

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

Law and Motion Calendar  
Judge: HONORABLE V. RAYMOND SWOPE  
Department 23  
400 County Center, Redwood City  
Courtroom 8A

Monday, November 22, 2021

IF YOU **INTEND TO APPEAR** ON ANY CASE ON THIS CALENDAR YOU MUST DO ONE OF THE FOLLOWING:

1. EMAIL [Dept23@Sanmateocourt.org](mailto:Dept23@Sanmateocourt.org) BEFORE 4:00 P.M. CONTEMPORANEOUSLY COPIED TO ALL PARTIES OR THEIR COUNSEL OF RECORD. IF BY EMAIL, IT MUST INCLUDE THE NAME OF THE CASE, THE CASE NUMBER, AND THE NAME OF THE PARTY CONTESTING THE TENTATIVE RULING
2. YOU MUST CALL (650) 261-5123 BEFORE 4:00 P.M. AND FOLLOW THE INSTRUCTIONS ON THE MESSAGE.
3. You must give notice before 4:00 P.M. to all parties of your intent to appear pursuant to California Rules of Court 3.1308 (a) (1) .

Failure to do both items 1 or 2 and 3 will result in no oral presentation.

**At this time, all appearances will be by Zoom. No personal appearances will be allowed.**

**Zoom Video/Computer Audio Information:**

<https://sanmateocourt.zoomgov.com/>

Meeting ID: 161 435 0369

Password: 188130

**Zoom Phone-Only Information Please note: You must join by dialing in from a telephone; credentials will not work from a tablet or PC**

Dial in: +1 (669)-254-5252

***(Meeting ID and passwords are the same as above)***

**TO ASSIST THE COURT REPORTER, the parties are ORDERED** to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) use a dedicated land line if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any case cites; and (8) spell all names, even common names.

Case

Title / Nature of Case

2:00

LINE:1

19-CIV-01044 SUNRISE HOMES ASSOCIATION VS. DENNIS B. PROUT, ET AL.

SUNRISE HOMES ASSOCIATION  
DENNIS B. PROUT

MARA C. KAO

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APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT FOR VIOLATION OF A COURT ORDER BY PLAINTIFF SUNRISE HOME ASSOCIATION

**TENTATIVE RULING:**

The Petition for Order to Show Cause re: Contempt, filed by Judgment Creditor Sunrise Homes Association is DENIED as to Defendant Dennis Prout and GRANTED as to Defendant Karen Selikson.

Sunrise Homes Association has not shown that it served Dennis Prout with the Default Judgment, Notice of Entry of Judgment, or a copy of the present Petition for an Order to Show Cause. The Petition is denied as to Dennis Prout.

Sunrise Homes Association served Karen Selikson with Notice of Entry of Default Judgment, which included a copy of the Judgment. (Proof of Service of Notice of Entry of Default Judgment, filed June 22, 2021.) Sunrise Homes also served Selikson with Notice of this hearing, the Petition, and supporting papers. (Proof of Service of Petition for OSC, filed Sept. 7, 2021.) The supporting Declarations of Christopher Lewis and Joseph Wucher set forth the facts that are sufficient to support issuance of an Order to Show Cause re: Contempt. The Petition is granted as to Karen Selikson.

The Court sets the Contempt hearing for January 5, 2022 at 9:00 a.m. The Court will sign and enter the form of order Judgment Creditor Sunrise Homes lodged with the present Petition.

Sunrise Homes shall serve a copy of this ruling in addition to a copy of the signed order.

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2:00

LINE:2

19-CLJ-00108 AMERICAN EXPRESS NTL. BK. VS. SAVANNAH A WILSON ET AL.

AMERICAN EXPRESS NATIONAL BANK  
SAVANNAH A. WILSON

CHRISTINA L RYMSZA  
PRO SE

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MOTION FOR JUDGMENT ON THE PLEADINGS BY PLAINTIFF AMERICAN EXPRESS  
NATIONAL BANK

**TENTATIVE RULING:**

The moving party failed to file a declaration, as required by CCP §439(a)(3), showing that the parties met and conferred, in person or by telephone, for the purpose of determining whether an agreement could be reached to resolve the objections to be raised in the motion. Consequently, the hearing on the motion is continued to March 14, 2022 at 2:00 P.M in Department 23 so that the parties may meet and confer. The moving party is required to file, no later than 7 days prior to the new hearing date, a code-compliant declaration stating either (1) the parties have met and conferred in person or by telephone and (a) the parties did not reach an agreement resolving the claims raised in the motion or (2) the party who filed the pleading subject to motion failed to respond to the meet and confer request or otherwise failed to meet and confer in good faith. If the moving party fails to file and serve the declaration demonstrating compliance with the requirements of CCP §439, the motion will be stricken as procedurally improper.

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2:00

LINE:3

19-CLJ-04622 BARCLAYS BANK DELAWARE VS. TROY P. RAY, ET AL.

BARCLAYS BANK DELAWARE  
TROY P. RAY

ROBERT S. KENNARD  
ADRIEANNETTE CICCONE

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MOTION TO BE RELIEVED AS COUNSEL BY ADRIEANNETTE CICCONE

**TENTATIVE RULING:**

The motion to withdraw as counsel of record for defendant Troy Ray is GRANTED. However, the court's order shall not become effective until proof of service of a copy of the signed order on the client has been filed with the court. CRC 3.1362(e).

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2:00

LINE:4

20-CIV-00627 CYNTHIA SMITH VS. U.S. BANK TRUST N.A., ET AL.

CYNTHIA SMITH  
U.S. BANK, N.A.

RONALD H. FRESHMAN  
SHANNON C. WILLIAMS

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MOTION TO COMPEL PLAINTIFF TO RESPOND AND PRODUCE DOCUMENTS REQUESTED  
BY DEFENDANTS AND REQUEST FOR MONETARY SANCTIONS BY DEFENDANTS SN  
SERVICING CORPORATION AND U.S. BANK TRUST NATIONAL ASSOCIATION, AS  
TRUSTEE OF THE LODGE SERIES III TRUST

**TENTATIVE RULING:**

MOOT. Case dismissed.

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2:00

LINE:5

20-CIV-00627 CYNTHIA SMITH VS. U.S. BANK TRUST N.A., ET AL.

CYNTHIA SMITH  
U.S. BANK, N.A.

RONALD H. FRESHMAN  
SHANNON C. WILLIAMS

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MOTION TO COMPEL PLAINTIFF TO RESPOND TO FORM INTERROGATORIES SERVED BY DEFENDANTS AND REQUEST FOR MONETARY SANCTIONS BY DEFENDANTS SN SERVICING CORPORATION AND U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF THE LODGE SERIES III TRUST

**TENTATIVE RULING:**

MOOT. Case Dismissed.

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2:00

LINE:6

20-CIV-00627 CYNTHIA SMITH VS. U.S. BANK TRUST N.A., ET AL.

CYNTHIA SMITH  
U.S. BANK, N.A.

RONALD H. FRESHMAN  
SHANNON C. WILLIAMS

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MOTION FOR ORDER ESTABLISHING ADMISSION OF PLAINTIFF AND REQUESTING  
FOR MONETARY SANCTIONS BY DEFENDANTS SN SERVICING CORPORATION AND U.S.  
BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF THE LODGE SERIES III  
TRUST

**TENTATIVE RULING:**

MOOT. Case dismissed.

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2:00

LINE:7

20-CIV-01699 SETON PACIFIC CONST. VS. SUFFOLK CONST. CO. INC.,ET AL.

SETON PACIFIC CONSTRUCTION  
SUFFOLK CONSTRUCTION COMPANY INC.

SIMON A. MAZZOLA  
JOHN D. HANOVER

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MOTION TO RELEASE MECHANIC'S LIEN (LAMBERT MOTION) BY DEFENDANTS ESSEX  
PROPERTY TRUST, INC. AND ESSEX PORTFOLIO, L.P.

**TENTATIVE RULING:**

On the Court's own motion, this matter is continued to February 7,  
2022.

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2:00

LINE:8

20-CIV-02792 COMOLLI ANNE VS. ARATA PUMPKIN FARM, ET AL.

COMOLLI ANNE  
ARATA PUMPKIN FARM, A CALIFORNIA BUSINESS  
ENTITY

TIMOTHY J. GONZALES  
W. STUART HOME

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PETITION FOR COMPROMISE OF MINOR(S) CLAIM BY PLAINTIFF CONNOR COMOLLI  
**TENTATIVE RULING:**

APPEAR.

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2:00

LINE:9

20-CIV-04493 KEVIN L. KEITHLEY, ET AL. VS. JAMES M. HEAVY, ET AL.

KEVIN L. KEITHLEY  
JAMES M. HEAVY

ISMAEL D. PEREZ  
BILLY LANCE BURROW

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MOTION FOR RELIEF FROM DEFAULT PURSUANT TO CCP SECTION 473(b) BY  
DEFENDANTS/CROSS-DEFENDANTS JAMES M. HEAVEY AND BRITTANY RUSSELL  
**TENTATIVE RULING:**

Defendant's Motion for Relief from Default is GRANTED pursuant to Cal.  
Code of Civ. Proc. §425.11(c). It is undisputed that a statement of  
damages for was not served on Defendant Russell before the default was  
taken as required by section 425.11(c).

If the tentative ruling is uncontested, it shall become the order of  
the Court. Thereafter, counsel for Defendants shall prepare a written  
order consistent with the Court's ruling for the Court's signature,  
pursuant to California Rules of Court, Rule 3.1312, and provide  
written notice of the ruling to all parties who have appeared in the  
action, as required by law and the California Rules of Court.

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2:00

LINE:10

20-CIV-04493 KEVIN L. KEITHLEY, ET AL. VS. JAMES M. HEAVY, ET AL.

KEVIN L. KEITHLEY

JAMES M. HEAVY

ISMAEL D. PEREZ

BILLY LANCE BURROW

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MOTION TO SET ASIDE DEFAULT AND STAY DEFAULT PROVE-UP HEARING BY  
DEFENDANT DOGZ101,LLC

**TENTATIVE RULING:**

Defendant's Objections to the Heavey Decl. are SUSTAINED.

Defendant's Motion to Set Aside Default is GRANTED pursuant to Cal. Code of Civ. Proc. §425.11(c). It is undisputed that a statement of damages for was not served on Defendant DOGZ101, LLC before the default was taken as required by section 425.11(c).

The Default Prove-Up hearing scheduled for January 24, 2022 is ordered OFF CALENDAR.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

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2:00

LINE:11

21-CIV-00632 FRANK SHEE VS. ALBERTO BOLANOS, MD, ET AL.

FRANK SHEE  
ALBERTO BOLANOS

PRO SE  
JAMES J. ZENERE

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MOTION TO STRIKE PORTIONS OF PLAINTIFF'S COMPLAINT FOR DAMAGES BY  
DEFENDANT SUTTER BAY HOSPITALS DBA MILLS PENINSULA HEALTH SERVICES  
**TENTATIVE RULING:**

At the moving party's request, the hearing on Defendant Sutter Bay  
Hospitals dba Mills Peninsula Health Services' Motion to Strike, filed  
8-19-21, is taken OFF CALENDAR.

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2:00

LINE:12

21-UDL-00288 ANTHONY W. SUKIMOTO VS. ROXANA SOLIS, ET AL.

ANTHONY W. SUKIMOTO  
ROXANA SOLIS

MARC D. BENDER  
PRO SE

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DEMURRER TO PLAINTIFF'S UNLAWFUL DETAINER COMPLAINT BY DEFENDANT  
ROXANA SOLIS

**TENTATIVE RULING:**

The Demurrer of Defendant Roxana Solis ("Defendant") to the Complaint of Plaintiff Anthony W. Sukimoto ("Plaintiff") is DROPPED as MOOT. Defendant brings this Demurrer to the Complaint, but the operative pleading is the First Amended Complaint.

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POSTED: 3:00 PM

