



Superior Court of California County of San Benito

Tentative Decisions for October 9, 2024

Courtroom #1: Judge J. Omar Rodriguez

10:30 a.m.

CU-21-00070 Guardado v. Fernandez

Defendant's unopposed Motion to Enforce Settlement is DENIED. The Court finds that there is not a valid and enforceable settlement agreement between the parties. California Code of Civil Procedure section 664.6 requires a written stipulation that is signed by the parties. Section 664.6 allows attorneys to sign on behalf of the party, but that section also states that attorneys who sign a writing on behalf of a party without the party's express authorization shall be subject to professional discipline. Here, although an offer was made by Plaintiff's counsel, counsel never signed the settlement agreement and represented via email that he was not able to obtain his client's signature on the written settlement agreement. Instead of signing the settlement agreement and potentially facing professional discipline, counsel substituted out of the case.

CU-24-00008 Stateline Farms, Inc. v. Berry People, LLC, et al.

The hearings on the discovery motions and Case Management Conference are continued to October 16, 2024 at 10:30a.m.

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PR-21-00007 Guardianship of Grondahl

The Petition for Order Transferring Proceeding is APPROVED as requested. The matter is transferred to El Dorado County upon payment of any fees or costs associated with the transfer. Petitioner is responsible for the payment of any fees or costs associated with the transfer, which must be paid within 45 days of this order.

PR-23-00089 In the Matter of Linda Lea Hernandez

The Petition for Final Distribution and for Allowance of Compensation is APPROVED as requested.

PR-24-00027 Estate of Oliver Alebrando Berti

The Petition for Final Distribution is APPROVED as requested.

3:30 p.m.

CU-23-00238 Heron v. W. Ranch, LLC, et al.

Cross-Complainants Staci Linden-Cupps and Shawn Cupps filed several discovery motions. Each motion is DENIED.

- a. Motions to Compel Further Responses to Requests for Production of Documents, Set One and Special Interrogatories, Set One against W Ranch LLC.**

This Motion is DENIED. The Staci Cupps declaration is defective such that the Cuppses have failed to submit competent and admissible evidence in support of the motion. The Cuppses further failed to comply with C.R.C. Rule 3.1345 which requires that the moving party submit the reasons why the W Ranch, LLC's Responses to the Special Interrogatories or the Request for Production of Documents are supposedly defective or why a further response is required. Moreover, it is wholly improper to present a motion which combines multiple forms of discovery into a single omnibus motion; this error is compounded in the purported separate statement which combines special interrogatories, set one, items 1-35, inclusive;

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Request for production of documents , set one (which, notably, is not mentioned in the initial Motion to Compel filed by the Plaintiffs) items 2 through 31. The separate statement fails to state why the objections are inapplicable, what is the factual and legal reason to compel further discovery, and it also fails to provide the applicable definitions of specified terms, which appear to be the basis of a significant number of the Defendant's objections to the requests. As currently framed, the separate statement does not provide the court the information necessary to evaluate the motion, which is its purpose. Providing the factual and legal reasons to compel further discovery as to each matter in dispute, providing the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it is not optional. It is required. (Cal. Rule of Court Rule 3.1345(c).)

b. Motions to Deem Admissions to the Requests for Admissions, Set One, against W Ranch LLC.

This Motion is DENIED. The Staci Cupps declaration is defective such that the Cuppses have failed to submit competent and admissible evidence in support of the motion. The Cuppses failed to comply with C.R.C. Rule 3.1345 which requires that the moving party submit the reasons why the W Ranch, LLC's Responses to the RFAs are defective or why they should be deemed admitted. The Cuppses failed to establish that the objections to the defined terms and the objections to the RFAs are without merit. The Cuppses failed to establish that the RFAs are not defective because they fail to comply with C.C.P. § 2033.010, et seq.

c. Motions to Determine the Truth of Matters; and Compel Responses to Requests for Production of Documents, Set One and Special Interrogatories, Set One against Wheeler.

This Motion is DENIED. The Staci Cupps declaration is defective such that the Cuppses have failed to submit competent and admissible evidence in support of the motion. Moreover, it is wholly improper to present a motion which combines multiple forms of discovery into a single omnibus motion; this error is compounded in the purported separate statement which combines special interrogatories, set one, items 1-35, inclusive; Request for

production of documents , set one (which, notably, is not mentioned in the initial Motion to Compel filed by the Plaintiffs) items 2 through 31. The separate statement fails to state why the objections are inapplicable, what is the factual and legal reason to compel further discovery, and it also fails to provide the applicable definitions of specified terms, which appear to be the basis of a significant number of the Defendant's objections to the requests. As currently framed, the separate statement does not provide the court the information necessary to evaluate the motion, which is its purpose. Providing the factual and legal reasons to compel further discovery as to each matter in dispute, providing the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it is not optional. It is required. (Cal. Rule of Court Rule 3.1345(c).)

CU-23-00249 Echeverria v. Fireclay Tile, Inc.

The unopposed Request for Preliminary Approval of Class Action Settlement is GRANTED as requested and will adopt the proposed order. The Final Approval Hearing will be held on May 7, 2024 in Department 1 at 10:30a.m. The Case Management Conference is continued to that date and time as well.

PR-22-00116 Estate of Martha Nieves-Diaz

In light of the Status Conference Statement provided, the Status Conference is continued to December 11, 2024 at 10:30 a.m.

PR-24-00061 Conservatorship of Christian Barroso

The hearing on the Petition for Appointment of Conservatorship is continued to December 11, 2024 at 10:30 a.m. to allow for the completion of the investigation.

PR-24-00062 Conservatorship of Victor Barroso Jr.

The hearing on the Petition for Appointment of Conservatorship is continued to December 11, 2024 at 10:30 a.m. to allow for the completion of the investigation.

END OF TENTATIVE DECISIONS

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