TENTATIVE RULINGS

DEPARTMENT C20
Judge Erick Larsh

Law and Motion Calendar

Court Reporters: Official court reporters (i.e., court reporters employed by the Court) are **NOT** typically provided for law and motion matters in this department. If a party desires a record of a law and motion proceeding, it will be the party's responsibility to provide a court reporter. Parties must comply with the Court's policy on the use of privately retained court reporters which can be found at:

- Civil Court Reporter Pooling; and
- For additional information, please see the court's website at Court Reporter Interpreter Services for additional information regarding the availability of court reporters.

Tentative rulings: The court endeavors to post tentative rulings on the court's website in the morning, prior to the afternoon hearing. However, ongoing proceedings such as jury trials may prevent posting by that time. Tentative rulings may not be posted in every case. Please do not call the department for tentative rulings if tentative rulings have not been posted. The court will not entertain a request to continue a hearing or the filing of further documents once a tentative ruling has been posted.

Submitting on tentative rulings: If all counsel intend to submit on the tentative ruling and do not desire oral argument, please advise the Courtroom Clerk or Courtroom Attendant by calling (657) 622-5220. Please do not call the department unless all parties submit on the tentative ruling. If all sides submit on the tentative ruling and so advise the court, the tentative ruling shall become the court's final ruling and the prevailing party shall give notice of the ruling and prepare an order for the court's signature if appropriate under Cal. R. Ct. 3.1312.

Non-appearances: If nobody appears for the hearing and the court has not been notified that all parties submit on the tentative ruling, the court shall determine whether the matter is taken off calendar or the tentative ruling becomes the final ruling. The Court also might make a different order at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

APPEARANCES: Department C20 conducts non-evidentiary proceedings, such as law and motion, remotely, by Zoom videoconference pursuant to CCP §367.75 and Orange County Local Rule (OCLR) 375. All counsel and self-represented parties appearing for such hearings must check-in online through the Court's civil video appearance website at https://www.occourts.org/media-relations/civil.html prior to the commencement of their hearing. Once the online check-in is completed, participants will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room pending the start of their specific video hearing. Check-in instructions and instructional video are available at https://www.occourts.org/media-relations/aci.html. The Court's "Appearance Procedures and Information--Civil Unlimited and Complex" ("Appearance Procedures") and "Guidelines for Remote Appearances" ("Guidelines") also available at

https://www.occourts.org/media-relations/aci.html will be strictly enforced. Parties preferring to appear in-person for law and motion hearings may do so pursuant to CCP §367.75 and OCLR 375.

PUBLIC ACCESS: The courtroom remains open for all evidentiary and non-evidentiary proceedings.

No filming, broadcasting, photography, or electronic recording is permitted of the video session pursuant to California Rules of Court, rule 1.150 and Orange County Superior Court rule 180.

TENTATIVE RULINGS

Date: May 16, 2024, 1:30 p.m.

#	Case Name	Tentative Ruling
1	**Sanchez v. Cellco Partnership** **2023-01326348**	Defendant Cellco Partnership dba Verizon Wireless Services, LLC's demurrer to the 1st and 2nd causes of action of the First Amended Complaint of Kimberly Sanchez is **overruled**. Plaintiff has alleged sufficient facts showing she suffered an adverse employment action. Defendant's motion to strike is **granted in its entirety**. Plaintiff hasn't alleged specific facts showing the required fraud, oppression or malice to support the punitive damages allegations and prayer. Plaintiff is granted ten days leave to amend. Moving Party to give notice.
2	**Macias v. Hoag Memorial Hospital Presbyterian** **2023-01317824**	**Demurrer** Defendant's demurrer to the First Amended Complaint is **SUSTAINED IN PART**. Plaintiff shall have 20 days to file and serve a Second Amended Complaint. Demurrer for Uncertainty Defendant states in the demurrer that Defendant demurs to all three causes of action for uncertainty. Defendant does not explain how any of the causes of action are uncertain in the supporting memorandum. The FAC is not "so incomprehensible that a defendant cannot reasonably respond." (Lickiss v. Financial Industry Regulatory Authority (2012) 208 Cal.App.4th 1125, 1135.) Any "ambiguities can be clarified under modern discovery procedures." (Ibid.) Accordingly, the demurrer on the ground of uncertainty is **OVERRULED**.

COA 1 – Wrongful Termination in Violation of Public Policy.

To state a cause of action for wrongful termination in violation of public policy, a plaintiff must allege (1) an employment relationship with the defendant; (2) termination of the employment relationship by the defendant; (3) the termination was substantially motivated by a violation of a public policy; (4) the discharge caused harm to the plaintiff.

Defendant argues that ¶16 of the Original Complaint admits that Defendant's reasons for terminating Plaintiff were related to Plaintiff's misconduct, rather than a retaliatory motive.

This argument is not well taken. Complaint ¶17 unequivocally states that Defendant's purported basis for terminating him was false. Complaint ¶ 18 unequivocally alleges that the reason they used this false statement as a basis for his termination was as a pretext to obscure retaliatory motive.

Accordingly, the demurrer to this cause of action is **OVERRULED**.

COA 3 – Wrongful Termination in Violation of Labor Code §1102.5

Defendant argues that the third and fourth causes of action are subject to demurrer because they are "derivative" of the first cause of action. In support of this argument, Defendant cites to authority that addresses the handling of duplicative damages awards arising from the same alleged conduct under differing theories of liability in the context of a judgment.

In the context of pleadings, it is well settled that a plaintiff may plead different, and sometimes even inconsistent, theories of liability based upon the same set of ultimate facts. (See 4 Witkin, Cal. Proc. 6th Plead § 416 (2024) ["[W]hen for any reason the pleader thinks it desirable so to do, as where the exact nature of the facts is in doubt, or where the exact legal nature of plaintiff's right and defendant's liability depend on facts not well known to the plaintiff, his pleading may set forth the same cause of action in varied and inconsistent counts with strict legal propriety."].) Thus, no demurrer lies to the third and fourth causes of action on the ground that they are derivative from or duplicative of another cause of action alleged in the FAC.

To state a cause of action for retaliation in violation of Labor Code §1102.5, the plaintiff must establish: "(1) the plaintiff engaged in protected activity, (2) the defendant subjected the plaintiff to an adverse employment action, and (3) there is a causal link between the two." (Ross v. County of Riverside (2019) 36 Cal.App.5th 580, 592.)

Here, Defendant's demurrer is based on the contention that the FAC does not allege that Plaintiff engaged in protected activity covered by Labor Code §1102.5. Specifically, Defendant argues that Plaintiff fails to allege that he reported a reasonably based suspicion of conduct that violates a state or federal statute or regulation. Rather, the FAC only involves allegations that Plaintiff had reported breaches of internal policies regarding monitoring of patients.

Plaintiff responds in opposition that he reported violations of Welfare and Institutions Code §5150. However, the FAC does not make any such allegation and Plaintiff does not

		identify any particular provision of a statute or regulation that covered the requirements for monitoring patients on a §5150 hold. The FAC does not adequately allege facts that indicate Plaintiff had engaged in protected activity. The FAC does not allege reporting of information Plaintiff had "reasonable cause to believe … discloses a violation of state or federal statute, or a violation of noncompliance with a local, state, or federal rule or regulation" as required by Labor Code §1102.5, subd. (b). Accordingly, the demurrer to this cause of action is **SUSTAINED** with leave to amend. Plaintiff shall have 20 days to file and serve a Second Amended Complaint that specifically identifies the statutes, rules or regulations Plaintiff alleges were implicated by the reports identified in FAC ¶9. COA 4 – Wrongful Termination in Violation of Health and Safety Code §1278.5 "[T]o establish a prima facia case under section 1278.5, a plaintiff must show that he or she (1) presented a grievance, complaint, or report to the hospital or medical staff (2) regarding the quality of patient care and (3) the hospital retaliated against him or her for doing so." (Alborzi v. University of Southern California (2020) 55 Cal.App.5th 155, 179.) The FAC sufficiently alleges facts that establishes each of these elements. Namely, Plaintiff alleges that he presented a complaint to Defendant (FAC ¶9). Plaintiff alleges that the complaints concerned the quality of patient care. (FAC ¶9(a).) Plaintiff alleges that less than a month after making these reports, Defendant retaliated against him by initiating disciplinary proceedings and eventually terminating him from employment based upon a false accusation of misconduct. (FAC ¶¶ 10-15.) Defendant argues that Health and Safety Code §1278.5 does not protect plaintiff because he is not a "patient[], nurse[], member[] of the medical staff, [or] other health care worker[]" that is mentioned in subd. (a). Defendant provides no authority for the position that a security guard does not fall within the category of other health care worker. Furthermore, Defendant fails to appreciate the plain language of §1278.5, subd. (b)(1) which extends protection to any employee in addition to health care workers. Accordingly, the demurrer to this cause of action is **OVERRULED**. Motion to Strike Defendant's Motion to Strike Portions of the First Amended Complaint is **DENIED** as moot in light of the ruling on the demurrer. Defendant shall provide notice of this ruling.
3	**Peyman Heidary v. County of Riverside, et al.**	1. Motion for Entry of Judgment against William Todd Loveless Plaintiff Peyman Heidary's (plaintiff) motion for entry of judgment against defendant William Todd Loveless (Loveless) pursuant to Code Civ. Proc., § 585, subd. (d), is **DENIED**.

	2022-01294129	Loveless is not in default. It appears that because the cover page of Loveless's demurrer to the operative first amended complaint (FAC) did not identify him by his full name (the FAC identifies him as William Todd Loveless, and the cover page of the demurrer identifies him as Todd Loveless), the court clerk entered plaintiff's request for entry of default against Loveless on 8/23/23, even though Loveless had already filed a demurrer to FAC on 8/21/23. (See ROA No. 244 [demurrer to FAC].) There is no question that "William Todd Loveless" and "Todd Loveless" are one and the same; this is evident from even the demurrer itself. (See, e.g., ROA No. 244 [Dem. P&As at p. 3]; Smith Decl. ¶¶ 4, 6, 7.) Loveless's default was thus entered in error and void. (See Pinkerton's, Inc. v. Superior Court (1996) 49 Cal.App.4th 1342, 1347, 1349 (Pinkerton's).) Further, Loveless has already obtained a judgment in his favor against plaintiff. Loveless's demurrer to FAC was sustained without leave to amend on 2/15/24, and a judgment of dismissal was entered accordingly on 3/21/24. (Smith Decl. ¶ 7, Ex. A; ROA No. 761.) 2. Motion for Entry of Judgment against Employers Compensation Insurance Company (Doe 12) Plaintiff's motion for entry of judgment against defendant Employers Compensation Insurance Company (Employers) pursuant to Code Civ. Proc., § 585, subd. (d), is **DENIED**. Employers is not in default. On 4/18/24, Employers successfully set aside its default (ROA No. 774), and has since filed a demurrer to FAC, which currently remains pending. (ROA No. 790.) Loveless shall give notice of all of the above.
4	**Pre-Banc Business Credit, Inc. v. First Fire Systems, Inc.** **2021-01189984**	Defendant First Fire Systems, Inc.'s Motion to Compel Defendant's Further Responses to Requests for Production of Documents, Set One is **GRANTED**. Plaintiff Pre-Banc Business Credit, Inc. shall serve complete, code compliant, verified responses to Defendant's Request for Production, Set One, Request Nos. 1, 6, 11, 12, 16, and 24, without objection, within 10 days of this Order, and shall produce all responsive documents identified in the responses within 10 days of this Order, and to the extent any responsive documents are withheld on the basis of attorney-client privilege, work product protection, and/or trade secret protection, Plaintiff shall serve a privilege log that identifies the documents withheld and the information necessary to enable the claim of privilege/protection to be evaluated by Defendant. Plaintiff and Plaintiff's counsel shall pay monetary sanctions in the amount of $3,160 to Defendant within 30 days of this Order. Defendant's Motion and supporting documents have adequately established Defendant's efforts to meet and confer prior to bringing the Motion. (See ROA No. 238 – Mamikonyan decl. at ¶¶ 6-17.) Defendant establishes good cause for further discovery by asserting that the documents sought in the motion are necessary to allow Defendant to oppose Plaintiff's Motion for

		Summary Judgment (ROA No. 238 – Mamikonyan Decl. at ¶17.) The documents sought are relevant to Plaintiff's claims and damages. Upon a showing of good cause, the responding party bears the burden to substantiate the objections made to the requests for production. (Kirkland v. Superior Court (2002) 95 Cal.App.4th 92, 98.) Here, Plaintiff has not substantiated any of the objections raised to the Requests at issue in this Motion: Relevance (RFP Nos. 1, 6, 11, 12, 16, 24) : The Discovery Act provides that "any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010; Los Angeles Unified School Dist. v. Trustees of the Southern California IBEW-NECA Pension Plan (2010) 187 Cal.App.4th 621, 627-628.) "Thus, for discovery purposes, information is relevant to the 'subject matter' of an action if the information might reasonably assist a party in evaluating a case, preparing for trial, or facilitating settlement." (Jessen v. Hartford Cas. Ins. Co. (2003) 111 Cal.App.4th 698, 711-712). Plaintiff's relevance objection is not substantiated and does not warrant withholding production. Unduly Burdensome (RFP Nos. 1, 16, 24): Plaintiff fails to substantiate this objection. An objection based upon undue burden must show the amount of work required to respond. (Williams v. Superior Court (2017) 3 Cal.5th 531, 549-550.) Plaintiff fails to make such a showing. Accordingly, this objection lacks merit. Overly Broad (RFP Nos. 1, 6, 11, 12, 16, 24): This objection is not substantiated. No showing has been made that the breadth or scope of this Request constitutes an undue burden. To the extent this objection is meant to imply that the breadth or scope of this Requests exceeds the scope of discovery, the objection is overruled on the same grounds as Plaintiff's relevance objections. Confidential Information and Trade Secrets (RFP No. 1): Plaintiff fails to substantiate this objection. Plaintiff must identify with particularity the documents it claims are protected from discovery based upon their status as trade secret. Furthermore, any concerns regarding trade secret protection can be addressed with a protective order. Unintelligible (RFP No. 16) and Vague (RFP No. 24): Plaintiff fails to substantiate these objections. Plaintiff has failed to show that any ambiguity in these Requests precludes Plaintiff from making an intelligent reply. (Standon Co. v. Superior Court (1990) 225 Cal.App.3d 898, 901.) Moreover, a plain reading of these Requests shows that they are not unclear in what documents they seek. Attorney-Client Privilege/Attorney Work Product (RFP No. 24): Plaintiff fails to comply with Cal. Code Civ. Proc. §2031.240, subd. (c)(1) because Plaintiff does not provide sufficient factual information to assess the merits of the claim. To the extent Plaintiff

		contends this Request calls for documents protected by the attorney-client privilege or attorney work product doctrine, Plaintiff shall provide a privilege log within 10 days. Invalid Statement of Compliance (RFP No. 12): Plaintiff's statement of compliance does not comply with the requirements of Cal. Code Civ. Proc. §2031.220. Defendant's Request for monetary sanctions is **GRANTED (¶3 of this tentative ruling)**. Plaintiff's objections are without substantial justification. Plaintiff's refusal to participate in legitimate discovery is a sanctionable abuse of the discovery process. Defendant has provided adequate evidence of the costs incurred in bringing this Motion. Defendant shall provide notice of this ruling.
5	**Rodriguez v. Cardenas, et al.** **2021-01214563**	Defendant Hyundai Motor Company's motion to compel defendant Gabriel Aguirrecardenas to further respond to request for production of documents, set one, Nos. 17 – 19 and 21 is denied. Defendant Hyundai Motor Company's motion to compel defendant Gabriel Aguirrecardenas to further respond to special interrogatories, set one, nos. 9 – 10, 44, 54 – 59 is denied. Regarding any criminal case that may have been brought against any party based upon this occurrence, or any other occurrence, the court would refer Penal Code §1001.80(i), the Military Diversion statute (in relevant part): "(i) A record filed with the Department of Justice shall indicate the disposition <u>of</u> those cases diverted pursuant to this chapter. Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred. The defendant may indicate in response to a question concerning his or her prior criminal record that he or she was not arrested or diverted for the offense, except as specified in subdivision (j). A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate. <u>Pen. Code, § 1001.80</u> Sanctions are denied. Moving Party to give notice.
6	**Miriam Sanchez v. Ralphs Grocery Company** **2020-01172520**	Plaintiff Miriam Sanchez's motion to tax costs is **GRANTED in part**, as follows. Defendant Alpha Beta Company dba Ralphs's memorandum of costs is taxed by the total amount of $9,051.20, consisting of (1) the $1.20 claimed at item 1a, and (2) $9,050 of the amount sought under item 8b: (1) $1.20 claimed at item 1a. Filing fees are recoverable (Code Civ. Proc., § 1033.5, subd. (a)(1), (14)), but the invoice that defendant cites as substantiating this cost shows

		it incurred only $507.75 to file its answer and demand for jury trial, and not the $508.95 total claimedunder Items 1a-b. (Opp. at p. 6:15-20; McIntosh Decl. at Ex. A, p. 1.) (2) $9,050 of the amount sought under item 8b. Defendant's first Code of Civil Procedure section 998 offers to compromise served on 7/10/23 (hereinafter, the 998 offer) was valid. (See Perez Decl. ¶ 2, Ex. 1 [subject 998 offer]; see also Martinez v. Brownco Construction Co. (2013) 56 Cal.4th 1014, 1017 [holding in mirror image context, that when two 998 offers are made and offeree fails to do better than either offer, expert fees recoverable from time of first offer].) The fact that defendant obtained a more favorable judgment than the 998 offer is prima facie evidence of its reasonableness and plaintiff has failed to meet her burden of demonstrating otherwise. (Smalley v. Subaru of America, Inc. (2022) 87 Cal.App.5th 450, 458 (Smalley).) Plaintiff contends the 998 offer was unreasonable because it offered only $65,000, when her medical specials were over $212,000 and plaintiff had already incurred substantial litigation costs. But this is insufficient to demonstrate the offer was unreasonable, because a 998 offer must be "evaluated not only in comparison to the amount of damages ... sought, but in light of [plaintiff's] likelihood to prevail." (Melendrez v. Ameron Internat. Corp. (2015) 240 Cal.App.4th 632, 649; see Licudine v. Cedars-Sinai Medical Center (2019) 30 Cal.App.5th 918, 921 [court should "evaluate the totality of the facts" in analyzing the good faith of an offer]; see also Smalley, at p. 459 ["Whether an offer is made in good faith is based on whether, at the time it was made, it carried a reasonable prospect of acceptance by the offeree"; court should consider, inter alia, whether " ' "the 998 offer was within the 'range of reasonably possible results' at trial, considering all of the information the offeror knew or reasonably should have known..." ' "].) Plaintiff wholly fails to address the issue of defendant's potential liability and what information she knew/did not know regarding the matter at the time of the 998 offer. (See Perez Decl., in passim.) Just as important as the extent and amount of plaintiff's damages is the extent to which defendant may be responsible for them. By entirely failing to address that potential liability, plaintiff has failed to demonstrate that the 998 offer had no reasonable prospect of acceptance. The 998 offer was therefore effective to trigger the cost provisions of section 998, and recovery of defendant's postoffer expert fees is warranted. (See Code Civ. Proc., § 998, subd. (c)(1); see also Melendrez v. Ameron Internat. Corp., supra, 240 Cal.App.4th at p. 650.) That said, plaintiff has properly placed $9,050 of the expert fees at issue by objecting to this portion of the fees on the ground that they do not appear to have been incurred postoffer. (See Ladas v. California State Auto. Ass'n (1993) 19 Cal.App.4th 761, 774 (Ladas); Nelson v. Anderson (1999) 72 Cal.App.4th 111, 130-131 [burden when cost does not appear facially proper].) Nothing in the memorandum of costs or the costs worksheet attached thereto shows when these fees were incurred. Further, defendant's opposition brief tends to confirm the propriety of the objection by admitting that indeed, its expert performed a substantial amount of work in 2022 or prior to 2023 (see Opp. at p. 4:1-5). This shifts the burden to defendant to demonstrate that this challenged portion of the fees is recoverable. (Ladas, at p. 774.) Defendant has failed to submit any

		evidence showing when these fees were incurred and have therefore failed to meet this burden. (See McIntosh Decl., in passim.) The court finds all of the other costs at issue are recoverable, reasonable in amount, and were reasonably necessary to the litigation. (See Code Civ. Proc., § 1033.5, subds. (a)(1) [filing fees], (a)(3)(B) [interpreter fees at deposition], (a)(12) [court reporter fees per statute], (a)(14) [efiling fees], (c)(2)-(3), (c)(4) [other costs in court's discretion]; Gov. Code, § 68086, subd. (d)(2) [authorizing court rules for appointing court reporters when an official court reporter not available and requiring such rules to ensure "[t]he fees and charges of the certified shorthand reporter shall be recoverable as taxable costs by the prevailing party"]; Cal. Rules of Court, rule 2.956(c)(1) [appointed court reporter fees recoverable as costs]; Super. Ct. Orange County, Local Rules, rule 316(D)-(E), (F)(2)(b), (G)(3)-(5) [requiring personal appearance at MSC or prior court order waiving personal presence]; see also ROA No. 44 [out-of-state carrier representative]; McIntosh Decl. at Ex. A.) Defendant is awarded its remaining costs in the total amount of $15,766.94. Plaintiff shall give notice.
7	**Anthony Aulisio Jr. v. Jason Walker, et al.** **2021-01211159**	1. Motion for Leave to File First Amended Cross-Complaint Cross-complainants Jason Walker and Carolyn R. Stegon's motion for leave to file a first amended cross-complaint is **GRANTED**. Cross-complainants shall separately file the first amended cross-complaint (Mtn. at Ex. 2) within five days. The pleading must be separately filed to ensure that it is correctly indexed in the court's electronic filing system. 2. Motions to Compel Further Responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Requests for Production, Set One Defendants/cross-complainants Jason Walker and Carolyn R. Stegon's (hereinafter, defendants) motions to compel further responses to their first sets of form interrogatories, special interrogatories, and requests for production are MOOT to the extent they seek an order compelling further responses, as plaintiff/cross-defendant Anthony Aulisio, Jr. (Aulisio) has now served verified further responses to the subject discovery requests as of 5/3/24. (See Aulisio Decl. ¶ 11, Exs. 1-3 & ROA No. 87 [proof of service].) Sanctions remain at issue. (Cal. Rules of Court, rule 3.1348(a).) Sanctions in the total amount of $3,129 (i.e., $1,564.50 per motion) are **GRANTED** in favor of defendants, and against Aulisio, payable within 30 days of notice. (See Code Civ. Proc., §§ 2030.300, subd. (d), 2031.310, subd. (h).) Defendants shall give notice of all of the above.

8	**Carl Barney, as Trustee of the Carl Barney Living Trust vs. Pieter** **2018-01006531-**	Plaintiff / cross-defendant Carl Barney as trustee of the Carl Barney Living Trust's motion for preliminary injunction is CONTINUED to 6-27-24, to be heard concurrently with the demurrer set for that date. The instant motion largely turns on the interpretation of two assignments by LePort Educational Institute [LEI] to Barney. (Dreger Decl. in support of motion, Exs. A and B.) The court's understanding is that responding parties do not dispute the validity of either assignment, but do dispute its scope, particularly as to the extent to which Barney is authorized to hire counsel on behalf of LEI and/or direct its defense. To aid its interpretation, the court orders the parties to provide, by May 31, 2024, copies of any corporate minutes authorizing each assignment, beyond the exhibits attached to both the motion and opposition of this motion. The Court also orders the minutes of LEI wherein the board approved hiring an attorney for the Barney v. Pieter litigation at any time. (See *Wolf v. Superior Court* (2004) 114 Cal.App.4th 1343, 1351 [extrinsic evidence aiding contractual interpretation].) The parties may also file declarations as to the circumstances giving rise to the assignments, and/or any nonprivileged discussions leading to execution of the assignments and the retention of counsel for this litigation. If no corporate minutes can be provided for either assignment beyond the current exhibits, the parties shall file declarations explaining why. Said minutes and any declarations are to be filed and served no later than May 31, 2024. No further briefing is permitted. Moving party shall give notice.
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