

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

Department 20, Honorable Socrates Peter Manoukian, Presiding

Courtroom Clerk: Hien-Trang Tran-Thien

191 North First Street, San Jose, CA 95113

Telephone: 408.882.2320

Department20@scscourt.org

"Every case is important" "No case is more important than any other." —
United States District Judge Edward Weinfeld (<https://www.nytimes.com/1988/01/18/obituaries/judge-edward-weinfeld-86-dies-on-us-bench-nearly-4-decades.html>)

"The Opposing Counsel on the Second-Biggest Case of Your Life Will Be the Trial Judge on the
Biggest Case of Your Life." — Common Wisdom.

As Shakespeare observed, it is not uncommon for legal adversaries to "strive mightily, but eat and
drink as friends." (Shakespeare, *The Taming of the Shrew*, act I, scene ii.)" (*Gregori v. Bank of
America* (1989) 207 Cal.App.3d 291, 309.)

Counsel is duty-bound to know the rules of civil procedure. (See *Ten Eyck v. Industrial Forklifts Co.*
(1989) 216 Cal.App.3d 540, 545.) The rules of civil procedure must apply equally to parties represented
by counsel and those who forgo attorney representation. (*McClain v. Kissler* (2019) 39 Cal.App.5th 399.)

By Standing Order of this Court, all parties appearing in this Court are expected to comply with the
Code of Professionalism adopted by the Santa Clara County Bar Association:

<https://www.sccba.com/code-of-professional-conduct/>

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DATE: Tuesday, 23 January 2024

TIME: 9:00 A.M.

**This Department uses Zoom for Law and Motion
and for Case Management Calendars. Please use the Zoom link below.**

This Court expects all counsel and litigants to comply with the Tentative Rulings Procedures that are
outlined in Local Civil Rule 8(E) and **California Rules of Court**, rule 3.1308. If the Court has not directed argument,
oral argument must be permitted only if a party notifies all other parties and the Court at (408) 808-6856 before 4:00
p.m. on the court day before the hearing of the party's intention to appear. A party must notify all other parties by
telephone or in person. A failure to timely notify this Court and/or the opposing parties may result in the tentative
ruling being the final order in the matter.

You may use these links for Case Management Conferences and Trial Setting Conferences without Court permission. Informal
Discovery Conferences and appearances on Ex Parte applications will be set on Order by the Court.

Join Zoom Meeting
<https://scu.zoom.us/j/96144427712?pwd=cW1JYmg5dTdsc3NKNFBpSjlEam5xUT09>
Meeting ID: 961 4442 7712
[Password: 017350](#)

Join by phone:
+1 (669) 900-6833
Meeting ID: 961 4442 7712

One tap mobile
+16699006833,,961 4442 7712#

APPEARANCES.

Appearances are usually held on the Zoom virtual platform. However, we are currently allowing in-court appearances as well. If you do intend to appear in person, please advise us when you call to contest the tentative ruling so we can give you current instructions as to how to enter the building. If the doors to the Old Courthouse are locked, please see the deputies at the metal detector next door at 191 North First Street.

Whether appearing in person or on a virtual platform, the usual custom and practices of decorum and attire apply. (See *Jensen v. Superior Court (San Diego)* (1984) 154 Cal.App.3d 533.). Counsel should use good quality equipment and with sufficient bandwidth. Cellphones are very low quality in using a virtual platform. Please use the video function when accessing the Zoom platform. The Court expects to see the faces of the parties appearing on a virtual platform as opposed to listening to a disembodied voice.

For new Rules of Court concerning remote hearings and appearances, please review California **Rules of Court**, rule 3.672.

"A person's name is to him or her the sweetest and most important sound in any language."—Dale Carnegie. All Courts of California celebrate the diversity of the attorneys and the litigants who appear in our Courts. Do not hesitate to correct the Court or Court Staff concerning the pronunciation of any name or how anyone prefers to be addressed. As this Court is fond of saying, "with a name like mine, I try to be careful how I pronounce the names of others." Please inform the Court how you, or if your client is with you, you and your client prefer to be introduced. The Court encourages the use of diacritical marks, multiple surnames and the like for the names of attorneys, litigants and in court papers. You might also try www.pronouncenames.com but that site mispronounces my name.

Please notify this Court immediately if the matter will not be heard on the scheduled date. **California Rules of Court**, rule 3.1304(b). If a party fails to appear at a law and motion hearing without having given notice, this Court may take the matter off calendar, to be reset only upon motion, or may rule on the matter. **California Rules of Court**, rule 3.1304(d). A party may give notice that he or she will not appear at a law and motion hearing and submit the matter without an appearance unless this Court orders otherwise. This Court will rule on the motion as if the party had appeared. California Rules of Court, rule 3.1304(c). Any uncontested matter or matters to which stipulations have been reached can be processed through the Clerk in the usual manner. Please include a proposed order.

All proposed orders and papers should be submitted to this Department's e-filing queue. Do not send documents to the Department email unless directed to do so.

While the Court will still allow physical appearances, all litigants are encouraged to use the Zoom platform for Law & Motion appearances and Case Management Conferences. Use of other virtual platform devices will make it difficult for all parties fully to participate in the hearings. Please note the requirement of entering a password (highlighted above.) As for personal appearances, protocols concerning social distancing and facial coverings in compliance with the directives of the Public Health Officer will be enforced. Currently, facemasks are not required in all courthouses. If you appear in person and do wear a mask, it will be helpful if you wear a disposable paper mask while using the courtroom microphones so that your voice will not be muffled.

Individuals who wish to access the Courthouse are advised to bring a plastic bag within which to place any personal items that are to go through the metal detector located at the doorway to the courthouse.

Sign-ins will begin at about 8:30 AM. Court staff will assist you when you sign in. If you are using the Zoom virtual platform, it will be helpful if you "rename" yourself as follows: in the upper right corner of the screen with your name you will see a blue box with three horizontal dots. Click on that and then click on the "rename" feature. You may type your name as: **Line #/name/party**. If you are a member of the public who wishes to view the Zoom session and remain anonymous, you may simply sign in as "Public."

CIVILITY.

In the 48 years that this Judge has been involved with the legal profession, the discussion of the decline in civility in the legal profession has always been one of the top topics of continuing education classes.

This Court is aware of a study being undertaken led by Justice Brian Currey and involving various lawyer groups to redefine rules of civility. This Judge has told Justice Currey that the lack of civility is due more to the inability or unwillingness of judicial officers to enforce the existing rules.

The parties are forewarned that this Court may consider the imposition of sanctions against the party or attorney who engages in disruptive and discourteous behavior during the pendency of this litigation.

COURT REPORTERS.

This session will not be recorded. No electronic recordings, video, still photography or audio capture of this live stream is allowed without the expressed, written permission of the Superior Court of California, County of Santa Clara. State and Local Court rules prohibit

photographing or recording of court proceedings whether in the courtroom or while listening on the Public Access Line or other virtual platform, without a Court Order. See Local General Rule 2(A) and 2(B); **California Rules of Court**, rule 1.150.

This Court no longer provides for Court Reporters in civil actions except in limited circumstances. If you wish to arrange for a court reporter, please use Local Form #CV-5100. All reporters are encouraged to work from a remote location. Please inform this Court if any reporter wishes to work in the courtroom. This Court will approve all requests to bring a court reporter. Counsel should meet and confer on the use of a court reporter so that only one reporter appears and serves as the official reporter for that hearing.

PROTOCOLS DURING THE HEARINGS.

During the calling of any hearing, this Court has found that the Zoom video platform works very well. But whether using Zoom or any telephone, it is preferable to use a landline if possible. IT IS ABSOLUTELY NECESSARY FOR ALL INDIVIDUALS TO SPEAK SLOWLY. Plaintiff should speak first, followed by any other person. All persons should spell their names for the benefit of Court Staff. Please do not use any hands-free mode if at all possible. Headsets or earbuds of good quality will be of great assistance to minimize feedback and distortion.

The Court will prepare the Final Order unless stated otherwise below or at the hearing. Counsel are to comply with **California Rules of Court**, rule 3.1312.

TROUBLESHOOTING TENTATIVE RULINGS.

To access a tentative ruling, move your cursor over the line number, hold down the “Control” key and click. If you see last week’s tentative rulings, you have checked prior to the posting of the current week’s tentative rulings. You will need to either “REFRESH” or “QUIT” your browser and reopen it. Another suggestion is to “clean the cache” of your browser. Finally, you may have to switch browsers. If you fail to do any of these, your browser may pull up old information from old cookies even after the tentative rulings have been posted.

This Court’s tentative ruling is just that—tentative. Trial courts are not bound by their tentative rulings, which are superseded by the final order. (See *Faulkinbury v. Boyd & Associates, Inc.* (2010) 185 Cal.App.4th 1363, 1374-1375.) The tentative ruling allows a party to focus his or her arguments at a subsequent hearing and to attempt to convince the Court the tentative should or should not become the Court’s final order. (*Cowan v. Krayzman* (2011) 196 Cal.App.4th 907, 917.) If you wish to challenge a tentative ruling, please refer to a specific portion of the tentative ruling to which you disagree.

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 1	21CV385675	Michelle Santos vs Amandeep Singh	Order of Examination/Third-Party Claim of Paramjit Kaur. Judgment creditor has filed papers in opposition. NO TENTATIVE RULING.
LINE 2	21CV385675	Michelle Santos vs Amandeep Singh	Order of Examination. Judgment debtor did not appear. Continued to this date. NO TENTATIVE RULING.
LINE 3	23CV417453	Laura Janeth Gonzalez; Pedro Rivera; Ethan Noe Rivera, a minor, through his guardian ad litem, Laura Janeth Gonzalez.	Demurrer of Defendant County of Santa Clara to Plaintiff’s First Amended Complaint. Plaintiffs’ opposition is untimely. On 22 January 2024, plaintiffs notified this Court that on 18 January 2024 they had filed a similar complaint in Federal Court and thus ask for a stay of this action. NO TENTATIVE RULING. The parties are to use the Tentative Ruling Protocol to advise this Court if they wish to submit the matters on the papers presented or to appear and argue on the merits.

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 4	21CV377641	Armando Tápia Urrutia vs Julieanne Romualdo Agsalog; Wilma Agsalog; Timothy Jay Vuong.	<p>Dismissal Review After Settlement.</p> <p>Continued from 03 November 2023.</p> <p>Has this case settled? This Court was previously informed that the Minor's Compromises were filed and approved, but needed to be refiled per third party's insurer and the UIM insurer.</p> <p>NO TENTATIVE RULING.</p>
LINE 5	22CV397799	Virtsoft, Inc. vs Mehrra Jewelers, Inc.; Shivam Mahra; Naresh Mehra.	<p>Motion of Defendants for Terminating Sanctions, or Evidence Sanctions, or to Compel Further Discovery Responses and Monetary Sanctions against Plaintiff and Counsel in the Amount of \$6,150.00.</p> <p>The request of the defendants to terminate sanctions is GRANTED. The complaint is STRICKEN.</p> <p>The request for monetary sanctions is GRANTED. Plaintiff and counsel are to pay the sum of \$6,150.00 to defense counsel within 20 days of the filing and service of this Order. Defendants are entitled to judgment and Counsel for defendants is requested to prepare an appropriate judgment and submit it to this Department via the clerk's e-filing queue for execution.</p> <p>All future calendar dates are ordered OFF CALENDAR. The case will be set for Dismissal Review on 21 March 2024 at 10:00 AM in this Department.</p> <p>NO FORMAL TENTATIVE RULING.</p>
LINE 6	22CV404883	Imelda Jimenez vs Robert Bledsoe; Bledsoe Family Properties, LLC.	<p>Motion of Defendants To Deem Requests for Admissions to Be Admitted and for Monetary Sanctions.</p> <p>The motion is GRANTED as prayed for.</p> <p>SEE ATTACHED TENTATIVE RULING.</p>
LINE 7	22CV404883	Imelda Jimenez vs Robert Bledsoe; Bledsoe Family Properties, LLC.	<p>Motion of Defendants to Compel Plaintiff to Respond to Request for Production of Documents, Set One and for Monetary Sanctions.</p> <p>SEE ATTACHED TENTATIVE RULING.</p>
LINE 8	22CV404883	Imelda Jimenez vs Robert Bledsoe; Bledsoe Family Properties, LLC.	<p>Motion of Defendants to Compel Plaintiff to Respond to Defendant's Special Interrogatories, Set One and for Monetary Sanctions.</p> <p>SEE #6.</p>
LINE 9	22CV404883	Imelda Jimenez vs Robert Bledsoe; Bledsoe Family Properties, LLC.	<p>Motion of Defendants to Compel Plaintiff to Respond to Form Interrogatories, Set One and for Monetary Sanctions.</p> <p>SEE #6.</p>

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 10	23CV410795	Stacey Belew vs Brinker Restaurant Corporation s.d.a. Brinker International, Inc.; Luigi DiGrande	<p>Motion of Plaintiff To Compel Defendant Brinker International, Inc. etc. To Provide Further Responses To Plaintiff's First Set of Requests for Production of Documents and For Monetary Sanctions Against Defendant and Counsel.</p> <p>NO TENTATIVE RULING. The parties are to use the Tentative Ruling Protocol to advise this Court if they wish to submit the matters on the papers presented or to appear and argue on the merits.</p>
LINE 11	23CV410795	Stacey Belew vs Brinker Restaurant Corporation s.d.a. Brinker International, Inc.; Luigi DiGrande	<p>Motion of Plaintiff To Compel Defendant Brinker International, Inc. etc. To Provide Further Responses To Plaintiff's Form and Special Interrogatories and For Monetary Sanctions Against Defendant and Counsel.</p> <p>NO TENTATIVE RULING. The parties are to use the Tentative Ruling Protocol to advise this Court if they wish to submit the matters on the papers presented or to appear and argue on the merits.</p>
LINE 12	23CV411788	Bernardo Magaña Loya v. General Motors LLC	<p>Motion of Plaintiff to Compel Defendant to Provide Further Responses To Special Interrogatories etc.</p> <p>Continued from 07 November 2023.</p> <p>At the last hearing, this Court ordered the parties to meet and confer on the responses with the limitations of responses pertaining to the production of the make and model of the car in question as well as the particular components, whether they were used only in this year's model or in other model vehicles.</p> <p>This Court notes that no additional papers have been filed by either party. Are the motions MOOT?</p> <p>NO TENTATIVE RULING.</p>
LINE 13	23CV411788	Bernardo Magaña Loya v. General Motors LLC	<p>Motion of Plaintiff to Compel Defendant to Provide Further Responses To Request for Production of Documents etc.</p> <p>SEE LINE #12.</p>
LINE 14	23CV411788	Bernardo Magaña Loya v. General Motors LLC	<p>Motion of Plaintiff to Compel Defendant to Produce Further Responses To Form Interrogatories, Nos. 12.1, 15.1 and 17.1.</p> <p>SEE LINE #12.</p>
LINE 15	22CV400735 Related Case No. 22CV398215	Rynoclad Technologies, Inc. vs FPC Builders, Inc.; FPP MB LLC; Yuanda USA Corporation.	<p>Motion of Defendant FPC Builders, Inc. For Extension of Time within Which to File a Response.</p>

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 16	22CV400735 Related Case No. 22CV398215	Rynoclad Technologies, Inc. vs FPC Builders, Inc.; FPP MB LLC; Yuanda USA Corporation.	<p>Motion of Liodis C. Matthews and Zhong Lun Law Firm LLP to Withdraw as Counsel for Defendants FPC Builders, Inc. and FPP MB LLC.</p> <p>No party has filed opposition to this motion.</p> <p>Counsel for defendant seeks to withdraw as counsel due to a breakdown of the attorney-client relationship. Communication between client and counsel has deteriorated due to an irreconcilable breakdown of the attorney-client relationship (<i>Estate of Falco v. Decker</i> (1987) 188 Cal.App.3d 1004, 1014.) Therefore, counsel is filing this motion to withdraw as counsel. Counsel alleges that his client will not be prejudiced by the withdrawal.</p> <p>The motion to be relieved as counsel is GRANTED. The Order will take effect upon the filing and service of the executed order of this Court and an order that is written on Form MC-053 and that otherwise comDEFENDANT FPC builders plies with California Rules of Court, rule 3.1362(e). Counsel should add the next court dates on ¶ 8 pf the proposed order and submit it to this Department via the Clerk's efilng queue.</p> <p>NO FORMAL TENTATIVE RULING.</p>
LINE 17	23CV423653	Ampere Computing LLC vs FICT Limited	<p>Motion of Plaintiff to Seal Records.</p> <p>The motion is GRANTED.</p> <p>NO FORMAL TENTATIVE RULING.</p>
LINE 18	23CV423653	Ampere Computing LLC vs FICT Limited	<p>Motion of Plaintiff to Consolidate Cases.</p> <p>Good cause appearing, IT IS ORDERED that this case is CONSOLIDATED with case number 23CV423951 entitled FICT Limited vs Ampere Computing LLC, currently pending in Department 16. Both cases will proceed in this Department as the current case has the lower case number.</p> <p>NO FORMAL TENTATIVE RULING.</p>
LINE 19			SEE ATTACHED TENTATIVE RULING.
LINE 20			SEE ATTACHED TENTATIVE RULING.
LINE 21			SEE ATTACHED TENTATIVE RULING.
LINE 22			SEE ATTACHED TENTATIVE RULING.
LINE 23			SEE ATTACHED TENTATIVE RULING.
LINE 24			SEE ATTACHED TENTATIVE RULING.
LINE 25			SEE ATTACHED TENTATIVE RULING.
LINE 26			SEE ATTACHED TENTATIVE RULING.

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 27			SEE ATTACHED TENTATIVE RULING.
LINE 28			SEE ATTACHED TENTATIVE RULING.
LINE 29			SEE ATTACHED TENTATIVE RULING.
LINE 30			SEE ATTACHED TENTATIVE RULING.

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

DEPARTMENT 20

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(For Clerk's Use Only)

CASE NO.: 22CV404883

Imelda Jimenez vs Robert Bledsoe; Bledsoe Family Properties, LLC.

DATE: 23 January 2024

TIME: 9:00 am

LINE NUMBER: 06, 07, 08, 09, 10

This matter will be heard by the Honorable Judge Socrates Peter Manoukian in Department 20 in the Old Courthouse, 2nd Floor, 161 North First Street, San Jose. Any party opposing the tentative ruling must call Department 20 at 408.808.6856 and the opposing party no later than 4:00 PM on 22 January 2024. Please specify the issue to be contested when calling the Court and Counsel.

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**Orders on Defendants' Discovery Motions
to Compel Plaintiff to Provide Responses;
Case Management Conference.**

This action involves a written lease agreement between plaintiff (who apparently was one of four tenants) and defendants pertained to a residence at 6255 Hopi Circle, San Jose.

On 06 July 2022, defendants served a notice of nonrenewal of the lease. Later that month, the City of San José inspected the property but did not serve any abatement ordered. Plaintiff complains of problems with electrical outlets as well as other issues.

Plaintiff filed this complaint on 29 of September 2022.¹ Plaintiff's causes of action in her first amended complaint (filed on 30 November 2022) are:

1. Violations of San Jose Municipal Code;
2. Unlawful Business Practices;
3. Breach of Warranty of Habitability;
4. Breach of Covenant of Quiet Enjoyment;
5. Breach of Covenant of Good Faith and Fair Dealing;
6. Negligence;
7. Negligent Infliction of Emotional Distress;

On or about 09 May 2023, this Court granted the motion of defendants to strike as well as sustaining the demurrer to the first amended complaint. Plaintiff never filed opposition to those motions.

¹ This Department intends to comply with the time requirements of the Trial Court Delay Reduction Act (Government Code, §§ 68600–68620). The California Rules of Court state that the goal of each trial court should be to manage limited and unlimited civil cases from filing so that 100 percent are disposed of within 24 months. (Ca. St. Civil **Rules of Court**, Rule 3.714(b)(1)(C) and (b)(2)(C).

On or about 14 July 2023, defendants propounded discovery requests upon the plaintiff which included Defendant's Form Interrogatories, Special Interrogatories, Requests for Admission, and Requests for Production of Documents. Responses were due on 16 August 2023.

On 21 November 2023, Defendant filed four motions, each seeking an order compelling plaintiff Imelda Jimenez ("Plaintiff") to provide verified responses, without objection. Plaintiff's counsel finally served responses to the discovery requests at 7:52 p.m. on January 9, 2024, plaintiff's deadline to oppose the motions.

On 28 November 2023, this Court sustained the demurrer of defendants to the second amended complaint, which was unopposed as well. As far as this Court can tell, plaintiff has not filed an answer.

Defense counsel takes exceptions to the responses which are general objections as well as certain objections on relevance and privacy grounds. Plaintiff also responded with "Responding Party does not have sufficient facts available to him (sic) at this time, to furnish a complete response to this [Interrogatory/Request for Production]."

Prior to the filing of the motion, defense counsel attempted to meet and confer with counsel for plaintiff but with less than satisfactory results.

Does the serving of the deficient responses moot the current motions?

In ***Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants*** (2007) 148 Cal.App.4th 390, 408-409, the Court recognized that, in exercise of its discretion and based on the circumstances of the particular case, the trial Court is in the best position to determine whether action taken subsequent to the filing of a discovery motion renders that motion moot.

Routinely, on motions to compel responses where response is were served after the filing of the motions to compel, there is an insufficient basis in this action to determine whether or not the responses were in substantial compliance with statutory requirements. In those situations, this Court has not ordered responses or further responses because without copies of the unverified responses, the Court does not have sufficient information before it to grant the motion.

This situation is different where it seems that there is an abject failure to provide any responses that could be deemed posted being code-compliant.

Plaintiff filed this complaint and in doing so represented that it had probable cause to do so based on ascertainable facts. At a minimum, those facts should have been provided in discovery responses.

Therefore, good cause appearing, this Court will GRANT the motion to compel further responses. Plaintiff is to provide code-compliant responses within 20 days of the filing and service of this order.

Defense counsel makes a code-compliant request for monetary sanctions and the request is GRANTED. Plaintiff and counsel shall pay to defense counsel the sum of \$3,240.00 within 20 days of the filing and service of this Order

Case Management Conference.

This Court will ask counsel for plaintiff and that defendants to appear at the hearing on these motions in lieu of a formal Order to Show Cause to counsel for plaintiff concerning unopposed demurrers, the discovery responses at issue here, and whether an answer has been filed following the hearing on 28 November 2023.

DATED:

HON. SOCRATES PETER MANOUKIAN
Judge of the Superior Court
County of Santa Clara

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