

If you wish to appear for oral argument, you must so notify the Court and all other parties by 4:00 p.m. one court day before the hearing, pursuant to California Rules of Court, rule 3.1308. The phone number for Department 2 is (209) 533-6555. The tentative ruling will become the ruling of the Court if the Court has not directed oral argument by its tentative ruling and notice of intent to appear has not been given.

1. **CV59658** **Jane Doe, et al. v. Big Oak Flat-Groveland Unified School District, et al.**

Motion #1: Motion for Judgment on the Pleadings
Moving party: Defendant Big Oak Flat-Groveland Unified School District
Motion filed: September 8, 2020

Tentative ruling: No tentative ruling is available. Appearance is required.

Motion #2: Motion to Compel (1) Plaintiff Mary Smith to Sign an Authorization for Release of Records; (2) DHCS and Plaintiff's Providers to Release Plaintiff's Records, or (3) an Order Excluding Plaintiff from Claiming Mental Distress Damages
Moving party: Defendant Big Oak Flat-Groveland Unified School District
Motion filed: September 25 and 28, 2020

Tentative ruling: Reportedly due to various errors on the part of a service the District hired to file its moving papers, the moving papers were not filed on September 8, 2020, when the District intended, and instead were filed on September 25, 2020 (memorandum of points and authorities) and September 28, 2020 (notice of motion, motion, and supporting declaration). These filing dates do not comply with Code of Civil Procedure section 1005, subdivision (b) for an October 6, 2020, hearing date. Despite these filing errors, the proof of service filed on September 28, 2020, reflects service of the moving papers on September 8, 2020. Plaintiffs' opposition was timely filed on September 23, 2020, and the District's reply was timely filed on September 29, 2020.

Notwithstanding the full briefing, the Court has not considered the substance of the papers because the District did not request an informal discovery conference pursuant to local rule 2.04.1 to address the subjects of the motion prior to reserving the hearing date and attempting to file the motion. It was not until September 23, 2020, that the District requested an informal discovery conference on the subjects raised by the instant motion. By order dated October 1, 2020, the Court set the informal discovery conference for October 13, 2020, at 1:30 p.m. Accordingly, the instant hearing is CONTINUED to the same date and time as the informal discovery conference, at which

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time the Court expects that either the motion will be withdrawn due to resolution of the discovery dispute or the Court will set the motion for a hearing on the merits.

Comments

Along these same lines, on October 1, 2020, the Court became aware that, on September 29, 2020, Plaintiffs filed three separate motions to compel further discovery responses. The motions were filed with “TBD” as the hearing date in the captions. The Court does not recall having allowed these motions to be filed either without or following informal discovery conferences, and the Court could not locate in the motions the proof of compliance with local rule 2.04.1 that is required by subdivision (h) thereof. When the parties otherwise appear on October 6, 2020, Plaintiffs’ counsel shall be prepared to address whether Plaintiffs complied with the Court’s procedures for informal discovery conferences prior to filing these three motions.