

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

**(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: 09-14-23    TIME: 9 A.M.**

**All those intending to speak at the hearing are requested to appear by video.**

**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.)

**IN PERSON HEARINGS: Courtrooms are again open and all litigants may appear in person** at the Downtown Superior Courthouse located at 191 N. First Street, San Jose.

**VIRTUAL HEARINGS:** You should **appear by video**, unless it is not possible.

**To Join Teams Meeting** -Click on the below link or copy and paste into your internet browser and scroll down to Department 16.

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

**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
<a href="#">LINE 1</a>	23CV410069 Hearing: Demurrer	Jose Garcia vs Fabiola Gabino	Plaintiff has filed an amended complaint rendering Defendant's Demurrer Moot.
<a href="#">LINE 2</a>	19CV341334 Motion: Compel	Ranvir Kaur vs Jacob Morris et al	Notice appearing proper, and good cause appearing, Defendant CalTrans' unopposed Motion to Compel Responses to Form Interrogatories Set Two is GRANTED. Defendant's unopposed request for sanctions in the amount of \$500 is GRANTED. Plaintiff shall respond to Defendant's Form Interrogatories (Set Two), without objection, within 10 days of the final order. Plaintiff shall pay CalTrans monetary sanctions in the amount of \$500 within 10 days of the final order. Caltrans shall submit the final order.

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<a href="#">LINE 3</a>	19CV341334 Motion: Admissions Deemed Admitted	Ranvir Kaur vs Jacob Morris et al	Notice appearing proper, and good cause appearing, Defendant CalTrans' unopposed Motion to Deem Requests for Admissions (Set One) Admitted is GRANTED. Defendant's unopposed request for sanctions in the amount of \$500 is GRANTED. Plaintiff shall pay Caltrans monetary sanctions in the amount of \$500 within 10 days of the final order. Caltrans shall submit the final order.
<a href="#">LINE 4</a>	22CV393909 Motion: Order	Sutter Bay Hospitals et al vs HCA Health Services of California, Inc. et al	Vacated per stipulation and order.
<a href="#">LINE 5</a>	22CV393909 Motion: Compel	Sutter Bay Hospitals et al vs HCA Health Services of California, Inc. et al	Continued to 12-19-23 at 9 a.m.
<a href="#">LINE 6</a>	22CV401826 Motion: Seal Records	Stuart Kirchick vs Allied Telesis, Inc. et al	See Tentative Ruling denying motion. Plaintiff shall submit the final order.
<a href="#">LINE 7</a>	21CV392689 Motion: Reconsider	Professional Plastics, Inc. vs Advoque Safeguard LLC et al	Defendants request a continuance of the hearing date. Plaintiffs claim they did not receive proper notice and ask for the matter to be taken off calendar. Assuming notice was not proper, the Court would likely continue the hearing date to allow for proper notice. Accordingly, the motion is continued to December 19, 2023 at 9 a.m.
<a href="#">LINE 8</a>	22CV404356 Hearing: Compromise of Minor's Claim	Estate of Alvino Casas-Blanco et al vs City of Gilroy et al	The GAL and counsel for GAL shall appear at the hearing so that the court can conduct voir dire and determine that the settlement is reasonable and knowing.

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

<a href="#">LINE 9</a>	22CV404356 Hearing: Compromise of Minor's Claim	Estate of Alvino Casas-Blanco et al vs City of Gilroy et al	The GAL and counsel for GAL shall appear at the hearing so that the court can conduct voir dire and determine that the settlement is reasonable and knowing.
<a href="#">LINE 10</a>	22CV404356 Hearing: Compromise of Minor's Claim	Estate of Alvino Casas-Blanco et al vs City of Gilroy et al	The GAL and counsel for GAL shall appear at the hearing so that the court can conduct voir dire and determine that the settlement is reasonable and knowing.
<a href="#">LINE 11</a>			
<a href="#">LINE 12</a>			

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**Calendar Line 6**

**Case Name: Stuart Kirchick v. Allied Telesis, Inc. et al**

**Case No.: 22CV401826**

Plaintiff has filed a motion to seal portions of the Second Amended Complaint (SAC). Defendants have not filed an opposition.

Plaintiff concedes that court records are presumed to be open and available to the public, citing California Rule of Court (CRC) 2.550(c). Motion p3. To seal a record, the court must expressly find, among other things, that “[t]here exists an overriding interest that overcomes the right of public access to the record” and “[a] substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.” CRC 2.550(d); see *Overstock.com, Inc. v. Goldman Sachs Group, Inc.* (2014) 231 Cal. App. 4th 471, 487 (Court must make express findings of the 2.550(d) factors and identify the facts supporting its issuance of sealing order). Under CRC 2.551(a), a court cannot permit the sealing of a record based solely on the agreement of the parties.

Plaintiff asks to seal the records based on an agreement by the parties to the settlement agreement to keep the records confidential. The only “overriding interest” asserted is keeping the information that parties agreed to keep confidential private. Motion, p4. Plaintiff cites nothing to demonstrate that a “substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.” CRC 2.550(d). Plaintiff does not even try to assert that the information to be sealed contains trade secrets or even confidential or commercially sensitive business information, which, if not protected, could be used to by other companies to compete against it. In moving for the order, Plaintiff cites *Universal City Studios, Inc. v. Superior Court (Unity Pictures Corp.)* (2003) 110 Cal.App.4th 1273. Yet, that case serves to show that no sealing order is appropriate here. In that case, the basis for the sealing request was, as it is here, an agreement by the parties to keep their settlement agreement confidential. The Court found this was insufficient when no showing of prejudice was made.

In support of its request, the Plaintiff cites to earlier orders of the Court sealing the same information in earlier complaints. While that is true, it is this Court’s belief that those orders were granted in error and that there is, in fact, no legally sufficient reason provided for sealing the records. In neither of the previous court orders did the Court identify facts supporting its orders.

Because the basis for sealing is simply the parties’ agreement, the motion to seal is DENIED.

Plaintiff shall submit the final order.