

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 10-22-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

TO CONTEST THE RULING: Before 4:00 p.m. today you must notify the:

- (1) Court by calling (408) 808-6856 and
- (2) Other side by phone or email that you plan to appear and contest the ruling
(California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

TO APPEAR AT THE HEARING: The Court will call the cases of those who appear in person first. If you appear virtually, please use video. To access the link, click on the below link or copy and paste into your internet browser and scroll down to Department 16.

https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml. You must use the current link.

TO SET YOUR NEXT HEARING DATE: You no longer need to file a blank notice of motion to obtain a hearing date. **You may make an online reservation to reserve a date** before you file your motion. If moving papers are not filed within 5 business days of reserving the date, the date will be released for use in other cases. Go to the Court's website at www.scscourt.org to make the reservation.

FINAL ORDERS: The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

COURT REPORTERS: The Court no longer provides official court reporters. If any party wants a court reporter, the appropriate form must be submitted. See court website for policy and forms.

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LINE #	CASE #	CASE TITLE	RULING
LINE 1	24CV429933 Motion: Judgment on Pleadings	Capital One N.a. vs Angela Frutos	Good cause appearing and notice appearing proper, the unopposed motion for judgment on the pleadings and request for judicial notice are GRANTED. The failure to file a written opposition ““creates an inference that the motion or demurrer is meritorious.”” <i>Sexton v. Superior Court</i> (1997) 58 Cal.App.4th 1403, 1410. Plaintiff shall submit the final order within 10 days.

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LINE 2	23CV420753 Motion: Compel	Iretunde Akinsola et al vs John Finister et al	Plaintiff's unopposed motion to compel responses from Defendant Trent Finister ("Defendant") to its form interrogatories set one, special interrogatories set one, and request for production of documents set one, is GRANTED. The failure to file a written opposition "creates an inference that the motion or demurrer is meritorious." <i>Sexton v. Superior Court</i> (1997) 58 Cal.App.4th 1403, 1410. Defendant shall provide code-compliant responses without objection within 20 days of the final order. Defendant (and only Defendant as the notice only seeks sanctions from Defendant) shall also pay Plaintiff \$500 in sanctions within 20 days of the final order. Plaintiff shall file the final order within 10 days of the hearing.
LINE 3	23CV420753 Motion: Admissions Deemed Admitted	Iretunde Akinsola et al vs John Finister et al	Plaintiff's unopposed motion to deem admissions admitted is DENIED pursuant to CCP § 2033.280(c), as Defendant Trent Finister provided substantially compliant responses on or about 10/9/22, and Plaintiff has filed no reply. Because Defendant's responses were late and necessitated the filing of a motion, Defendant shall pay Plaintiff \$500 in sanctions within 20 days of the final order. CCP § 2033.280(c). Plaintiff shall file the final order within 10 days of the hearing.

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LINE 4	15CV289674 Motion to Dismiss for Delaying	David Tahiry vs Michael Fisher et al	Good cause appearing, the unopposed motion to dismiss is GRANTED. Defendant shall submit the final order within 10 days.
LINE 5	22CV404652 Motion: Withdraw as attorney	Mark Kisela vs City of San Jose et al	The unopposed motion to withdraw is GRANTED. Plaintiff's counsel shall submit the final order within 10 days.
LINE 6	24CV434780 Hearing: Petition Compel Arbitration	Jose Torres Garcia vs VAHID ASSADI D/B/A AUTO CARS/TRUCKS, An Unknown Business Entity et al	Good cause appearing and notice appearing proper, the unopposed motion to compel is GRANTED and respondents are ordered to pay the required arbitration fees. The failure to file a written opposition ""creates an inference that the motion or demurrer is meritorious."" <i>Sexton v. Superior Court</i> (1997) 58 Cal.App.4th 1403, 1410. Plaintiff shall submit the final order within 10 days.
LINE 7			
LINE 8			
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LINE 16			
LINE 17			

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