

**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: 10-15-24 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.sccscourt.org/general_info/ra_teams/video_hearings_teams.shtml. You must use the current link.

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.

LINE #	CASE #	CASE TITLE	RULING
LINE 1	21CV377860 Hearing: Order of Examination	George Jones vs Michael Liddle et al	Notice appearing proper, all parties are to appear in Department 16 at 9:00 AM. If all parties appear, the Court will administer the oath and the examination will take place off line. If there is no appearance by the moving party, the matter will be ordered off calendar.
LINE 2	21CV377860 Hearing: Order of Examination	George Jones vs Michael Liddle et al	Notice appearing proper, all parties are to appear in Department 16 at 9:00 AM. If all parties appear, the Court will administer the oath and the examination will take place off line. If there is no appearance by the moving party, the matter will be ordered off calendar.
LINE 3	23CV417103 Hearing: Demurrer	Juan Medina et al vs Sreekanth Thirthala et al	Defendants demurrer to the 2 nd and 3 rd causes of action in the SAC. Plaintiffs have since dismissed the 3 rd cause of action. Because Plaintiffs have failed to oppose the demurrer and because the Plaintiffs have already had a chance to amend the complaint, the demurrer to the 2 nd cause of action is SUSTAINED without leave to amend. 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. Moving Defendants shall submit the final order within 10 days.
LINE 4	23CV420975 Motion: Judgment on Pleadings	SNAP-ON CREDIT LLC vs Jon Sloan	Plaintiff seeks a judgment on the pleadings. Notice appearing proper and good cause appearing, the unopposed motion 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. Because the motion is granted, the short cause trial scheduled for December 9, 2024 is vacated. Plaintiff shall submit the final order within 10 days.

LINE 5	23CV427770 Hearing: Demurrer	Rhett Anderson vs County of Santa Clara et al	Defendant County of Santa Clara demurrers to the complaint. Request for judicial notice of exhibits A-H is GRANTED, though not for the truth of the matters asserted in the documents. Plaintiff has failed to oppose the demurrer. 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. Moreover, Plaintiff failed to comply with the Government Claims Act statute of limitations because he failed to commence his lawsuit within “six months of notice of rejection of the claim” (Gov. Code, §§ 913, 945.6; Code Civ. Proc., § 342; <i>Shirk v. Vista Unified School Dist.</i> (2007) 42 Cal.4th 201, 209) and because the factual circumstances set forth in the written claim do not correspond with the facts alleged in the complaint. The First Amendment Claim fails, among other reasons, because Plaintiff has failed to adhere to the statute of limitations. Although normally leave to amend would be granted, where as here, there is no reasonable possibility that Plaintiff can cure the deficiencies, the demurrer is SUSTAINED WITHOUT LEAVE TO AMEND. County shall submit the final order.
LINE 6	24CV435217 Hearing: Demurrer	Debasish Roy vs JP Morgan Chase Bank, N.A. et al	The moving party was dismissed on 9/25/24, so the matter is OFF CALENDAR.
LINE 7	23CV423393 Motion: Compel	Pauline Tse et al vs Tony Tran	Because Defendant provided supplemental responses, to which Plaintiff has not objected, the motion to compel further responses is moot. Plaintiff has requested sanctions and Defendant has not provided substantial justification for why the responses were late requiring Plaintiff to file a motion to compel. As such, sanctions are appropriate. Defendant and/or defendant’s counsel is required to pay Plaintiff’s counsel \$1,162.50 in sanctions within 10 days. Plaintiff shall submit the final order.
LINE 8	21CV386083 Hearing: Claim of Exemption	JPMorgan Chase Bank, N.A. vs Viet Le	Debtor makes a claim for a full exemption. Debtor shows monthly income of over \$9000 per month. Given Debtor’s financial statement, Debtor is able to and shall pay \$350 per pay period to judgment creditor. See CCP 706.011 and 706.050. Judgment creditor shall submit the final order within 10 days.
LINE 9	23CV417476 Hearing and Claim for Surplus Funds	In Re: 5565 Entrada Cedros, San Jose, Ca. 95123	Notice appearing proper and good cause appearing, the motion is GRANTED. The remaining surplus funds of \$241,988.41 shall be transferred to claimant’s attorney’s law firm IOLTA trust account, to wit: “Cate Legal Group” within 20 days. Claimant shall submit the final order within 10 days.
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LINE 11			

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