

Tentative Rulings –August 4, 2005

To request a hearing on any matter on this calendar, you must call the Court at (209) 223-6360 by 4:30 p.m. today. Notice of the intention to appear must also be given to all other parties. If the clerk is not notified of a party's intention to appear, there will be no hearing and the tentative ruling becomes the order of the court.

Paula Ditty v. Terrence Turpen .— 04CV3515—Defendant's (Terrance Turpen) Motion for Summary Judgement

There is no Tentative Ruling for this matter. On the Court's own motion, this has been continued to August 11, 2005 at 3:15PM.

Beauchamp v. Buena Vista Properties, et al.—04CV3391—Diedre Meath's Motion to Set Aside Judgment

The Court was advised that this matter has settled. Therefore, the instant Motion has been dropped from the calendar.

Eanni v. Maeser-- 05CV3775- Defendant's Motion for Judgment on the Pleadings

Plaintiff's Motion for Judgment on the Pleadings is denied without prejudice.

After Defendant filed her original answer, Plaintiff had the option of filing a Demurrer and/or a Motion to Strike the unverified answer. A Motion for Judgment on the Pleadings is available to the plaintiff after the defendant has filed an answer to the complaint and the time for which the plaintiff to demur has expired. (Code of Civil Procedure §438, subd. (f)(1).) Plaintiff had until July 4, 2005 to file a Demurrer to the answer. Instead, she filed a Motion for Judgment on the Pleadings on June 24, 2005.

A party may amend their answer once, as a matter of right, prior to a Demurrer being filed or after a Demurrer and before trial. (Code of Civil Procedure §472.) No Demurrer was filed in this matter. Accordingly, Defendant was entitled to amend her answer.

Moreover, great liberality is allowed in allowing amendment to pleadings at any stage in the proceedings. Accordingly, as the amended pleading is identical to the original answer, except for the verification, there is no prejudice in allowing the amendment to stand.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.

Flanders v. Prudential California Realty, et al.—03CV2770—Order to Show Cause for Failure to Appear at Case Management Conference

There is no tentative ruling in this matter. Appearances by all parties required.

Flexpop, Inc. v. Communications Advantage LLC, et al-- 04CV3223

There is no Claim of Exemption on file with the Court. Accordingly, there is nothing for the Court to adjudicate.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.