

WELLS FARGO, N.A. v HARBER

25CF15340

PLAINTIFF'S MOTION TO DEEM MATTERS ADMITTED

This civil action arises from a loan contract between Wells Fargo Bank, NA ("Plaintiff") and Loreta M. Harber ("Defendant.") Before the Court is Plaintiff's motion seeking to have the Court issue an order deeming admitted the truth of facts in the unanswered Requests for Admission ("RFAs") served on Defendant.

On September 19, 2025, Plaintiff prepared and served Defendant with Plaintiff's RFAs. (Declaration of Edgar B. Lopez ("Lopez Decl.") ¶ 2.) Responses were to be served on or before October 24, 2025. (*Id.* ¶ 4.) On October 28, 2025, Plaintiff's counsel sent a "meet and confer" letter to Defendant requesting that Defendant respond to Plaintiff's discovery within seven days. (*Ibid.*, Ex. B.) At the time of the filing of Plaintiff's motion on November 12, 2025, no responses had been provided.

II. Legal Standard and Discussion

Pursuant to Code Civ. Proc. section 2033.280, if a party to whom requests for admission are directed fails to serve a timely response, the following rules apply:

(a) The party to whom the requests for admission are directed waives any objection to the requests, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

- 1) The party has subsequently served a response that is in substantial compliance with Sections 2033.210, 2033.220, and 2033.230.
- 2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

Further, the Court shall deem the facts admitted as truth, unless it finds that the party to whom the RFAs were directed, "has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220." (Code Civ. Proc. § 2033.280(c).)

A party moving to compel initial responses under this section is not required to meet and confer. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 411.)

Plaintiff served Defendant with RFAs on September 19, 2025. Defendant has not responded to the RFAs or to Plaintiff's (optional) meet and confer letter, has not responded to Plaintiff's counsel, and has not filed an opposition.

Accordingly, the Court **GRANTS** Plaintiff's motion to deem the facts as admitted as truth.

The clerk shall provide notice of this ruling to the parties forthwith. The Court intends to sign the submitted (Proposed) Order.

**CLEESE v CALAVERAS CONSOLIDATED
FIRE PROTECTION DISTRICT, et al**

25CV47808

PLAINTIFF'S MOTION TO QUASH SUBPOENA

Jessica Cleese ("Plaintiff") brings this employment action against Calaveras County Consolidated Fire Protection ("CCFPD"), Aurelio Norte ("Norte"), and various John Does.

Now before the Court is Plaintiff's motion to quash a subpoena served on Plaintiff's current employer, San Francisco Fire Department ("SFFD.") The motion is unopposed.

As an initial matter, the motion to quash does not comply with the requirements of California Rules of Court 3.1345(a)(5) which requires a party moving to quash the production of documents or tangible things at a deposition to accompany the motion with a separate statement. Specifically, the separate statement "must be full and complete so that no person is required to review any other document in order to determine the full response." Nonetheless, for efficiency, the Court will consider the motion.

However, and more importantly, the Motion does not comply with Local Rule 3.3.7. All matters noticed for the Law & Motion calendar shall include the following language in the notice:

3 3 7 Tentative Rulings (Repealed Eff 7/1/06, As amended 1/1/18) All parties appearing on the Law and Motion calendar shall utilize the tentative ruling system. Tentative Rulings are available by 2:00 p.m. on the court day preceding the scheduled hearing and can be accessed either through the court's website or by telephoning 209-754-6285. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the Court no later than 4:00 p.m. on the court day preceding the hearing including advising that all other sides have been notified of the intention to appear by calling 209-754-6285. Where appearance has been requested or invited by the Court, all argument and evidence is limited pursuant to Local Rule 3 3. All matters noticed for the Law & Motion calendar shall include the following language in the notice:

Pursuant to Local Rule 3 3 7, the Court will make a tentative ruling on the merits of this matter by 2:00 p.m. the court day before the hearing. The complete text of the tentative ruling may be accessed on the Court's website or by calling 209-754-6285 and listening to the recorded tentative ruling. If you do not call all other parties and the Court by 4:00 p.m. the court day preceding the hearing, no hearing will be held and the tentative ruling shall become the ruling of the court [emphasis in original.]

Failure to include this language in the notice may be a basis for the Court to deny the motion.

Accordingly, the motions are **denied without prejudice to refile**.

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

FARIDI v CARLSON, et al

25CV48053

PLAINTIFF'S MOTION TO REINSTATE STEVE CARLSON AS A DEFENDANT

Plaintiff Tariq Jamil Faridi ("Plaintiff") filed his Complaint arising out of a real property dispute with Defendant Steve Carlson ("Defendant".) Now before the Court is Plaintiff's motion to reinstate Carlson as a defendant.

The Motion does not comply with Local Rule 3.3.7. All matters noticed for the Law & Motion calendar shall include the following language in the notice:

3 3 7 Tentative Rulings (Repealed Eff 7/1/06, As amended 1/1/18) All parties appearing on the Law and Motion calendar shall utilize the tentative ruling system. Tentative Rulings are available by 2:00 p.m. on the court day preceding the scheduled hearing and can be accessed either through the court's website or by telephoning 209-754-6285. The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the Court no later than 4:00 p.m. on the court day preceding the hearing including advising that all other sides have been notified of the intention to appear by calling 209-754-6285. Where appearance has been requested or invited by the Court, all argument and evidence is limited pursuant to Local Rule 3 3. All matters noticed for the Law & Motion calendar shall include the following language in the notice:

Pursuant to Local Rule 3 3 7, the Court will make a tentative ruling on the merits of this matter by 2:00 p.m. the court day before the hearing. The complete text of the tentative ruling may be accessed on the Court's website or by calling 209-754-6285 and listening to the recorded tentative ruling. If you do not call all other parties and the Court by 4:00 p.m. the court day preceding the hearing, no hearing will be held and the tentative ruling shall become the ruling of the court [emphasis in original.]

Failure to include this language in the notice may be a basis for the Court to

deny the motion.

Accordingly, the motions are **denied without prejudice to refile**. [The Court also notes this is the *second* motion filed by plaintiff that has been denied for failure to adhere to the local rules; plaintiff is cautioned further disregard for mandatory procedures may not be met with such leniency.]

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

DOWLING v ANDERSON, et al

25CV48290

DEFENDANTS' MOTION TO STRIKE PRAYER FOR PUNITIVE DAMAGES

This matter involves allegations of personal injuries stemming from a dog bite brought by Darren Dowling ("Plaintiff") against Carol R. Anderson ("Defendant.")

Defendant now moves to strike portions of the Complaint related to punitive damages. The motion is unopposed.

I. Background

On September 15, 2025, Plaintiff filed his complaint against Defendant alleging negligence and premises liability. According to Plaintiff, Defendant owns a "large white pit bull" who left Defendant's property through an unsecured gate and attacked Plaintiff. Plaintiff suffered a bite on his calf down to the bone, as well as severe injuries to his arms and hands.

II. Legal Standard and Discussion

A motion to strike lies either to strike: (1) any "irrelevant, false or improper matter inserted in any pleading"; or (2) any pleading or part thereof "not drawn or filed in conformity with the laws of this state, a court rule or order of court." (CCP § 436.) A motion to strike may also be used to strike allegations related to an improper request for relief. (*Saberi v. Bakhtiari* (1985) 169 Cal.App.3d 509, 517.) A motion to strike can be used to attack the entire pleading, or any part thereof—i.e., even single words or phrases. (*Warren v. Atchison, Topeka & Santa Fe Ry. Co.* (1971) 19 Cal.App.3d 24, 40.)

Punitive damages are recoverable where a plaintiff proves "by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice." (Civ. Code, § 3294.) "Malice" means conduct which is intended by the defendant to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of rights or safety of others. (*Ibid.*)

Here there are no factual allegations of intentional or despicable conduct on the part of Defendant. Accordingly, the motion to strike punitive damages is **GRANTED, with 15 (fifteen) days leave to amend.**

The clerk shall provide notice of this ruling to the parties forthwith. Defendant to submit a formal Order complying with Rule 3.1312 in conformity with this Ruling.