

Superior Court of California County of San Benito



Tentative Decisions for August 9, 2024

Courtroom #2: Judge Pro Tempore Page Galloway

CL-23-00493 Calvary SPV I, LLC, as assignee of Synchrony Bank v. Margarita Lopez

8-9-24

The matter is on the calendar for Plaintiff's Motion to Transfer Venue to Los Angeles County.

As of 8-6-24, the motion is unopposed.

Plaintiff: John Gordon

Defendant: In Pro. Per.

This case arises from Plaintiff's claims regarding collection of consumer debt. The 12-1-23 Complaint asserts causes of action for 1) Account Stated, 2) Money Lent, and seeks to recover the sum of \$2425.71 in damages, costs of suit, and other relief as the court deems just.

The underlying complaint has yet to be served.

6-28-24: Plaintiff's motion to transfer venue asserts that at the time of the initial filing, it was believed that the Defendant resided in the County of San Benito. After attempts to serve her at the last known address in San Benito County were unsuccessful, further research was performed and it was learned the Defendant had relocated to Rowland Heights, CA, in Los Angeles County. It is believed this is the Defendant's true address, thus venue is proper in Los Angeles County.

Legal Authority: Pursuant to CCP §395(a), "Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the superior court in the county where the defendants or some of them reside at the commencement of the action is the proper court for the trial of the action." Moreover, pursuant to CCP §396 sub (b) the court "[u]pon the hearing of the motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the action or proceeding transferred to the proper court." In other words, the court may change the place of trial where they find the case was filed

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any objections or concerns**

in an improper venue, such as when the court designated in the complaint is not the proper court. (CCP394 sub (a).)

Analysis: Based on the declaration of the Plaintiff's attorney, it appears here that the case was not filed in the proper court. Properly, this case should be heard in Los Angeles County, where the Defendant resides.

Proposed ruling: The motion for transfer of venue to Los Angeles County is GRANTED. The Plaintiff will pay the costs of the transfer of the case, subject to further court order.

END OF TENTATIVE RULING