

Tentative Rulings for April 6, 2023

Department 501

**Unless otherwise ordered, all oral argument in Department 501
will be presented in person or telephonically (not through Zoom).**

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).)

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

22CECG03148 *Fresno Community Hospital and Medical Center v. Sante Health Foundation* is continued to Wednesday, April 12, 2023 at 3:30 p.m. in Department 501

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Tentative Rulings for Department 501

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Tentative Ruling

Re: **Del Rosario Perez Figueroa v. Morrone**
Superior Court Case No. 23CECG00189

Hearing Date: April 06, 2023 (Dept. 501)

Motion: Application of Isaac Castaneda to Appear *Pro Hac Vice* on
Behalf of Plaintiff Maria Del Rosario Perez Figueroa

Tentative Ruling:

To continue the matter to Thursday, April 20, 2023, at 3:30 p.m., in Department 501, to allow the applicant to file a corrected proof of service. (Code Civ. Proc., § 1013a, subd. (1).) All paperwork must be filed by Friday, April 14, 2023.

Explanation:

“A person desiring to appear as counsel *pro hac vice* in a superior court must file with the court a verified application together with proof of service by mail in accordance with Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application on all parties who have appeared in the cause and on the State Bar of California at its San Francisco office.” (Cal. Rules of Court, rule 9.40, subd. (c)(1).)

According to Code of Civil Procedure, section 1013a, subdivision (1), proof of service by mail may be made by “[a]n affidavit setting forth the exact title of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he or she is a resident of or employed in the county where the mailing occurs, that he or she is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.” (Code Civ. Proc., § 1013a, subd. (1).)

Here, the proof of service accompanying the application fails to show the residence or business address of the person making the service, that he or she is a resident of or employed in the county where the mailing occurs, that he or she is over the age of 18 years and not a party to the cause, and the place of deposit in the mail. Thus, the proof of service is defective and the application cannot be granted at this time. The court will consider granting the application if a corrected proof of service is filed.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

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