

**Tentative Rulings and Resolution Review Hearings
September 6, 2024
Butte Exchange (To Be Heard in Department 63)**

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.

Per Local Rule 5.13, telephonic appearances through CourtCall (888-882-6878; courtcall.com) are generally permitted on the Law & Motion and Resolution Review calendars and can be made without leave of Court.

**CREDITORS ADJUSTMENT BUREAU, INC., VS. CASTRO
Case Number: 23CVG-00362**

Tentative Ruling on Motion for Order that Matters be Deemed Admitted: The present motion is unopposed. Plaintiff Creditors Adjustment Bureau, Inc. seeks to have the matters contained in its Request for Admissions, Set One served on Defendant Vincent Castro deemed admitted.

Code of Civil Procedure section 2033.280 which provides in pertinent part, “If a party to whom requests for admissions are directed fails to serve a timely response, the following rules apply, (a) The party to whom the request for admissions are directed waives any objection to the requests including one based on privilege or on the protection of work product . . . (b) the requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted. . . .” The Court shall make this order unless responses are served prior to the hearing on the motion and the responses are in substantial compliance with Section 2033.100. CCP § 2033.280(c).

Plaintiff served Request for Admissions, Set One on June 10, 2024. Plaintiff never received any response, timely or otherwise. Based on these verified statements in the declaration, Plaintiff has established that the Request for Admissions was served and that Defendant never answered. Due to the complete lack of response, the matters will be deemed admitted.

Finally, Plaintiff requests monetary sanctions in the amount of \$1,573.75. Sanctions are generally mandatory related to a motion to deem matters admitted. CCP § 2033.280(c). The present motion is unopposed and therefore there is no evidence of any justification or circumstance that would make the imposition of sanctions unwarranted. Sanctions are warranted and will be rewarded. Plaintiff requests an hourly rate of \$500 per hour. The Court finds that the reasonable hourly rate is \$300 per hour. The Court finds the requested three hours per motion to be reasonable. Plaintiff also requests the motion filing fee of \$60 and an e-filing fee of \$13.75. The Court will award the motion filing fee but denies the e-filing fee since this Court does not have e-filing. Sanctions are imposed in the amount of \$960.

The motion is **GRANTED**. A proposed order has been lodged with the Court and will be executed.

Review: This matter is also on calendar for review regarding status of discovery and trial re-setting. **An appearance is necessary on today’s calendar to provide the Court with a status and if appropriate to set**

the matter for trial.

JOHNSON, ET AL VS. PARENT, ETAL

Case Number: CVCV21-0197618

Tentative Ruling on Order to Show Cause Re Sanctions: An Order to Show Cause Re Sanctions (hereinafter “OSC”) issued on July 12, 2024, to Defendants and Counsel for their failure to comply with arbitration and for their failure to appear at the June 7, 2024 hearing. No response has been filed. **An appearance is necessary on today’s calendar to address the Order to Show Cause. A failure to appear will result in the imposition of sanctions.**

Review: This matter is on calendar for review regarding status of arbitration. The Court ordered this matter to arbitration on February 5, 2024. **An appearance is necessary on today’s calendar to discuss the status of arbitration.**