

**Tentative Rulings and Resolution Review Hearings
October 13, 2020
Department 3**

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 strongly encouraged to make appearances telephonically, through CourtCall (888-882-6878; courtcall.com). If attending a hearing in person, the Court requires appropriate social distancing and may limit the number of persons allowed in the courtroom at any given time. Also, use of face masks by Court users is required unless exempt in accordance with the public safety guidelines. Counsel are advised to comply with the Civil Courts’ current Emergency Order which can be found at the following address: <http://10.45.2.11/pdfs/covid19-25-2020.pdf>

8:30 a.m. – Law & Motion

**CAPITAL ONE BANK (USA), N.A. VS. SAECHAO
Case Number: 194161**

Tentative Ruling on Order to Show Cause Re Sanctions: An Order to Show Cause Re Sanctions (hereinafter “OSC”) issued on August 27, 2020 to Plaintiff Capital One Bank (USA), N.A. and its Counsel for their failure to timely serve the complaint as required by CRC 3.110(b) which requires services within 60 days of filing of the complaint. The complaint was filed on December 23, 2019. No proof of service has ever been filed. No response to the OSC has been filed. It appears to the Court that Plaintiff has abandoned this case. Sanctions are hereby imposed against Plaintiff in the amount of \$250. The clerk is directed to prepare a separate Order of Sanctions. The Court issues an Order to Show Cause Re: Dismissal to Plaintiff and Counsel pursuant to Gov’t Code Section 68608(b) for Plaintiff’s failure to comply with CRC 3.110. The hearing on the Order to Show Cause is set for **Monday, January 11, 2021, at 8:30 a.m. in Department 3.** The clerk is directed to prepare a separate Order to Show Cause Re: Dismissal. A review hearing is set for **Monday, January 11, 2021, at 9:00 a.m. in Department 3** for status of service.

**IN RE HERNANDEZ
Case Number: 195679**

Tentative Ruling on Petition for Change of Name: Petitioner Alfredo Quevedo Hernandez seeks to change his name to Alfredo H. Quevedo. No proof of publication has been submitted. The Court requires a Certificate of Publication from the publishing newspaper before the Petition may be granted. If the Certificate of Publication is provided, the Court intends on granting the Petition, vacating all future dates and closing the file.

Tentative Ruling on Motion to Compel Defendant to Respond to Form Interrogatories – General, Set One; and Request for Sanctions: The present motion is unopposed. Plaintiff Riaz Malik moves for an order to compel discovery and monetary sanctions. The Court has received a declaration in support of the motion along with supporting documents. No objection has been filed.

On May 22, 2020, Plaintiff Riaz Malik served Defendant Rob Early with Form Interrogatories, Set One via mail. The response was due on June 26, 2020. To date no response has been given. On June 19, 2020, Defendant was served by mail with a request for Production of Documents, and a response was due July 24, 2020. To date, no response has been given. Defendant’s failure to respond has resulted in the waiver of any objections to the Interrogatories and Request for Production and an order compelling responses is appropriate. CCP § 2030.290(a) & CCP § 2031.300(a). Further, the award of sanction is mandatory. CCP § 2030.290(c) & 2031.300(c). Plaintiff has requested attorney’s fees for 3 ½ hours; 2 hours to prepare the motion and 1 ½ to prepare the reply. The motion is unopposed and no reply has been filed. The Court will reduce the reasonable hours to 2.

The motion to compel is **GRANTED**. Sanctions are awarded in the amount of \$760. A proposed order has been provided but it only addresses the Form Interrogatories. A new order is required. Plaintiff shall prepare a new order that conforms to the Court’s ruling above.

9:00 a.m. – Review Hearings

There are no review matters on calendar today.