

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

**Department 6  
Honorable Evette D. Pennypacker, Presiding**

David Criswell, Courtroom Clerk  
191 North First Street, San Jose, CA 95113  
Telephone: (408) 882-2160

**November 26, 2024  
9:00 A.M.**

**RECORDING COURT PROCEEDINGS IS PROHIBITED**

**ORAL ARGUMENT**

Before 4:00 PM today you must notify the:

(1) Court by calling (408) 808-6856 and

(2) Other side by phone or email that you will appear at the hearing to contest the tentative

*If you fail to so notify the court or opposing side, the Court will not hear argument, and the tentative ruling will be adopted.*

(California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

**APPEARANCES**

The Court strongly prefers in-person appearances.

If you must appear virtually, you must use video. To access the courtroom, click or copy and paste this link into your internet browser and scroll down to Department 6:

[https://www.scsccourt.org/general\\_info/ra\\_teams/video\\_hearings\\_teams.shtml](https://www.scsccourt.org/general_info/ra_teams/video_hearings_teams.shtml)

**COURT REPORTERS**

The Court does **not** provide official court reporters. If you want a court reporter to report your hearing, you must submit the appropriate form, which can be found here:

[https://www.scsccourt.org/general\\_info/court\\_reporters.shtml](https://www.scsccourt.org/general_info/court_reporters.shtml)

LINE	CASE NO.	CASE TITLE	TENTATIVE RULING
1-2	19CV343179	Elise Mitchell vs Grady Williams	Notice of settlement of entire case was filed by Plaintiff on November 22, 2024. These hearings are therefore off calendar. Unless the case is dismissed beforehand, the parties are ordered to appear and show cause why the case should not be dismissed in light of the settlement on February 13, 2024 at 10 am in Department 6.
3	18CV321673	Lobel Financial Corp. vs Sarah Pope	Sarah Pope's claim of exemption is granted, in part. Wages shall be garnished at \$100 per pay period. Court will prepare formal order.
4	17CV320588	Pepperdine University vs Yvette Bracero	The Court could not locate a proof of service of the order examination in the Court file. However, if properly served, Plaintiff is ordered to file the proof of service, and the parties are ordered to appear for the debtor's examination.
5	23CV412807	Aerofund Holdings, Inc. vs RM Produce Corporation	John Bussman of Absolute Law Group's motion to withdraw as counsel for RM Produce Corporation ("RM Produce") is GRANTED. A company, regardless of corporate form, cannot represent itself in civil litigation in California. (See <i>Clean Air Transp. Sys. v. San Mateo County Transit Dist.</i> (1988) 198 Cal. App. 3d 576, 578 ("[A] corporation is a distinct legal entity, separate from its shareholders and officers. The rights and liabilities of corporations are distinct from the persons composing it. Thus, a corporation cannot appear in court except through an agent."); <i>Ferruzzo v. Superior Court</i> (1980) 104 Cal. App. 3d 501, 503 ("The rule is clear in this state that, with the sole exception of small claims court, a corporation cannot act in propria persona in a California state court."); <i>Merco Constr. Engineers, Inc. v. Municipal Court</i> (1978) 21 Cal. 3d 724, 727 ("the Legislature cannot constitutionally vest in a person not licensed to practice law the right to appear in a court of record in behalf of another person, including a corporate entity.") Accordingly, on February 13, 2024 at 10:00 a.m. in Department 6, RM Produce is ordered to appear and show cause why its answer should not be stricken and default be entered against it for failure to obtain counsel. Court to use proposed order on file.
6-7	24CV433345	MANTHAN CHAUHAN et al vs H&T EXPRESS INC et al	VACATED. Court will hold a conference with the parties regarding all outstanding discovery issues on December 6, 2024 at 9 a.m. by Microsoft TEAMS.
8-10	24CV446301	PLATFORM URBAN APARTMENTS, LLC vs ARTHUR MASTER et al	Off calendar (heard by department 20).
11	24CV447686	RODOLFO GODINEZ vs FORD MOTOR COMPANY et al	Motion withdrawn by moving party.
12	24CV447782	Daxa Makwana vs Rita Patel et al	This is the second time this motion has been set on this Court's calendar. Again, there is no proof of service in the file demonstrating that either the complaint or the motion "to stop harassment" was served. The Code of Civil Procedure, Rules of Court and Civil Local Rules require that the moving party serve a written notice of motion with the hearing date and time. (See Code Civ. Proc. §§1005(a), 1010.) A court lacks jurisdiction to hear a motion that has not been properly served, even if the non-moving party had some type of advanced notice. (See <i>Diaz v. Professional Community Mgmt.</i> (2017) 16 Cal.App.5th 1190, 1204-1205; <i>Five-O-Drill Co. v. Superior Court of Los Angeles County</i> (1930) 105 Cal. App. 232.) Thus, the Court cannot consider the motion and it is off calendar.
13	2009-1-CV-151518	Colorado Capital Investments, Inc. vs E. Barrera	The papers appear to be in order and support granting the motion, however, the parties are ordered to appear for the hearing on the application for order for sale of dwelling.