) on the SUBJECT VEHICLE … ." (May 9, 2025 Separate Statement

("PSS"), p. 3.) FCA responded that it cannot comply because it does not maintain physical files on any vehicle it manufactures but that it would produce a copy of certain specified electronic records.

The "SUBJECT VEHICLE" refers to the allegedly defective vehicle allegedly manufactured by FCA that it allegedly willfully failed to repair or repurchase set forth in the Complaint. (Jun. 3, 2024 Complaint, *passim*.) Each part of these allegations is denied by FCA and thus in dispute. (Jul. 3, 2024 Answer, p. 1.) As the purported manufacturer, files concerning the vehicle are undoubtedly relevant and good cause exists for this request.

The response is also undoubtedly evasive. The request does not seek "physical" files in the sense of nonelectronic records, and electronic records are referred to both individually and collectively as a file or files. FCA nonetheless argues that no further response should be provided because it has no physical file, and that it has produced specified responsive documents within its possession, custody, or control.

A responding party cannot excuse itself from its obligation under the Civil Discovery Act to provide a complete, straightforward, verified response to each request by merely producing specific responsive documents. Fong is entitled to a statement made under penalty of perjury that FCA intends to produce or has produced—as the case may be—the complete file or file on the vehicle in FCA's possession, custody, and control.[1] Accordingly, a further response without objections is warranted.

B. Requests No. 2

This request seeks all documents concerning inspections of the vehicle before it was shipped to a dealership to be sold to consumers. (PSS, p. 9.) FCA stated that it is unable to comply because the only possible inspections that could have been performed would have occurred during service at an authorized repair facility but that it would produce all repair orders and warranty claim records.

Again, the good cause is apparent from the pleadings, as any inspection records would tend to prove or disprove the existence of any pre-sale defects in the vehicle.

And, again, the response is plainly evasive. The statement of an inability to comply does not say that no pre-shipment inspections were conducted; it only says that any inspection would have occurred at an authorized repair facility, which may nonetheless have occurred before shipment to a dealership for sale. The response then proceeds to state a subset of responsive documents would be provided and that other responsive documents could be requested from the independently owned dealer. Notably, the response does not represent that, despite the dealership being separately

[1] Otherwise, FCA could improperly withhold documents and more easily evade the consequences (sanctions, exclusionary evidentiary rulings, etc.) by refusing to provide an express and unequivocal written representation that it had produced all responsive documents.

owned, FCA does not have control of the documents in the dealership's possession.

Like the prior request, FCA's sole argument in opposition is that specific responsive documents—including obviously nonresponsive ones like the Moroney label—have been produced. For the same reasons discussed above, a further response without objections is warranted.

C. Requests Nos. 22–24

These requests seeks FCA's warranty, Song–Beverly compliance, repurchase and similar policies as well as documents showing FCA's application of those policies to the issues with subject vehicle. (PSS, pp. 11, 16, 24.) FCA responded to each that it would comply with the request subject to a protective order.

Like the prior requests, good cause for this discovery is evident from the pleadings: FCA's policies or lack thereof and the following adherence or deviation from those policies when the subject vehicle was brought for repair or repurchase are relevant, especially as to FCA's willfulness for violations of consumer protection law.

FCA's sole argument in opposition is its objection that the request seeks confidential business information and privileged trade secrets, such that a protective order is warranted. However, FCA has not moved for a protective order, and it has merely asserted that some responsive documents contain such information—FCA provides no evidence whatsoever substantiating the claimed confidentiality and privilege. Even for the high protection afforded trade secrets, the party asserting the privilege bears the burden of proof by admissible evidence like any other objection to discovery. (Evid. Code, § 1061, subd. (b)(3); *Bridgestone/Firestone, Inc. v. Superior Court* (1992) 7 Cal.App.4th 1384, 1393.)

Accordingly, further responses without objections are warranted as to each request.

D. Sanctions

Monetary sanctions must be imposed against any person who unsuccessfully opposes a motion to compel a further response unless the person acted with substantial justification or other circumstances make the imposition of sanctions unjust. (Code of Civ. Proc., § 2031.310, subd. (h).) FCA's responses are not code-compliant, and its objections have not been substantiated, such that the imposition of sanctions would not be unjust. Fong presents evidence he has incurred $4,185.00 in attorney's fees in bringing this motion. (May 9, 2025 Declaration of Elliot Conn in Support of Motion Concerning Requests, ¶ 39.) The Court notes that a prior Informal Discovery Conference ("IDC") in this case was not productive, and that Defendant was sanctioned for failing to submit an IDC brief (Minute Orders of 2/11/25 and 4/10/25). This motion to compel is the exact type of discovery dispute which should have resolved thru the IDC process, had Defendant participated in good faith. The fact that it did not resolve, is a further indication that full sanctions are warranted. Accordingly, pursuant to Fong's request,

sanctions should be imposed against FCA and its counsel, Clark Hill, LLP, jointly and severally in the amount of Fong's reasonable expenses of $4,185.00.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 8

24-CIV-03377 MICHAEL FONG VS. FCA US LLC

MICHAEL FONG	ELLIOT CONN
FCA US LLC	ERIN E. HANSON

MOTION TO COMPEL FURTHER RESPONSES TO PLAINTIFF'S FIRST SET OF SPECIAL INTERROGATORIES NOS. 1, 3, 5, 7, 9, 14-17, 20 AND 21

TENTATIVE RULING:

Plaintiff Michael Fong's Motion to Compel Defendant FCA US, LLC's Further Responses to Special Interrogatories is GRANTED.

Upon receipt of a response to an interrogatory, a propounding party may move for an order if the party deems (1) an answer is evasive or incomplete; (2) a referral to documents is unwarranted or inadequate; or (3) an objection is without merit or too general. (Code of Civ. Proc., § 2030.300, subd. (a).) Plaintiff Michael Fong seeks here to compel further responses from Defendant FCA US, LLC ("FCA") to interrogatories nos. 1, 3, 5, 7, 9, 14–17, and 20–21 of his first set of special interrogatories, contending that the responses contain meritless objections, are evasive and incomplete, and that certain referrals to documents were inadequate.

As a preliminary matter, the parties dispute whether Fong has shown good cause for discovering the information sought by each interrogatory at issue. However, the requirement that a moving party show good cause and set forth facts justifying the discovery applies only to motions on requests made under chapter 14 of the Civil Discovery Act. (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 220–221 ["the burden of showing good cause … does not exist in the case of interrogatories"]; see § 2031.310, subd. (b) ["motion shall set forth specific facts showing good cause justifying the discovery"]; cf. § 2030.300, sub. (b) [no requirement to show good cause].) Thus, a moving party is not required to make a prima facie case justifying his or her interrogatories. Instead, to the extent the responding party wishes to object based on irrelevance, that party bears the initial burden of justifying its objections. (See *Coy*, *supra*, 58 Cal.2d at pp. 220–221.)

A. <u>Interrogatories Nos. 1, 3, 5, 7 & 9</u>

Each of these interrogatories seeks, for particular categories of witnesses employed by FCA, each witnesses' name, job title, current business address and phone number and whether or not he or she is a managing employee or agent of FCA. (May 9, 2025 Separate Statement ("PSS"), pp. 3, 5, 8, 10, 13.)

1. *Interrogatories Nos. 1 & 7*

In response to nos. 1 and 7, FCA opted to produce documents pursuant to Code of Civil Procedure section 2030.230. The response to no. 1 refers Fong to "any Customer Assistance Inquiry Records (CAIRs) containing communications with Plaintiff regarding the 2021 Chrysler Pacifica Hybrid Limited, VIN 2C4RC1S71MR550639 ("Subject Vehicle"), produced in response to Plaintiff's Request for Production of Documents," while the response to no. 7 refers Fong to "a copy of any communications with any authorized repair facility concerning service to the Subject Vehicle, produced in response to Plaintiff's First Set of Request for Production of Documents." (PSS, pp. 3, 11.)

Fong contends these references are inadequate for two reasons. First, by not identifying any particular document and instead referring to 'any' document in a certain category that may or may not exist, the responses do not specify the documents with detail sufficient "to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." (Code of Civ. Proc., § 2030.230.) Second, the referenced documents Fong found in the production do not contain all the requested information, such as contact information and job titles. (May 9, 2025 Declaration of Elliot Conn in Support of Motion Concerning Interrogatories ("Conn Decl."), ¶ 30, exh. P.)

In opposition, FCA contends only that both responses are code-compliant, based on their bare assertion that the responses "properly referred Plaintiffs [sic] to the documents that encompassed the information that is sought since there is no single document that is specifically responsive to each voluminous interrogatory." (Sep. 19, 2025 Separate Statement ("DSS"), pp. 2, 4.) FCA makes no attempt to rebut Fong's points that the referenced documents are not specifically identified nor contain all the information.

The responses are far from code-compliant for the exact reasons articulated by Fong. FCA has superior knowledge of its own records, such that it can at least identify *particular* documents containing responsive information more readily than Fong can search for them amidst FCA's production. More egregious is FCA's failure to provide all the requested information—the documents do not list all the requested information. And, to the extent some information does appear, FCA should be able to provide the job titles, contact information, and managing statuses of its own employees more readily than Fong can deduce them from the tidbits scattered throughout the produced records.

Accordingly, further responses to interrogatories nos. 1 and 7 are warranted.

2. *Interrogatory Nos. 3 & 5*

In response to this interrogatory, which concerns FCA's employees who drove the vehicle that is the subject of this case, FCA stated that it "is not aware of any [FCA] employee who has driven the Subject Vehicle." (PSS, p. 5.)

Fong contends this response "is simply incorrect" because FCA has produced a document stating FCA's dealership had to "call engineer Gale to diagnose sym tom [sic] and road tested with engineer gale." (PSS, p. 6 [all-caps removed]; see Conn Decl., ¶ 31, exh. Q.) FCA only contends that response is code-compliant.

However, the document cited by Fong does not necessarily contradict the response. For example, "engineer Gale" may not be an employee of FCA, or FCA's records might be false. Even were FCA inaccurate in its response, it would not render the response evasive or incomplete such that a further response would be the remedy. Instead, the appropriate remedy would be sanctions or to use FCA's dishonesty against it at trial.

At the same time, the interrogatory specially defines "employee" to include not just employees but agents and representatives. The response does not indicate it is using the special definition, and thus it does not indicate whether any non-employee agents or representatives drove the vehicle. If any did, those persons' information would have to be provided, and would explain the record of a road test being performed on the vehicle.

The same defect is present with respect to the response to interrogatory no. 5, which asks for information on each employee, agent, and representative who worked on, repaired, serviced, or inspected the subject vehicle. (PSS, p. 8.) FCA responded that it does not "perform service" on any vehicles, including the subject one, and that "[s]ervice is performed by independent entities authorized to perform such service. (*Ibid.*) The response fails to mention agents or representative and fails to mention work, repairs, and inspections, which may be distinguishable from service in certain circumstances.

Accordingly, the responses are incomplete, and further responses are warranted.

3. *Interrogatory No. 9*

This interrogatory concerns employees who were a manager or otherwise responsible for customer relations in the region. (PSS, p. 13.) FCA provided none of the requested information and stated only that it "will identify a corporate representative pursuant to California Code of Civil Procedure Section 2025.230." (*Id.*, at p. 14 [italics omitted].)

The cited statute governs depositions of deponents who are not natural persons, requiring the deponent to designate a person most qualified to testify on its behalf. (Code of Civ. Proc., § 2025.230.) In no sense does it permit a responding party to opt to later identify a single witness in lieu of providing *all* witness information sought by an interrogatory. FCA's contention that its response is complete and code-compliant is frivolous and entirely without merit. Its contention that it identified a single person while meeting and conferring is similarly meritless—all the requested information for all requested persons must be provided in a verified response.

Accordingly, a further response is warranted.

B. Interrogatories Nos. 14–17 & 20–21

These interrogatories request information regarding FCA's policies regarding warranties implicated by this action, why FCA refused to repurchase the subject vehicle, discipline of employees for conduct involving respect to the vehicle or Fong, and FCA's history of felony convictions. (PSS, pp. 16, 18, 21, 23, 25, 27.) FCA provided only objections, and FCA bears the burden of substantiating them here.

FCA makes identical arguments as to each of these interrogatories, contending that they are overly broad, seek information not calculated to lead to admissible evidence, and are unduly burdensome. (DFF, pp. 6–10.) FCA fails to further articulate or explain its bare assertions that these objections have merit, and only cites to a single irrelevant authority.

Overbreadth is only a valid objection where the interrogatory requests irrelevant matter or imposes an undue burden. The information requested by the interrogatories are certainly relevant to Fong's claims, such as whether FCA's violations of the Song–Beverly Warranty Act were willful, and reasonably calculated to lead to admissible evidence, such as felony convictions to impeach FCA's credibility. Meanwhile, FCA provides no evidence of the quantum work of required to provide the requested information, and thus fails to carry its burden of showing the discovery imposes an undue burden. (See *Williams v. Superior Court* (2017) 3 Cal.5th 531, 550.)

Accordingly, further responses to each of these interrogatories are warranted.

C. Sanctions

Monetary sanctions must be imposed against any person who unsuccessfully opposes a motion to compel a further response unless the person acted with substantial justification or other circumstances make the imposition of sanctions unjust. (Code of Civ. Proc., § 2030.300, subd. (d).) FCA's responses are not code-compliant, and its objections have not been substantiated, such that the imposition of sanctions would not be unjust. Fong presents evidence he has incurred $3,225.00 in attorney's fees in bringing this motion. (Conn Decl., ¶ 33.) The Court notes that a prior Informal Discovery Conference ("IDC") in this case was not productive, and that Defendant was sanctioned for failing to submit an IDC brief (Minute Orders of 2/11/25 and 4/10/25). This motion to compel is the exact type of discovery dispute which should have resolved thru the IDC process, had Defendant participated in good faith. The fact that it did not resolve, is a further indication that full sanctions are warranted. Accordingly, pursuant to Fong's request, sanctions should be imposed against FCA and its counsel, Clark Hill, LLP, jointly and severally in the amount of Fong's reasonable expenses of $3,225.00.

Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 9

24-UDL-01568 SEQUOIA TRAILER PARK SERIES A, LLC VS. DAVID LOPEZ-ANAYA, ET AL

SEQUOIA TRAILER PARK SERIES A, LLC	ANDREW J. DITLEVSEN
DAVID LOPEZ-ANAYA	PRO SE

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

TENTATIVE RULING:

Plaintiff Sequoia Trailer Park Series A, LLC's Motion for Summary Judgment is GRANTED pursuant to Cal. Code of Civil Procedure Section 1170.7.

A mobile home park tenancy may be terminated only for specific, statutorily authorized reasons, including nonpayment of rent, utility charges, or other reasonable incidental service charges, provided the homeowner is given a three-day notice to pay or vacate after a five-day grace period. (Cal. Civ. Code Section 798.56.) Thereafter, an unlawful detainer action is governed by the same statutory scheme which controls such actions as they pertain to real property. (Cal. Code of Civ. Proc. Sections 1159 *et seq*.) In actions for obtaining possession of real property, a motion for summary judgment may be made at any time after the answer is filed upon giving five days notice, and shall be granted or denied on the same basis as a motion under Section 437c. (Cal. Code of Civil Procedure Section 1170.7.)

Cal. Code of Civil Procedure Section 437c(b)(1) provides that an MSJ "shall be supported by affidavits, declarations, admissions, answers to interrogatories, depositions, and matters of which judicial notice shall or may be taken." Under *Aguilar v. Atlantic Richfield* (2001) 25 Cal.4th 826*,* the party moving for summary judgment has the burden of production to make a *prima facie* showing that there is no triable issue of any material fact. The burden then shifts to the nonmoving party to make a *prima facie* showing that there is a triable issue of material fact.

Here, David Lopez-Anaya entered a lease for a space rental of the recreational vehicle space located at 730 Barron Ave., #56, City of Redwood City, County of San Matea, CA, 94063 on April 8, 2003. (Latu Decl., ¶2, Exh A.) Defendant's monthly rent during the relevant time period of $918.42 was due on the first of each month, and Defendant failed to pay rent for the months of November 2023 through February 2024. (*Id*., ¶¶2-3.) As a result of the failure to pay rent, Defendant was served with a Combined Three Day Notice to Pay or Quit and Sixty (60) Day Notice of Termination of Tenancy (the "Notice") on February 9, 2024 which identified and itemized the full

amount of unpaid rent and utilities in the amount of $3,496.38 and "informed Defendant that a failure to pay the outstanding sum within three days would result in the termination of his tenancy..." (*Id*., at ¶4, Exh. C.) Defendant thereafter failed to pay rent within three days of being served the Notice and failed to vacate the premises within 60 days of service of the Notice, or within a five day grace period thereafter, or at all. (*Id*., at ¶¶5-6.) Plaintiff has therefore established a *prima facie* case for unlawful detainer and is entitled to judgment as a matter of law with respect to possession of the premises unless Defendants can establish a triable issue of material fact. No Opposition has been presented at this time.

Defendant was served with the Summons and Verified Complaint in this action on November 26, 2024, and filed a Verified Answer on December 5, 2024. (Yoo Decl., ¶¶2-3.) Defendant's Verified Answer specifically denies paragraphs 7-11 of Plaintiff's Verified Complaint pertaining to initial failure to pay rent, service of the Notice, the contents of the Notice, failure to pay rent after service of the Notice, and failure to vacate the premises at issue. However, those denials are unsupported by a showing of admissible evidence establishing a triable issue of material fact. Indeed, defendant's Answer is devoid of any factual allegations.

Plaintiff is therefore entitled to judgment for possession of the premises at issue.

Damages

Rent due and damages occasioned to the plaintiff and alleged in the complaint are recoverable upon a finding of unlawful detainer. (Cal. Code of Civ. Proc. Section 1174(b).) Damages are limited to those caused by the unlawful detention itself. (*Roberts v. Redlich* (1952) 111 Cal.App.2d 566.) In order to recover damages in an unlawful detainer action a landlord is required to provide evidence of the reasonable rental value of the property during the period of unlawful detention, and the the agreed-upon rent between the parties may serve as evidence of the rental value, though the actual rental value may differ from the lease terms. (*Superior Motels, Inc. v. Rinn Motor Hotels, Inc.* (1987) 195 Cal.App.3d 1032.)

Plaintiff alleges past due rent, utilities and other charges for the months of January 2024 through June of 2024 in the amount of $3,496.38. (Verified Complaint, ¶3.) The Complaint also alleges "actual damages, according to proof, amounting to the reasonable rental value of the Lot for each day Defendants continue in possession commencing March 1, 2024 through the date of restitution of possession or the date of judgment herein, whichever comes first, at the daily rate of at least $30.19," and "reasonable attorneys' fees and costs pursuant to Section 34 of the Lease and Civil Code §798.85." (*Id*., ¶¶4-5.)

Rent due under the lease at the time Defendant's tenancy was terminated was $918.42 per month, or $30.19 per diem. (Latu Decl., ¶8.) Plaintiff's representative states on information and belief that "this is a reasonable rental value for the Premises from March 1, 2024 (the first full month following the termination of Defendant's tenancy

through the 3-60 Day Notice) through the date of this declaration." (*Id*.) The rate appears reasonable on its face, so this information in conjunction with the agreed rental amount in the lease, as modified, and in the absence of any contrary evidence, establishes the reasonable rental value of the premises.

Plaintiff requests an award of incidental damages in the amount of $17,057.35 from March 1, 2024 through September 17, 2025, plus a $30.19 per diem thereafter through the date of judgment. (MP&A ISO Motion, at p. 10:4-5.) Plaintiff is therefore awarded $3,496.38 for the unpaid rent properly identified in the Notice, and $17,527.83 in daily hold over damages, representing the fair rental value of the premises at issue at $918.42/month plus $30.19 per diem through the date of the hearing, for a total award of $21,024.21. Plaintiff is entitled to reasonable attorney's fees and costs upon the filing of a Memorandum of Costs.

Plaintiff is ordered to prepare a proposed Judgment, to be e-filed.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.

LINE 10

25-UDU-00698 BELINDA PLANAS VS. CHRISTINE C. BASCARA, ET AL

BELINDA PLANAS	AUDREY A. SMITH
CHRISTINE C. BASCARA	PRO SE

DEFENDANT CHRISTINE C. BASCARA'S MOTION TO VACATE JUDGMENT

TENTATIVE RULING:

Defendants Christine C. Bascara's and Blare Jennings McGhee's motion for an order to vacate default judgment entered against them on August 20, 2025, is DENIED.

The Court reminds parties that this matter was reassigned to the Hon. Michael L. Mau, Department 20, on September 11, 2025. Accordingly, Defendants' notice of motion provides an improper address for the hearing. Department 20 is not located in Redwood City as the notice states, but instead at the San Mateo County Superior Court Central Branch Courthouse, Courtroom G, 800 North Humboldt St., San Mateo, CA 94401. (See Cal. Rules of Court, Rule 3.1110 [the Notice "must specify" the location of the hearing].)

Parties are further reminded that exhibits must be properly bookmarked. That is, "electronic exhibits must include electronic bookmarks with links to the first page of each exhibit and with bookmark titles that identify the exhibit number or letter and briefly describe the exhibit." (Cal. Rules of Court, rule 3.1110(f)(4); see also San Mateo County Superior Court, L.R. 3.3 ["Failure to bookmark exhibits to electronically filed documents may result in rejection of the party's e-filing by the Clerk of the Court or in continuance of the hearing by the Court on the related motion."].) Electronic bookmarking is especially critical to the Court's ability to find and review exhibits when multiple lengthy exhibits are appended to parties' moving papers.

This is an unlawful detainer action. The Complaint filed on May 13, 2025, alleges Defendants violated the terms of their rent agreement with Plaintiff Belinda Planas in multiple ways including pet violations, parking violations and complaints from neighbors to the Homeowners Association or "HOA". Plaintiff was assessed over $15,000.00 in fines from the HOA and sought to evict defendants when they stopped paying rent in May 2025. (Complaint ¶ 17, attachment, ¶ 19 (i).) Defendants removed the action to federal court, but it was remanded to this Court on July 31, 2025. Additionally, on August 6, 2025, Plaintiff filed and served a Notice of United States District Court's Order Granting Plaintiff's Motion to Remand and Remanding Action dated July 31, 2025.

Defendants still did not timely file an answer. Thereafter, default judgment was entered on August 11, 2025 with the Clerk's judgment for possession entered on August 20, 2025. Defendants filed the instant motion on August 28, 2025, contending that the

default was entered prematurely and that the judgment is therefore void. Plaintiff opposes the motion, contending default was properly entered due to Defendants' failure to timely respond and Defendants fails to assert a viable basis demonstrating that the judgment is void. The Court agrees.

"The Unlawful Detainer Act governs the procedure for landlords and tenants to resolve disputes about who has the right to possess real property. [Citations]." (*Stancil v. Superior Court* (2021) 11 Cal.5th 381, 394.) "The trial court has broad discretion to vacate the judgment and/or the clerk's entry of default that preceded it. However, that discretion can be exercised only if the moving party (defendant) establishes a proper *ground* for relief, by the proper *procedure*, and within the *time limits* below (¶ 5:278 ff.). [See *Cruz v. Fagor America, Inc.* (2007) 146 CA4th 488, 495, 52 CR3d 862, 866 (citing text)]." (Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group, June 2025 Update) ¶ 5:276.)

Defendants cite four different statutes as basis to challenge the validity of the judgment entered. The Court is not persuaded because the statutes are either inapposite with respect to an unlawful detainer action (Code of Civil Procedure sections 430.90 subdivision (a); 473 subdivision (d) and 586), or completely inapplicable because the matter did not proceed to trial (Code of Civil Procedure section 657 subdivision (1)). Additionally, the Court notes that Code of Civil Procedure section 473, subdivision (d) is not, in and of itself, a stand-alone basis to assert a judgment is void, it is the vehicle in which to demonstrate to the Court the manner in which the judgment is faulty or void. Here, the Court finds the judgment entered August 11 is enforceable and valid and that no valid basis has been asserted to determine otherwise. Accordingly, Defendants' motion to vacate entry of judgment is DENIED.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Counsel for the prevailing party shall prepare for the Court's signature a written order consistent with the Court's ruling pursuant to CRC Rule 3.1312 and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to Local Rule 3.403(b)(iv) regarding the wording of proposed orders, which reads in part "prevailing party on a tentative ruling is required to prepare a proposed order **REPEATING VERBATIM** the tentative ruling" (emphasis added). The order should be e-filed only, as that is the only way it will get to the Court for signature. Do not email or submit a hard copy of the order to the Court as it must be e-filed.