

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

Department 3

Honorable William J. Monahan, Presiding

Allison Croft, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: (408) 882-2130

DATE: 3/28/2024 TIME: 9:00 A.M.

TO CONTEST THE RULING: Before 4:00 p.m. today (3/27/2024) 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 prefers in person appearances. If you must 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 3**.

https://www.sccscourt.org/general_info/ra_teams/video_hearings_teams.shtml

TO SET YOUR NEXT HEARING DATE: You no longer need to file a blank notice of motion to obtain a hearing date. Phone lines are now open for you to call and reserve a date before you file your motion. If moving papers are not filed within 5 business days of reserving the date, the date will be released for use in other cases. Where to call for your hearing date: **408-882-2430** When you can call: **Monday to Friday, 8:30 am to 12:30 pm**

FINAL ORDERS: The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.) **Please Note:** Any proposed orders must be submitted with the Judicial Council Form EFS-020 Proposed Order (Cover Sheet). Please include the date, time, dept. and line number.

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	20CV366852	Paul Brown et al vs Everett Hunter et al	Hearing: Order of Examination against Defendant Everette Hunter of Team Treatment, LLC by Plaintiff Paul Brown (In Pro Per) OFF CALENDAR. No proof of service.

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<u>LINE 2</u>	23CV415644	David Chun vs ANYTIME MERCHANT SERVICES, INC.	Motion: Summary Judgment/Adjudication by Plaintiff David Chun OFF CALENDAR. (Per email from counsel.)
<u>LINE 3</u>	21CV388783	Kathleen Liccardo vs Kenneth Simoncini	Motion: Compel Plaintiff Kathleen Liccardo further response to Special Interrogatory No. 93 and sanctions by Defendant Kenneth Simoncini Defendant Kenneth Simonini ("Defendant")'s motion to compel plaintiff Kathleen Liccardo ("Plaintiff")'s further response to Defendant's special interrogatory No. 93 is DENIED. Defendant's request for monetary sanctions is DENIED. Plaintiff's request for monetary sanctions against Defendant for unsuccessfully making this motion without substantial justification pursuant to Code of Civil Procedure section 2030.300, subsection (d) [for the reasonable attorney's fees Plaintiff incurred in connection with this motion of 5 hours at \$395 per hour] in the amount of \$1,975 is GRANTED. Defendant shall pay this amount in full to Plaintiff within 15 days of service of this order.

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LINE 4	21CV388783	Kathleen Liccardo vs Kenneth Simoncini	<p>Motion: Compel</p> <p>Defendant Kenneth Simoncini Further Responses to Request for production of documents, Set Three and for sanctions by Plaintiff Kathleen Liccardo</p> <p>Plaintiff Kathleen Liccardo ("Plaintiff")'s motion to compel defendant Kenneth Simonini ("Defendant") further responses to Plaintiff's request for production of documents ("RPD"), set three, Nos. 51-53 pursuant to the Code of Civil Procedure ("CCP") section 2031.310 on the grounds that the responding party has failed, without substantial justification, to serve proper responses to these demands, is GRANTED. Defendant shall serve Plaintiff with a verified code-compliant further response to RPD set three, Nos. 51-53, without objections, within 15 days of service of this order.</p> <p>Plaintiff's motion to compel Defendant to comply with his written statements of agreement that he would comply with document production by producing documents responsive to Plaintiff's RPD, set three, Nos. 45, 46, and 50, pursuant to CCP section 2031.320 on the grounds that the responding party has failed, without justification, to comply with his written representation that he would produce certain documents and continues to fail and refuse to produce documents in violation of CCP section 2031.010, et seq. is GRANTED. Defendant shall produce to Plaintiff all responsive documents in its possession, custody, or control to Plaintiff's RPD, set three, Nos. 45, 46 and 50 within 15 days of service of this order, subject to the protective order.</p> <p>Plaintiff's request for monetary sanctions pursuant to CCP sections 2023.010, 2031.310 and 2031.320, subdivision (b) of at least \$3,375 for the reasonable expenses incurred by the Plaintiff in connection with this motion is GRANTED IN PART. Defendant and/or his counsel O'Brien Law [, P.C.] is ordered to pay Plaintiff monetary sanctions in the amount of \$2,962.50. This amount shall be paid, in full, within 15 days of service of this order.</p> <p>[Note: The supporting declaration of Plaintiff's counsel Stephen S. Picone failed to break down the 7.5 hours incurred between his hourly rate (\$450) and his associate's hourly rate (\$395). Accordingly, the 7.5 hours was awarded at the [lower] associate's rate of \$395. The amount of the filing fee was not specified, so it was not awarded.]</p> <p>Defendant's request for monetary sanctions is DENIED.</p>
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LINE 5	20CV364697	RECYCLING SPECIALISTS, LLC et al vs AUSTIN KYLES et al	<p>Motion: Leave to Amend Cross-Complaint</p> <p>Continued to 4/23/2024 at 9am in Dept. 3. The court needs more time to consider all the papers filed regarding this opposed motion. No further papers are requested.</p>
LINE 6	21CV384411	CREDITORS ADJUSTMENT BUREAU, INC. vs HAYDEN SARJI et al	<p>Motion: Withdraw as attorney by Albie B. Jachimowicz/ Joshua R. Jachimowicz for Defendant Hassan "Hayden" Sarji</p> <p>Unopposed and GRANTED.</p> <p>Moving attorneys to update proposed orders to add the Plaintiff's motion for order for terminating sanctions, striking defendant Venice Tile& Marble's answer, and entering default and request for monetary sanctions of \$1,573.75 on 4/4/2024 at 9am in Dept. 3.</p>
LINE 7	21CV384411	CREDITORS ADJUSTMENT BUREAU, INC. vs HAYDEN SARJI et al	<p>Motion: Withdraw as attorney by Albie B. Jachimowicz/ Joshua R. Jachimowicz for Defendant Venice Tile & Marble</p> <p>Unopposed and GRANTED.</p> <p>Moving attorneys to update proposed orders to add the Plaintiff's motion for order for terminating sanctions, striking defendant Venice Tile& Marble's answer, and entering default and request for monetary sanctions of \$1,573.75 on 4/4/2024 at 9am in Dept. 3.</p>

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LINE 8	21CV384411	CREDITORS ADJUSTMENT BUREAU, INC. vs HAYDEN SARJI et al	<p>Motion: Withdraw as attorney by Albie B. Jachimowicz/ Joshua R. Jachimowicz for Def Roxanna Sarji</p> <p>Unopposed and GRANTED.</p> <p>Moving attorneys to update proposed orders to add the Plaintiff's motion for order for terminating sanctions, striking defendant Venice Tile& Marble's answer, and entering default and request for monetary sanctions of \$1,573.75 on 4/4/2024 at 9am in Dept. 3</p>
LINE 9	24CV430010	SBI Interiors, Inc. vs A-T.E.A.M. Contractors, Inc.	<p>Hearing: Petition/Motion to Confirm Arbitration Award</p> <p>Petitioner SBI Interiors, Inc.'s petition/motion to confirm arbitration award and issue judgment thereon in the amount of \$109,606.16 against respondent A.T.E.A.M. Contractors, Inc.</p> <p>OFF CALENDAR. There is no proof of service complying with Code of Civil Procedure section 1290.4, subds. (a), (b).</p> <p>The proof of service is only by mail and email. Unless the arbitration agreement provides otherwise, a respondent within California who has not appeared in the proceeding must be served in the manner provided by law for the service of a summons in an action.</p>
LINE 10	2013-1-CV-252335	BH Financial Services, Inc. vs Stephen Ho	<p>Motion: Vacate</p> <p>Motion/Amended Motion for Order Vacating Default Judgment by Defendant Stephen Ho (In Pro Per)</p> <p>Defendant Stephen Ho ("Defendant")'s motion/amended motion for order vacating default judgment is DENIED.</p>
LINE 11			

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LINE 12			
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