

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

**Department 3
Honorable William J. Monahan, Presiding**

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

DATE: 7/9//2024 TIME: 9:00 A.M.

TO CONTEST THE RULING: Before 4:00 p.m. today (7/8/2024) 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 or by Teams. If you must appear virtually, please use video.

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.

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	23CV420990	TRACI SIMPSON vs COUNTY OF SANTA CLARA	Motion: Judgment on Pleadings OFF CALENDAR. Stipulation for continuance of hearing to 8/1/2024 at 9:00 a.m. in Dept. 3 filed 7/5/2024.
LINE 2	23CV421270	Performance First Building Services, Inc. vs FPI Management, Inc. et al	Hearing: Demurrer Unopposed and Demurrer is SUSTAINED WITH 15 DAYS LEAVE TO AMEND. Moving party to prepare order combining Lines 2 and 3.
LINE 3	23CV421270	Performance First Building Services, Inc. vs FPI Management, Inc. et al	Hearing: Motion to Strike Unopposed and motion to strike is MOOT. Moving party to prepare order combining Lines 2 and 3.

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LINE 4	24CV431706	Tim Wegner vs Cisco Systems Incorporated et al	Hearing: Demurrer OFF CALENDAR. First Amended Complaint was filed 6/5/2024.
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LINE 5	23CV428335	Jessica Spencer vs Los Gatos Union School District	<p>Motion: Quash</p> <p>Plaintiff Jessica Spencer (“Plaintiff”)’s motion to quash the subpoena to Buckeye Union School District DENIED subject to a stipulated or court ordered protective order.</p> <p>Plaintiff’s motion for protective order is continued to 8/15/2024 at 9:00 am in Dept. 3, to give the parties more time to meet and confer and try to agree to the terms of a stipulated protective order.</p> <p>The parties, through their counsel, are ordered to promptly meet and confer in good faith regarding the terms of the protective order in person or by video conference for at least 4 hours or until they reach agreement. This court ordered meet and confer may be continued from time to time, but only in person or video conference time with opposing counsel is counted towards the 4-hour minimum.</p> <p>The court agrees with Defendant Los Gatos Union School District (“LGUSD”) that Plaintiff’s counsel is not entitled under the Code of Civil Procedure to approve the language and scope of any third-party subpoena prior to LGUSD issuing said subpoenas.</p> <p>The protective order may provide that the prevailing party on a motion to compel a document that has been designated as “confidential” shall be entitled to attorney’s fees and costs, unless the “confidential” designation has substantial justification, or other circumstances make the imposition of sanctions unjust.</p> <p>If the parties reach agreement on the terms of the stipulated protective order, they shall promptly submit it to the court for approval with a proposed order stating that this motion to quash is denied subject to the protective order and vacating the 8/15/2024 hearing.</p> <p>If the parties are unable to reach agreement on the terms of a stipulated protective order, they shall file and serve by 8/2/2024 up to a 5-page memo and a concise declaration specifying the outcome of their meet and confer along with their proposed court ordered protective order. They must identify any difference between the parties’ proposed protective orders and why the court should accept their language over the other side’s.</p> <p>The court will prepare the order.</p>
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LINE 6	22CV398371	CKS Prime Investments LLC vs Olga Dunster	<p>Motion: Set Aside Default/Judgment</p> <p>Good cause appearing, defendant Olga Dunster, in pro per, (“Defendant”)’s motion to set aside Defendant’s default and plaintiff CKS Prime Investments LLC (“Plaintiff”)’s default judgment against Defendant is GRANTED. Defendant’s default entered and filed 2/8/2023 and Plaintiff’s default judgement filed 4/14/2023 are hereby vacated and set aside. Defendant’s request to dismiss this case is DENIED WITHOUT PREJUDICE. Defendant shall file an answer to the complaint within 15 days of this order.</p> <p>The court will prepare the order.</p>
LINE 7	22CV401201	City of San Jose vs Dave Brough	<p>Hearing: Motion hearings</p> <p>APPEAR.</p>
LINE 8	23CV000033	AFFINIA DEFAULT SERVICES, LLC vs IN RE: 1501 DESDEMONA CT, SAN JOSE , CA 95121	<p>Hearing: Motion hearings</p> <p>Unopposed and GRANTED. Moving party to prepare the order.</p>
LINE 9	23CV409651	ROIC California, LLC vs Larry Nguyen et al	<p>Hearing: Motion hearings</p> <p>OFF CALENDAR. The proof of service only shows service by email. The proof of service does not show either (a) personal service or (b) service by mail and submitted a declaration establishing that the service requirements of California Rules of Court, rule 3.1362, have been satisfied. (See findings 3 (a) or (b) on proposed order.)</p>
LINE 10	23CV413115	ALMA CORNEJO et al vs LUCIA LOPEZ et al	<p>Hearing: Compromise of Minor's Claim</p> <p>Good cause appearing, GRANTED. Moving party to prepare order.</p>

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LINE 11	ADD ON 21CV381412	Irma Soto vs Eduardo Alguera et al.	Motion: Other. (See ex parte order shortening time filed 6/28/2024.) Defendants M&B Restaurants, Inc.; M&B Restaurants, Inc., dba Carls's Jr.; Mike Boparai; Eduardo Alguera; and Martha Riso (collectively "Defendants")' motion to continue trial date. OFF CALENDAR. Notice of Settlement of Entire Case filed 7/3/2024.
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