

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

**Department 3 (will be heard in Department 6)  
Honorable Evette D. Pennypacker, Presiding (for Hon. William Monahan)**

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

**DATE: April 16, 2024    TIME: 9:00 A.M.**

**RECORDING COURT PROCEEDINGS IS PROHIBITED**

**THIS CALENDAR WILL BE CALLED IN DEPARTMENT 6. IF YOU PLAN TO ATTEND REMOTELY, PLEASE USE THE DEPT. 6 TEAMS LINK FROM THE COURT WEBSITE.**

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

**FOR 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 plan to appear at the hearing to contest the ruling
- (California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

**FOR APPEARANCES:** The Court strongly prefers in person appearances. If you must appear virtually, please 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.scscourt.org/general\\_info/ra\\_teams/video\\_hearings\\_teams.shtml](https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml)

**FOR 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.scscourt.org/general\\_info/court\\_reporters.shtml](https://www.scscourt.org/general_info/court_reporters.shtml)

**FOR YOUR NEXT HEARING DATE:** Please reserve your next hearing date using Court Schedule—an online scheduling tool that can be found on the Santa Clara County court website here:

<https://reservations.scscourt.org/>

LINE #	CASE #	CASE TITLE	RULING
LINE 1	21CV392455	<i>Advoque Safeguard LLC et al vs Benham Pourdeyhimi et al</i>	Amended complaint filed, thus demurrer off calendar.
LINE 2	23CV427371	<i>Weiting Zhan vs Shuaiqi Ge</i>	Plaintiff's motion to compel Defendant to provide further responses to requests for production of documents and special interrogatories is GRANTED. A notice of motion with this hearing date was served on Defendant by electronic mail on March 28, 2024. Defendant failed to file an opposition. "[T]he failure to file an opposition creates an inference that the motion [] is meritorious." ( <i>Sexton v. Super Ct.</i> (1997) 58 Cal.App.4th 1403, 1410.) Plaintiff also provides sufficient facts upon which to base the request for further response. Defendant is ordered to provide complete, verified, code compliant responses to the requests detailed in Plaintiff's motion and to pay Plaintiff's \$60 in costs within 20 days of service of this formal order, which the Court will prepare.
LINE 3	23CV427432	<i>Bank of America, N.A., vs. Quang Khai Nguyen</i>	Plaintiff's motion for order deeming matters in requests for admission admitted is GRANTED. A notice of motion with this hearing date was served on Defendant by regular mail on March 11, 2024. Defendant failed to file an opposition. "[T]he failure to file an opposition creates an inference that the motion [] is meritorious." ( <i>Sexton v. Super Ct.</i> (1997) 58 Cal.App.4th 1403, 1410.) There is also good cause to grant this motion. Plaintiff served requests for admission on Defendant by mail on January 22, 2024. To date, Defendant has served no responses. A party served with requests for admission must serve a response within 30 days. (Code of Civ. Pro. §2033.250.) When a party fails to respond—even in the face of a motion to have the matters in the requests for admission deemed admitted—as Defendant has done here, the Court must order the requests for admission deemed admitted. (Code of Civ. Pro. §2033.280(c); <i>St. Mary v. Superior Court</i> (2014) 223 Cal.App.4th 762, 775-776.) Such a "deemed admitted" order establishes that the nonresponding party has responded to the requests for admission by admitting the truth of the matters contained in the requests. ( <i>Id.</i> ) Accordingly, Plaintiff's motion is granted, and the matters set forth in Plaintiff's requests for admission are deemed admitted. Court to prepare formal order.
LINE 4	21CV376879	<i>Verenice Torres vs. Joseph Lacob</i>	The Court orders the parties to appear for argument on Mark Ruiz's motion to be relieved as counsel for Verenice Torres. The motion appears to be in order, and the Court is inclined to grant it. However, the record shows that Mr. Ruiz may have already been relieved as counsel, and Verenice Torres appears to oppose such relief, although that is also unclear. The Court wants to make sure the record regarding representation is clear before formally granting the motion.
LINE 5	22CV399866	<i>Bank of America, N.A. vs Sonny K Tam</i>	Bank of America, N.A.'s motion to transfer venue to San Francisco County is GRANTED. A notice of motion with this hearing date was served on Defendant by regular mail on March 12, 2024. Defendant failed to file an opposition. "[T]he failure to file an opposition creates an inference that the motion [] is meritorious." ( <i>Sexton v. Super Ct.</i> (1997) 58 Cal.App.4th 1403, 1410.) There is also good cause to grant this motion. At the time Plaintiff filed this action, Plaintiff believed Defendant resided in Santa Clara County. Plaintiff has since learned Defendant resides in San Francisco County. Thus, this action is appropriately transferred to that county. (Code Civ. Proc. §395(a).) Moving party to prepare formal order and bear fees and costs associated with the transfer.

