

**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: 2/6/2024 TIME: 9:00 A.M.

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 strongly 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 Everett Hunter of Team Treatment LLC by Plaintiff In Pro Per OFF CALENDAR. No proof of service.

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LINE 2	23CV421956	Pshatoia LaRose vs Apple Inc.	Hearing: Demurrer to First Amended Complaint by defendant Apple, Inc. Demurrer is unopposed and SUSTAINED with 10 days leave to amend.
LINE 3	22CV402250	AMERICAN EXPRESS NATIONAL BANK vs QUAN GU	Motion: Summary Judgment/Adjudication *set per 10/31/23 minute order* OFF CALENDAR. No proper notice of which papers are basis of this motion in the file.
LINE 4	19CV359623	Capital One Bank (USA), N.A. vs Jason Maat	Hearing: Motion to Dismiss Case by Defendant Jason Maat (Pro Per) Motion to Dismiss Case by Defendant Jason Maat (Pro Per) is DENIED. Note: This motion was filed 10/16/2023 after the default of Defendant Jason A. Matt was entered 10/13/2023. Thereafter a judgment by default was entered against Defendant Jason A. Matt on 1/4/2024.
LINE 5	20CV367687	Cavalry SPV I, LLC vs Jesus Villalon	Motion: Change of Venue by Plaintiff Cavalry SPV I, LLC from the Superior Court of the State of California, Santa Clara County to the Superior Court of the State of California, Couty of San Mateo, Southern Branch. Unopposed and GRANTED.
LINE 6	22CV402250	AMERICAN EXPRESS NATIONAL BANK vs QUAN GU	Motion: Withdraw as attorney to Defendant Quan Gu by Attorney (Christopher J Peters) OFF-CALENDAR. No proof of service.
LINE 7	23CV416173	Charles Gardyn vs 7&8 Partnership et al	Motion: Order to file Cross-Complaint by Defendants 7&8 Partnership, a California Partnership; Gloria Martinez; Alina Martinez Cordova; and Oscar Martinez Unopposed and GRANTED.

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LINE 8	23CV418527	POLYXENE G. KOKINOS, M.D., A.P.C. vs Bradley Hill, MD et al	Motion: Vacate arbitration award by Polyxene G Kokinos, M.D. APPEAR. Note: This matter is going to be continued.
LINE 9	23CV420300	Northeast Securities Co., Ltd. vs Que Wenbin et al	Motion: Order for authorization to effectuate alternative service upon defendants Que Wenbin and He Xiaolan by Plaintiff Northeast Securities Co., LTD Good cause appearing, GRANTED. Note: Both proposed requested service methods must be used.
LINE 10	23CV420300	Northeast Securities Co., Ltd. vs Que Wenbin et al	Hearing: Other Motion for authorization to effectuate alternative service upon defendant Shixi Lin by Plaintiff Northeast Securities Co. pursuant to Code of Civil Procedure section 413.30. Good cause appearing, GRANTED. Note: Both proposed requested service methods must be used.

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<u>LINE 11</u>	1997-1-CV-764650	J. Ascencion Calderon, et al. vs Bhula M. Patel, et al.	<p>Motion: Enforce Settlement By Plaintiffs J. Ascencion Calderon and Mabiela R. Calderon ("Plaintiffs")</p> <p>Motion of Plaintiffs to Enforce Settlement/Status Conference. Continued from 10/26/2021, 4/5/2022, 9/13/2022, 4/4/2023 and 6/6/2023.</p> <p>Plaintiffs purchased certain property from defendants which is located at 1620 Story Rd., in San Jose, California. Due to massive petroleum contamination of the property defendants were required to commence the remediation of the property by order of this court.</p> <p>This court continues to retain jurisdiction to enforce the settlement agreement by court order.</p> <p>The matter is here for motion to enforce settlement/status conference for the parties to report on the progress of the remediation ordered by the court.</p> <p>The status is set forth in the Declaration of Kathryn Barrett: In Support of Statement re Plaintiffs' Motion for Enforcement of Settlement per Code of Civil Procedure section 664.6 filed 1/30/2024.</p> <p>This motion to enforce settlement/status conference is continued to May 30, 2024, at 9am in Dept 3.</p>
<u>LINE 12</u>	2008-1-CV-123846	Erin Capital Management, LLC vs E. Ronchetti	<p>Motion: Set Aside Judgment filed on 04/16/2009, renewal Judgment and dismissing by Assignee of Judgment Creditor Gold Line Credit Services Inc.</p> <p>Unopposed and GRANTED.</p>

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