

TENTATIVE RULINGS

Judge Michael J. Strickroth

DEPT C15

**Department C15 hears Law and Motion matters on Mondays at
1:45 pm**

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 by 10:00 am 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) 622-5215. 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 no one 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 C15 conducts non-evidentiary proceedings, such as law and motion, remotely, by Zoom videoconference. 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. 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 by providing notice of in-person appearance to the court and all other parties five (5) days in advance of the hearing. (see Appearance Procedures, section 3(c)1.)

PUBLIC ACCESS: In those instances where proceedings will be conducted only by remote video and/or audio, access will be provided to interested parties by contacting the courtroom clerk, preferably 24 hours in advance. 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: July 7, 2025

#	Case Name	Tentative
1	Dugo vs. Providence Mission Viejo Hospital, a Corporation 2023-01321803	Demurrer to First Amended Complaint Defendant Saddleback Memorial Medical Center's demurrer to the Plaintiffs' Verified First Amended Complaint is SUSTAINED with 30-days leave to amend. Defendant challenges the fourth cause of action for battery, fifth cause of action for false imprisonment and sixth cause of action for fraud. Plaintiffs concede Defendant's demurrer to the fraud cause of action is meritorious. (Opp. 2:9-10 [ROA No. 151].) Therefore, the demurrer to the fourth cause of action for fraud is SUSTAINED . Plaintiffs also do not submit any argument in opposition to Defendant's demurrer to the fourth cause of action for battery and fifth cause of action for false imprisonment, but request a 30-day leave to file a second amended complaint to add "information, clarifying current information, recategorizing Requests for Injunctive Relief and Attorney's Fees, and using a different cause of action for False Imprisonment" to "satisfy the objections" raised by Defendant to the fourth and fifth causes of action. (Opp. 2:17-19 [ROA No. 151].) Therefore, the demurrer to the fourth and fifth causes of action is SUSTAINED . Saddleback Memorial to give notice. Motion to Strike Portions of the Amended Complaint

Defendant Saddleback Memorial Medical Center’s motion to strike portions of Plaintiffs’ Verified First Amended Complaint is MOOT in part and GRANTED in part with 30-days leave to amend.

Defendant moves to strike the fourth, fifth, sixth, seventh and eighth causes of action.

Based on the Court’s ruling on Defendant’s demurrer, the Motion is MOOT as to the fourth, fifth and sixth causes of action.

As to the seventh and eighth causes of action, Plaintiffs do not oppose striking these causes of action but request 30-days leave to file a second amended complaint. Therefore, the Motion to Strike as to seventh and eighth causes of action is GRANTED.

Moving Defendant to give notice.

Demurrer to Amended Complaint Motion to Strike Portions of the Amended Complaint

On 2/10/2025, Plaintiff made an oral motion to continue Defendants’ pending demurrers and motions to strike. The motion was denied.

On 6/13/2025, Defendant Foreside Management Company filed a notice of continued hearing on its demurrer and motion to strike from 7/7/2025 to 9/15/2025. No order was given by the court permitting this continuance, nor was any such order requested. Nevertheless, because Plaintiff did not file opposition to either the demurrer or motion to strike, the court assumes plaintiff relied on the Notice of Continuance which was erroneously/impermissibly filed. As a result, the court will now continue the hearings on the demurrer (ROA 118) and motion to strike (ROA 119) to 9/15/2025 at 1:45 PM in C15.

Case Management Conference

		<p>Regardless whether the parties submit on the tentative and/or the tentative becomes the order of the court regarding the demurrer and motion above, it appears to the court the matter is not at issue. Accordingly, the case management conference is continued to March 9, 2026, at 8:30 AM in C15.</p> <p>Saddleback Memorial to give notice.</p>
2	Hamidi vs. Sadeghi 2023-01330270	Motion to Compel Production Off calendar per telephonic notice from moving party on 6/25/2025.
3	Blue Atlas, LLC vs. Those Certain Underwriters at Lloyd's 2023-01332937	Motion to Compel Deposition (Oral or Written) Off calendar per telephone notice from moving party on 7/2/2025.
4	Huynh vs. Williams 2024-01436961	Motion For Order to Enter Dismissal with Prejudice Defendant Gerard Richard Williams III's Motion for an Order Dismissing the Case with Prejudice is DENIED. <p>On December 2, 2024, Plaintiff's prior counsel filed with this Court a signed and executed Form CIV-110 which made a request to dismiss this action with prejudice. On December 16, 2024, the Court entered a Notice of Rejection of Electronic Filing indicating the clerk had rejected the Request for Dismissal at the request of Plaintiff's counsel.</p> <p>Defendant contends under <i>Code of Civil Procedure</i> § 581, the action is dismissed as a matter of law as of the date the court receives a plaintiff's</p>

request for voluntary dismissal. *Assoc. Convalescent Enters. v. Carl Marks & Co., Inc.* (1973) 33 Cal.App.3d 116, 120 (holding that this type of dismissal “is accomplished by filing with the clerk” and “is effective immediately”). Defendant also argues “the clerk must file an order that recognizes that the action has been dismissed.” (Motion, p. 5:13-16.)

Plaintiff opposes the motion on the grounds he never authorized his counsel to dismiss the case with prejudice.

Although Defendant contends the clerk must file the dismissal, the Court does not find the cases cited by Defendant as convincing that the clerk must enter the dismissal even if the party filing the dismissal requests it to be withdrawn due to error.

The dismissal was never entered. The Court finds no obligation that it must enter the dismissal over the objection of Plaintiff. There is no agreement between the parties which was breached or any other situation that would compel entry of dismissal.

The dismissal was submitted due to a miscommunication between Plaintiff and his attorney, and his intent was not to dismiss the case. The Request for Dismissal was properly withdrawn by the Court at the request of Plaintiff’s counsel.

Moreover, even if the dismissal had been entered, Plaintiff could file a *Code of Civil Procedure* 473 motion to set aside the dismissal due to mistake, inadvertence, surprise, or excusable neglect.” “California courts have long held that even after a voluntary dismissal with prejudice has been filed, the trial court has jurisdiction to vacate the judgment of dismissal under Code of Civil Procedure section 473 where it has been entered as a result of the plaintiff’s mistake, inadvertence, surprise, or excusable neglect.” *Zamora v. Clayborn Contracting Group, Inc.* (2002) 28 Cal.4th 249, 254-255.

Accordingly, the motion is DENIED.

Plaintiff to give notice.

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