

**Tentative Rulings and Resolution Review Hearings
December 4, 2023
Department 10**

This Court does not follow the procedures described in Rules of Court, Rule 3.1308(a). Tentative rulings appear on the calendar outside the court department on the date of the hearing, pursuant to California Rule of Court, Rule 3.1308(b)(1). As a courtesy to counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court's website (www.shasta.courts.ca.gov) and are available by clicking on the "Tentative Rulings" link. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

In furtherance of compliance with the California Department of Public Health and CDC guidelines and recommendations, the Superior Court of California, County of Shasta is continuing to undertake precautionary measures to ensure the health and safety of the courthouse users. Persons are encouraged to make appearances telephonically, through CourtCall (888-882-6878; courtcall.com).

ACEVEDO HERNANDEZ, ET AL. VS. PATIENTS HOSPITAL OF REDDING, ET AL.

Case Number: CVPO21-0198624

Tentative Ruling on Motion for Reconsideration: Defendant Patient's Hospital of Redding (hereinafter "Defendant") moves for reconsideration of the Court's order issued by Judge Boeckman denying its' prior motion for summary judgment.

Merits of Motion: CCP § 1008(a) provides the court with authority to reconsider, modify or revoke a prior order on the basis of newly discovered facts or circumstances. The motion is required to be made to the "same judge...that made the order." CCP § 1008(a). Defendant seeks reconsideration of Judge Boeckman's prior ruling denying Defendant's Motion for Summary Judgment. Defendant contends that new facts or circumstances require the reconsideration of the prior Motion for Summary Judgment. Specially, Defendant contends that Judge Boeckman was sitting as a "temporary judge" defined by CRC 2.810 and that the proper notices and consent to a "temporary judge" were not obtained from the Defendant. Judge Boeckman is not a "temporary judge" as defined by CRC 2.810; rather, he is a retired California Superior Court Judge having been appointed by Governor Pete Wilson in 1995. Judge Boeckman was sitting as a retired Superior Court Judge pursuant to the Assigned Judges Program when he issued his prior ruling denying the Motion for Summary Judgment. Accordingly, the requirements of CRC 2.810 et set did not apply and there are no new or different facts or circumstances present to justify reconsideration.

The motion is **DENIED**. Plaintiff shall prepare the order.