Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed

1 CV66368 Andrew Campana vs. Granite Construction, Inc. et al 08/20/2024

Andrew Campana	Attorney: Tomas Ross
Granite Construction, Inc.	Attorney: Ross Lampe
Granite Construction, Inc.	Attorney: Justin Muro
Granite Construction Supply	Attorney: Ross Lampe
Granite Construction Supply	Attorney: Justin Muro
Tyler Ryan Creason	Attorney: Annalisa Zulueta
Tyler Ryan Creason	Attorney: Mizeille Avina

Settlement Conference

SETTING ZOOM
Motion Hearing - Summary Judgment

08/20/2024 Complaint

File Tracking
08/11/2025 High Density

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This is a personal injury action arising out of an automobile accident occurring on 08/31/2022. Before the Court this day is an MSA filed on behalf of the defendant-driver's employer (Granite Construction), asserting an absence of triable issues of fact favorable to plaintiff on his theories of respondeat superior or negligent entrustment. Since the operative pleading also includes other theories of liability (ownership, direct liability, and negligent maintenance), referring to the motion as an alternate "MSJ" is technically inaccurate. Plaintiff also has an apparently *unopposed* request to continue the motion to permit additional discovery. It does not appear that "more discovery" is an option without vacating the trial date and re-opening discovery altogether.

The motion is fully briefed, simply awaiting the parties' CRC 2.816 stipulation. In the interim, some observations are warranted.

First, the negligent entrustment theory likely fails because plaintiff must show that Tyler was incapable of driving with due care when this particular entrustment (which plaintiff claims to be a special errand) occurred, to wit: 5pm on 08/31/2022. See, *e.g.*, *Diaz v. Carcamo* (2011) 51 Cal.4th 1148, 1157; *McKenna v. Beesley* (2021) 67 Cal.App.5th 552, 569; *Jeld-Wen, Inc. v. Superior Court* (2005) 131 Cal.App.4th 853, 863-864; *Lindstrom v. Hertz Corp.* (2000) 81 Cal.App.4th 644, 648; *White v. Inbound Aviation* (1999) 69 Cal.App.4th 910, 927-930. The only evidence of Tyler's unfitness is a DUI from 8 years prior, which would not be enough (and likely not even come into evidence under §352).

As for vicarious liability, defendant's contention that Tyler's use of the company truck was impliedly limited to "work stuff" is belied by defendant's own submission regarding Tyler's regular use of the company truck to get to the gym after work. Since Tyler paid for that membership himself, going to the gym was not a condition of employment. See MPA 4:4-5. A jury could certainly find that Tyler had actual permission to use the truck as if it were his own since he was basically "stuck" here, without his own vehicle, for 74% of the average week. Defendant could have prohibited Tyler's use and required him to use an Uber or rental car, but perhaps a rolling after-hours billboard for Granite was an acceptable risk. The real question, which neither side addresses, is did Granite know that Tyler was using the truck for "personal stuff" on a regular basis after work hours? Could that make Tyler's regular use of the truck after-hours foreseeable, beneficial, broadly incidental and/or "inherent in the working environment" for purposes of vicarious liability? See *Lisa M. v. Henry Mayo Newhall Memorial Hospital* (1995) 12 Cal.4th 291, 298–299; *Musgrove v. Silver* (2022) 82 Cal.App.5th 694, 712-716; *Moreno v. Visser Ranch, Inc.* (2018) 30 Cal.App.5th 568, 580-584; *Pierson v. Helmerich & Payne Internat. Drilling Co.* (2016) 4 Cal.App.5th 608, 618 – 635; *Halliburton Energy Services, Inc. v. Department of Transportation* (2013) 220 Cal.App.4th 87, 95–96; *Purton v. Marriott International, Inc.* (2013) 218 Cal.App.4th 499, 504; *Jeewarat v. Warner Bros. Entertainment Inc.* (2009) 177 Cal.App.4th 427, 431; *Harris v. Trojan Fireworks Co.* (1981) 120 Cal.App.3d 157, 159, 163–164. Plaintiff correctly identifies in the ex parte application some of the factors a diligent attorney would seek to uncover – but why did it take over a year? Either way, it seems to this Court that the existence of triable issues is inescapable.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed
2 CV66070	Stefan Karl Cathrein vs. Cheryl R Johnson-Gonzales		04/05/2024

Stefan Karl Cathrein Attorney: Stacy Tyler

Cheryl R Johnson-Gonzales Attorney: Yet Not Entered

Cheryl R Johnson-Gonzales Attorney: Yet Not Entered

Stefan Karl Cathrein

Case Management Conference

05/06/2024 Cross Complaint

File Tracking
08/28/2025 High Density

At the previous hearing, this Court allowed:

1. Defendant to file an amended cross-complaint
2. The parties to engage in limited discovery, incl. depositions

Are we now ready for trial setting?

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed
3 CV67757	John Kevin Donahue vs. California Department of Motor Vehicles		10/22/2025

John Kevin Donahue Attorney: Mark Smith

California Department of Motor Vehicles

Writ of Mandate Hearing

10/22/2025 Writ

File Tracking
11/14/2025 High Density

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This is a special mandamus proceeding to direct the Department of Motor Vehicles to set aside an order suspending petitioner's driving privileges following an arrest for §23152. The underlying criminal charges (CRM76470) were dismissed following petitioner's successful §1538.5 motion. Although petitioner assumes the outcome is controlled by *Zapata v. Department of Motor Vehicles* (1991) 2 Cal.App.4th 108, that decision (which was probably correct) was subsequently overruled in a 4-3 split decision in *Gikas v. Zolin* (1993) 6 Cal.4th 841. See also *People v. Superior Court (Moore)* (1996) 50 Cal.App.4th 1202, 1213-1214. While the DMV is not automatically estopped from considering the issues raised in petitioner's §1538.5 motion, the DMV is nevertheless required to hear evidence and make a finding that the facts and circumstances known to the officer support a reasonable suspicion that the driver violated the Vehicle Code or some other law. In other words, the DMV still has to find that the stop was valid (ie, a finding that is contrary to what a trial court already decided). See Veh. Code §13557(b)(2); *Gikas v. Zolin* (1993) 6 Cal.4th 841, 847; *Mercer v. Department of Motor Vehicles* (1991) 53 Cal.3d 753, 768-769.

Court is awaiting an appearance by the DMV to direct preparation of the administrative record and a briefing schedule.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed

4 CVL66348 OLIT 2023 HB1 Alternative Holdings LLC vs. Robert Louis Martin 08/15/2024

OLIT 2023 HB1 Alternative Holdings LLC Attorney: Kayo Manson-Tompkins

Robert Louis Martin Pro Per

Motion Hearing - Set Aside/Vacate

08/15/2024 Complaint

File Tracking
08/08/2025 High Density

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Secure written stip.

This is a residential UD action involving property on Cresta Drive in Twain Harte. A judgment for possession was originally entered in plaintiff's favor on 04/07/2025, but subsequently set aside for technical errors. A second trial commenced on 06/27/2025. Following what appears to be a robust exchange of testimony, exhibits and closing arguments, the trial court found in plaintiff's favor (again). Judgment for possession was signed on 07/20/2025, and entered 08/05/2025. Seven days later, defendant filed this second motion to set aside – which he titled "Motion to Vacate the Void Judgment Filed on June 27, 2025." To avoid exalting form over substance, this Court elected to treat the motion as launching a direct attack on the judgment entered 08/05/2025, which memorialized the trial court's decision made on 06/27/2025. Since that decision was rendered by a retired jurist here on assignment, the motion to set aside has been assigned by the Presiding Judge to this Department for handling.

This Court reviewed the motion and notes that it does not provide sufficient support for the desired relief. First, every motion must include a notice, which states with precision the nature of the relief sought and the grounds therefore. CCP §1010; CRC 3.1110(a). It is a basic tenant of motion practice that the moving party define the issues for the information and attention of the adverse party and the court. See Kinda v. Carpenter (2016) 247 Cal.App.4th 1268, 1277. Although this is labeled as a motion to set aside a judgment, there is no "notice" directing the reader to the statutes controlling such motions (see, e.g., CCP §§ 473(b), 473(d), 663). Second, pursuant to CRC 3.1113, a party filing a motion must serve and file a supporting memorandum containing "a statement of facts, a concise statement of the law, evidence and arguments relied on, and a discussion of the statutes, cases, and textbooks cited in support of the position advanced." See *Smith, Smith & Kring v. Superior Court* (1997) 60 Cal.App.4th 573, 577-578. Although the specific format of a memorandum is left mostly to the style of the party, "the court may construe the absence of a memorandum as an admission that the motion is not meritorious and cause for its denial." CRC 3.1113(a).

In opposition to the motion, plaintiff notes that most of the arguments (subject-matter jurisdiction, service of the summons, plaintiff's legal title) were raised in previous law and motion in this case, and all rejected at one time or another. A review of the court file supports the contention that these are requests to revisit prior decisions, not proper requests for reconsideration under §1008 or challenges to new decisions made at trial. Plaintiff also notes that new trial motions must be supported with affidavits, and the pending motion does not contain any.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed
5 CV66705	**Petition of Lee Pagni**		12/04/2024

Lee Pagni Attorney: Terry Stark

City of Sonora

William Canning

OSC Hearing - Sanctions

re: Sanctions / Dismissal

OSC Hearing - Sanctions

Sanctions re: Failure to pay admin fees/Dismissal?

12/04/2024 Petition

File Tracking
03/17/2025 High Density

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Need full stip.

This is a citizen's dispute regarding approvals and zoning adjustments authorized for a mixed use commercial/residential project proposed for 956 Oregon Street. In addition to height and density concerns, plaintiff alleges that the approvals were made without the required public meetings and CEQA reviews. Plaintiff filed a petition for administrative mandamus, seeking an order compelling the planning commission and/or the city to revisit the project and fulfill obligations relating to pre-approval vetting. The City has reportedly completed the administrative record, but has yet to receive payment from plaintiff for that effort. This Court directed the City to file a responsive pleading by this hearing to at least put the case at issue.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed

6 **CV67246** **Paul Vaughan vs. Jill Carne** 05/05/2025

Paul Vaughan Attorney: Yet Not Entered

Jill Carne

Motion Hearing - Compel Answers to Interrogatories

RESERVED
Motion Hearing - Compel

RESERVED Response for Admissions
Motion Hearing - Compel

RESERVED Response to Production of Documents
Motion Hearing - Compel

RESERVED Respond to Special Interrogatories

05/05/2025 Complaint

File Tracking
05/12/2025 High Density

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Need full stip. Disclosure re handled PR case.

This is a civil action alleging a single cause of action for financial elder abuse. Plaintiff is the executor of decedent's estate per order issued in PR12545 dtd 01/31/25. He is asserting a claim in that representative capacity against his "sister" Jill for her alleged misappropriation of decedent's banking funds during his lifetime. Jill never filed her declination to serve as co-executor. Neither the bank accounts, nor this lawsuit, were inventoried in the estate case.

Before the Court this day are four unopposed discovery motions filed by plaintiff (FRogs, SRogs, RPD, RFA). All discovery requests were served on defense counsel via regular US mail and e-mail on 08/21/2025. According to counsel for plaintiff, defense counsel concedes having received the discovery, concedes that they are tardy, and still has yet to provide responses. Counsel bills $400/hr, and paid $60 for each motion. Counsel seeks sanctions for all four motions, including a "deem admit" order for the RFAs.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed

7 **CVL67118** **Wells Fargo Bank, N.A. vs. Matthew Nolte** 04/01/2025

Wells Fargo Bank, N.A. Attorney: David Bartley

Matthew Nolte Attorney: Dustin Young

Case Management Conference

Motion Hearing - Summary Judgment

04/01/2025 Complaint

File Tracking
04/16/2025 High Density

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MSJ off-calendar. Case has settled. Stipulation submitted.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 8:30 am	DA Case #	Date Filed

8 **CV66073** **Mark Williams vs. Harman Management Corporation** 04/09/2024

Mark Williams Attorney: Kane Moon

Harman Management Corporation, a California corporation Attorney: Mark Posard

Avila 194, Inc. Attorney: Mark Posard

Review Hearing

Settlement

04/09/2024 Complaint

File Tracking
07/09/2025 High Density

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This is a wage/hour PAGA dispute among non-exempt managerial employees responsible for high-level operations within the KFC franchise development department. The PAGA settlement was already approved. This is a review hearing set at the behest of the parties to keep track of the progress. However, failure to appear will have no adverse consequences as the final accounting hearing is already set for 06/03/2026.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
9 CV67472	Javier Martinez vs. American Wood Fibers		07/24/2025

American Wood Fibers, Inc. Attorney: Yet Not Entered

Javier Martinez Attorney: Douglas Han

Javier Martinez Attorney: Shunt Tatavos-Gharajeh

Case Management Conference

07/24/2025 Complaint

File Tracking
07/25/2025 High Density

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Need stip.

This is a wage/hour dispute filed on behalf of a putative class of nonexempt employees. Defendant has responded with an answer, and alleges that the lead plaintiff is not representative as he was retained by a third-party staffing company and not directly by the defendant.

Court generally holds class action conferences every 90 days (CRC 3.762)

- Are there any related cases involving the same employer?
- Does plaintiff intend to join the staffing company as a party?
- Does plaintiff intend to substitute the plaintiff with anyone directly employed by defendant?
- Ready to set a date for the class certification hearing? CRC 3.763(3)
  - 28, 14, 5 unless good cause (CRC 3.764(c)(1))
- If plaintiff intends to proceed via PAGA and dismiss the class claims, court will require a clear operative pleading (see CRC 3.761, 3.767(a)(3)) in addition to the CRC 3.770 declaration.

Set all hearings at 8:30 instead of 10:00.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
10 CVL66873	**Accelerated Inventory Management, LLC vs. Heather Smith**		01/07/2025

Accelerated Inventory Management, LLC
Heather Smith

Attorney: Flint Zide

Review Hearing

Serve Complaint

01/07/2025 Complaint

File Tracking
08/11/2025 High Density

This is a collections case:

- Complaint: 01/07/2025
- POS w/in 180 days? Yes, personal service 02/21/2025
- Answer? No
- CMC Statements? n/a
- Judgment w/in 360 days? No
- OSC served? No
- Sanction imposed? n/a

Set OSC re sanctions within 30-45 days for failure to secure default judgment or dismissal within 360 days. CRC 3.740.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

11 CVL67461 Bank of America, N.A vs. Jordan A Warford 07/18/2025

Bank of America, N.A Attorney: Matthew Keim

Jordan A Warford

Case Management Conference - CMC-Delay Reduction

07/18/2025 Complaint

File Tracking
07/21/2025 High Density

This is a collections case

- Complaint: 07/18/2025
- POS w/in 180 days? Yes
- Answer? Yes
- CMC Statements? None
- Judgment w/in 360 days? n/a
- OSC served? n/a
- Sanction imposed? n/a

Set bench trial. Confirm stip.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
12 CV67627	Adele Bradley vs. Sarah Coats		09/09/2025
	Adele Bradley	Pro Per	
	Sarah Coats	Attorney: Yet Not Entered	
	Case Management Conference		
09/09/2025 Petition		File Tracking 09/15/2025 High Density	

This is a personal injury action arising out of an automobile accident occurring in 2023. The action has been pending now for 15 months. While there are no CMC statements filed, the Court is prepared to move forward with a full CMC.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

13 **CVL67289** **Capital One, N.A. vs. Jesus M Herrera** 05/22/2025

Capital One, N.A. Attorney: Ruonan Wang

Jesus M Herrera Attorney: Julia Young

Case Management Conference

05/22/2025 Complaint

File Tracking
05/23/2025 High Density

Case dismissed. Hearing o/c

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

14 **CV67370** **Cathryn Chavez vs. Kennedy Meadows Resort and Pack Station, Inc** 06/25/2025

Cathryn Chavez Attorney: Paul Scheele

Kennedy Meadows Resort and Pack Station, Inc Attorney: Yet Not Entered

Case Management Conference - CMC-Delay Reduction

06/25/2025 Complaint

File Tracking
07/22/2025 High Density

This is a personal injury action arising out of a fall from a horse. Although there is no CMC statement from the defense, and they only just appeared in the action 2.5 months ago, seems we can proceed to set dates.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

15 **CVL67378** **Citibank, N.A. vs. Nicole L Hiemstra** 06/26/2025

Citibank, N.A. Attorney: David Barnett

Nicole L Hiemstra Attorney: Jerry Wang

Case Management Conference

06/26/2025 **Complaint**

File Tracking
06/27/2025 High Density

No appearance is needed.

Parties filed a Notice of Conditional Settlement of Entire Case. Although CMC must be vacated by Rule of Court, court will not keep case open through August of 2027 as requested. Despite the letter/spirit of CRC 3.1385, the parties will be directed to actually file a Request for Dismissal with retention of jurisdiction under §664.6 once the actual settlement agreement is fully executed and on file. An OSC re dismissal will be set for 03/04/2026 at 10:00 a.m.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

16 **CVL66695** **Crown Asset Management vs. Ankica Baricevic** 11/18/2024

Crown Asset Management Attorney: Kimberlee Tsai

Ankica Baricevic

Review Hearing

Default or Dismissal Filed

11/18/2024 Complaint

File Tracking
08/08/2025 High Density

Other Cases
CV67485

No appearance is necessary.

This is a collections case, commenced by way of complaint filed on 11/18/2024. Pursuant to CRC 3.740(f), plaintiff was obliged to secure either a default judgment or a dismissal within 360 days. That has not occurred. This Court previously elected not to sanction counsel at the 10/08/2025 hearing on counsel's representation that the default prove-up package was on its way. That does not appear to be so.

Court intends to set an OSC re sanctions in the amount of $750 based on counsel's failure to comply with CRC 3.740, set for hearing on 02/18/2025 at 10:00 a.m. If a dismissal or complete prove-up package is received at least 10 days prior thereto, the OSC will be vacated.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

17 **CV67557** **Farmer vs. Tuolumne County et al** 08/15/2025

Erin Farmer as Guardian Ad Litem for Meadow Farmer, a minor Attorney: Yet Not Entered

Tuolumne County

Monica Hirschfield

Jamestown School District

Case Management Conference

08/15/2025 Complaint

File Tracking
08/20/2025 High Density

This is a personal injury action. As alleged, plaintiff was injured while participating in defendant's youth center amenities by co-participants who were rough-housing unsupervised. Plaintiff further alleges emotional distress at the hands of the same co-participants, as well as an adult supervisor. Defendants have only received been served, so it does appear to this Court that a continuance of the CMC will be needed.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

18 **CVL67658** **Farmers Insurance Exchange vs. Subaru of Sonora** 09/18/2025

Farmers Insurance Exchange, a California Interinsurance Exchange Attorney: Yet Not Entered

Subaru of Sonora

Case Management Conference

zoom

09/18/2025 **Complaint**

File Tracking
09/24/2025 High Density

This is a subrogation action. According to the court file and plaintiff's CMC statement, the defendant was served three months ago but has neither appeared now been defaulted. While this represents a sanctionable violation of CRC 3.110, this Court will await word from plaintiff as to next steps.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
19 CV67656	Stephanie Foster vs. Calvin Boyd et al		09/18/2025

Stephanie Foster Attorney: Sally Chenault

Calvin Boyd Attorney: Yet Not Entered

Barton Overhead Door of Modesto, Inc Attorney: Yet Not Entered

Modesto Truck and Equipment Leasing, LLC

Case Management Conference

09/18/2025 Complaint

File Tracking
09/24/2025 High Density

This is a personal injury action stemming from an automobile accident occurring in 2023. According to plaintiff's CMC statement, plaintiff is still treating and amendments to the named defendants is necessary – including the addition of one party.

Court is willing to continue CMC given the newness of the filing.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
20 CV66568	Rodrigo Cruz Garcia vs. XL Concrete Masonry, LLC		10/21/2024
	Rodrigo Cruz Garcia	Attorney: Kane Moon	
	XL Concrete Masonry, LLC	Attorney: Alden Parker	
	Trial Setting		
10/21/2024 Complaint		File Tracking 04/29/2025 High Density	

This is a wage/hour dispute involving representative claims for a putative class and PAGA. Back in April, the parties indicated an intention to mediate the case, but to date there are no updated CMC statements or notifications as to the status of the case.

Court generally holds class action conferences every 90 days (CRC 3.762)

- Are there any related cases involving the same employer?
- Does plaintiff intend to join the staffing company as a party?
- Does plaintiff intend to substitute the plaintiff with anyone directly employed by defendant?
- Ready to set a date for the class certification hearing? CRC 3.763(3)
  - 28, 14, 5 unless good cause (CRC 3.764(c)(1))
- If plaintiff intends to proceed via PAGA and dismiss the class claims, court will require a clear operative pleading (see CRC 3.761, 3.767(a)(3)) in addition to the CRC 3.770 declaration.

Set all hearings at 8:30 instead of 10:00.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
21 CV67357	Hugo Antonio Gomez vs. Moorefield Construction, INC		06/20/2025

Hugo Antonio Gomez Attorney: Tanner Combs

Moorefield Construction, INC

Moorefield Construction, INC

Hugo Antonio Gomez

Case Management Conference

10/16/2025 Cross Complaint

File Tracking
07/22/2025 High Density

This is a personal injury action. As alleged, plaintiff was working on a rolling scaffold as part of a fireproofing project when the scaffold rolled into a latent hole and tipped over. Plaintiff sued the general contractor on the project for negligence. Defendant cross-complained against plaintiff's direct employer for express contractual indemnity. Although the case has been pending for over six months, not all parties have made a general appearance.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

22 **CV67558** **Thomas Edward Humphrey vs. State of California et al** 08/11/2025

Thomas Edward Humphrey Pro Per

State of California

Governor Gavin Newson

Senate President Pro Tempore Mike McGuire

Minority Leader Brian W Jones

Speaker Honorable Robert Rivas

Speaker Pro Tempore Honorable Josh Lowenthal

California Highway Patrol

Department of California Highway Pa

Highway Patrol California

Ca Highway Patrol

California Highway Patrol Explorer Program

Nvlpt Ca State CHP Highwa

Commissioner Sean Duryee

Sergeant Randy L Matyshock

Sergeant Richard Percey

Officer Faustino Pulido

Gavin Christopher Newson

Mike McGuire

Brian W Jones

Robert Rivas

Josh Lowenthal

Sean A Duryee

Randy L Matyshock

Richard V Percey

Faustino Manuel Pulido

Vic's Towing Inc

Scott Selesia

Jessica Selesia

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

Clay Selesia

Case Management Conference

08/11/2025 Complaint

File Tracking
08/20/2025 High Density

Sovereign citizen declined to stip … hearing o/c awaiting reassignment to another department.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

23 **CVL67335** **Jefferson Capital Systems, LLC vs. Iain Ward** 06/11/2025

Jefferson Capital Systems, LLC Attorney: David McGaffey

Iain Ward Pro Per

Case Management Conference

06/11/2025 Complaint

File Tracking
06/12/2025 High Density

This is a garden-variety at issue collections case ready for trial setting.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
24 CV67618	Delbert Jolly vs. David Pedersen, et al		09/05/2025

Delbert Jolly	Pro Per
David Pedersen	Attorney: Yet Not Entered
Guy Benning	Attorney: Yet Not Entered
George Walker	
Lavonne Benning	Attorney: Yet Not Entered

Case Management Conference

09/05/2025 Complaint

File Tracking
09/10/2025 High Density

This is ostensibly a case for quiet title, although the operative pleading is not verified. There are averments supporting claims for various types of easements (most notably by implication or necessity), which defendants allege were lost by nonuse or adverse possession.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
25 CVL66775	LVNV Funding LLC vs. Arron Ochs		12/13/2024

LVNV Funding LLC Attorney: Flint Zide

Arron Ochs

Review Hearing

Default Judgment?

12/13/2024 Complaint

File Tracking
08/08/2025 High Density

No appearance is necessary.

This is a collections case, commenced by way of complaint filed on 12/13/2024. Pursuant to CRC 3.740(f), plaintiff was obliged to secure either a default judgment or a dismissal within 360 days. That has not occurred. This Court previously elected not to sanction counsel at the 09/24/2025 hearing on counsel's representation that the default prove-up package was on its way. That does not appear to be so.

Court intends to set an OSC re sanctions in the amount of $750 based on counsel's failure to comply with CRC 3.740, set for hearing on 02/18/2025 at 10:00 a.m. If a dismissal or complete prove-up package is received at least 10 days prior thereto, the OSC will be vacated.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
26 CV66853	**Rogel Mercado Mercado Gonzalez vs. El Che Corporation**		01/15/2025

Rogel Mercado Mercado Gonzalez Attorney: David Bibiyan

El Che Corporation

Diestel Turkey Ranch Attorney: Nathan Austin

Case Management Conference

Further

01/15/2025 Complaint

File Tracking
08/11/2025 High Density

This is a wage/hour dispute involving representative claims for a putative class. Plaintiff has been intending to name two different employers, but has failed to effectuate service upon one of the two for quite some time. Plaintiff has sought service via publication and upon the Secretary of State despite never trying Notice of Acknowledgement.

Court generally holds class action conferences every 90 days (CRC 3.762)

- Are there any related cases involving the same employer?
- Does plaintiff intend to join the staffing company as a party?
- Does plaintiff intend to substitute the plaintiff with anyone directly employed by defendant?
- Ready to set a date for the class certification hearing? CRC 3.763(3)
  - 28, 14, 5 unless good cause (CRC 3.764(c)(1))
- If plaintiff intends to proceed via PAGA and dismiss the class claims, court will require a clear operative pleading (see CRC 3.761, 3.767(a)(3)) in addition to the CRC 3.770 declaration.

Set all hearings at 8:30 instead of 10:00.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
27 CVL67077	**Mercury Insurance Company vs. Bonifacio Urquidez et al**		03/17/2025

Mercury Insurance Company Attorney: Mark Nivinskus

Bonifacio Urquidez

Elva Velasquez Enriquez

Case Management Conference

Further

03/17/2025 Complaint

File Tracking
08/08/2025 High Density

No appearance is necessary.

This is a collections case and a default prove-up package has been filed. This Court will review the package.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
28 CV66415	Sho Moua vs. Joua Ze Xiong		09/06/2024
	Sho Moua	Attorney: Darryl Young	
	Joua Ze Xiong		
	Estate of Jeu Ya Xiong	Attorney: Darryl Young	
	Review Hearing		
	Dismissal		
09/06/2024 **Complaint**		**File Tracking** 09/03/2025 High Density	

No appearance is necessary.

On 09/17/2025, plaintiffs caused to be filed a Notice of Conditional Settlement of Entire Case with intention to file dismissal on or before 12/31/2025. Pursuant to CRC 3.1385(c)(1), this court "must dismiss the entire case" on or after day 46 "unless good cause is shown why the case should not be dismissed." Day 46 has not yet arrived, so this Court will set an OSC re dismissal for 03/04/2026 at 10:00 a.m.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

29 **CVL66778** **Navy Federal Credit Union vs. Bryan C. Vyhmeister** 12/13/2024

Navy Federal Credit Union Attorney: Rea Stelmach

Bryan C. Vyhmeister

Review Hearing

Default Judgment?

12/13/2024 **Complaint**

File Tracking
08/12/2025 High Density

No appearance is necessary.

A review of the court file reveals an embarrassing anomaly. Despite there having been a hearing on 09/24/2025 in which this Court inquired of the delinquent default prove-up package, and counsel advised that a default prove-up package was in the works, a closer review of the file since then has uncovered an erroneously titled packet in the court file that constitutes a timely-filed default prove-up package. This Court will review the matter *sua sponte* and if it is complete the default judgment will be entered and no further status hearings will be needed.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
30 CV67657	Betty Reina vs. Antonio Silveira et. al.		09/18/2025

Betty Reina Attorney: Sally Chenault

Antonio Silveira

Alexandra Isabel Silveira

Case Management Conference

09/18/2025 Complaint

File Tracking
09/24/2025 High Density

This is a fraud and elder abuse case involving the alleged failure to repay a loan. The action was commenced on 09/18/2025. Pursuant to CRC 3.110, plaintiff had 60 days to show proof of service upon all original defendants, 30 days to show proof of service upon new defendants, and 40 days after service to secure entry of default. Based on a review of the court file, plaintiff is delinquent in a number of particulars. To make matters worse, plaintiff failed to comply with her obligation under CRC 3.725 to have on file last week a CMC statement setting forth in detail the plan of action.

Counsel to explain.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

31 **CV67165** **Jeffery Brian Reynolds vs. FCA US LLC** 04/16/2025

Jeffery Brian Reynolds Attorney: Yet Not Entered

FCA US LLC

Case Management Conference

FURTHER

04/16/2025 Complaint

File Tracking
04/22/2025 High Density

This is a straight lemon law action involving a 2022 Ram 1500.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
32 CV67582	Carla Ruhs-Nelson et al vs. Andrew Riehl et al		08/27/2025

Carla Ruhs-Nelson Attorney: Bruce Ahnfeldt

Douglas Nelson Attorney: Bruce Ahnfeldt

Andrew Riehl Attorney: Michael Budra

Mother Lode Coffee Roasting Co., Inc.

Case Management Conference

08/27/2025 Complaint

File Tracking
08/28/2025 High Density

This is a personal injury action. As alleged, plaintiff was walking through the Safeway parking lot when defendant's vehicle reportedly struck her. There is an indication of a workers' compensation lien, suggesting that plaintiff was on the clock when the impact occurred. There is a further suggestion that plaintiff's condition is not yet stationary. It appears that the defendants are represented by separate law firms, despite the allegation that the driver was in the course/scope of employ of the other defendant at the time.

Court is amenable to a continuance of the CMC.

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

33 **CV67641** **Bryan Sherbino vs. Sierra Pacific Industries** 09/15/2025

Bryan Sherbino Attorney: Adam Stewart

Sierra Pacific Industries

Case Management Conference

09/15/2025 Complaint

File Tracking
09/19/2025 High Density

No appearance is necessary. Court intends to continue the CMC to align with the demurrer hearing on 02/18/2026 at 8:30 a.m.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

34 **CV67134** **Petition of Kevin Starks** 04/11/2025

Kevin Starks Pro Per

School District of Curtis Creek Elementary Attorney: Yet Not Entered

Case Management Conference

Trial Setting

04/11/2025 **Petition**

File Tracking
12/23/2025 Orders-Civil

CMC continued via previous order of court.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
35 CV67581	Sun West Mortgage Company vs. Sandra Price		08/27/2025

Sun West Mortgage Company Attorney: David Chaffin

Sandra Price

Case Management Conference

08/27/2025 Complaint

File Tracking
08/28/2025 High Density

This is a judicial foreclosure action, made needlessly complicated by *Secretary of Housing & Urban Development v. Sky Meadow Association*, 117 F. Supp. 2d 970, 978-982 (C.D. Cal. 2000). Because of HUD's interest in the subject property, only a judicial foreclosure will do – even though HUD routinely stipulates to a non-participant default judgment effectively protecting its subordinated interest in the property. So far, plaintiff has only managed to sub-serve HUD. There is no default, no stipulated subordination agreement, and no service upon the current beneficiary. The action has been pending since August of 2025 – which represents an unfortunate violation of CRC 3.110 and CRC 3.725.

Counsel is reminded that notice of the evidentiary hearing "shall be served upon all defendants who have appeared in the action and *against whom a deficiency judgment is sought*" (emphasis added) – so being in default does not remove the right to notice of all hearings. CCP §726.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

36 **CV66275** **Ronald Tacker vs. The Michaels Organization, LLC et al** 07/12/2024

Ronald Tacker Attorney: Shaun Setareh

The Michaels Organization, LLC, a New Jersey limited liability company Attorney: Cary Palmer

Michaels Management Services, LLC, a New Jersey limited liability company

Case Management Conference

Trial Setting

07/12/2024 **Complaint**

File Tracking
08/08/2025 High Density

This is a wage/hour dispute involving representation class and PAGA claims. There are related cases in San Bernardino and Monterey Superior. According to defendant's CMC statement, the parties have reached a settlement and are working out the particulars.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

37 **CV67227** **Edgar Tostado vs. First Light Resorts, LLC** 05/07/2025

Edgar Tostado Attorney: Ryan Chuman

Edgar Tostado Attorney: Arnel Tan

First Light Resorts, LLC

Review Hearing

05/07/2025 Petition

File Tracking
05/27/2025 High Density

This is a wage/hour dispute involving representative class clams. On 08/15/2025, the parties secured a stipulation and order to stay the matter pending arbitration of plaintiff's individual claims. A review hearing was set this date to secure status of that arbitration.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

38 **CV67344** **James Trent vs. Barbara Vela et al** 06/13/2025

James Trent Attorney: Eurik O'Bryant

Barbara Vela

Benny Diaz

On the Go Tax Pro, LLC

J Trent Plumbing, Inc.

Case Management Conference

06/13/2025 **Complaint**

File Tracking
07/25/2025 High Density

This is a business dispute regarding the terms of conditions surrounding the recent sale and assumption of J. Trent Plumbing here in Sonora. At a recent hearing, this Court granted plaintiff's motion to strike defense answers filed apparently on behalf of corporate entities without the assistance of legal counsel. Although the 90-day clock in which to retain counsel and file proper answers has yet to start (see CCP §§ 472b, 1019.5(a)), plaintiff's CMC statements permits an inference that perhaps defendants do not intend to comply either way. Time will tell.

Meanwhile, this case has been pending for six months so its time to set trial:

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed

39 **CVL67396** **Wells Fargo Bank, NA vs. Shantel M Thompson** 07/01/2025

Wells Fargo Bank, NA Attorney: David Bartley

Shantel M Thompson

Case Management Conference

07/01/2025 Complaint

File Tracking
07/02/2025 High Density

This is a collections case in which the defendant filed an answer. It appears that plaintiff filed a MJOP that was somehow dropped from this court's calendar. There are no CMC statements filed by either side, leaving this Court in the dark as to whether the dispute has been resolved.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:00 am	DA Case #	Date Filed
40 CV67630	Jerry Woolsey vs. Paul J. Berger, D.D.S.		09/10/2025

Jerry Woolsey — Attorney: Yet Not Entered

Dental Practice of Paul J. Berger, D.D.S., APC

Paul J Berger D.D.S. — Attorney: James Wager-Smith

Paul J Berger, D.D.D., APC, a CA Corporation

Case Management Conference

09/10/2025 **Complaint**

File Tracking
09/10/2025 High Density

This is a dental malpractice action relating to procedures involving implants.

Court is amenable to continuing the CMC

Full CMC:

- Is the case fully at issue?
- Are all parties present or defaulted?
- Any plans to add parties or amend/attack the pleadings?
- Any related cases?
- Amount in controversy?
- Jury demanded?
- Time estimate?

Trial: _____(Mon @ 8:00 a.m. Dept 3)
Thursday Prior @ 3:30 p.m. Trial Readiness Conference/Confirmation

MSC available in Dept 2 or 5.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

41 CVL67228 Bank of America, N.A. vs. Johnathan A Booth 04/28/2025

Bank of America, N.A. Attorney: Jeremy LaForge

Johnathan A Booth

Review Hearing - Collections Case CRC 3.740

04/28/2025 Complaint

File Tracking
05/08/2025 High Density

This is a collections case.

Set OSC and review hearing for early May.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

42 **CVL67079** **Discover Bank vs. Sherri Quinn** 03/18/2025

Discover Bank Attorney: Hootan Atefyekta

Sherri Quinn

Review Hearing - Collections Case CRC 3.740

03/18/2025 Complaint

File Tracking
03/21/2025 High Density

This is a collections case.

Set OSC and review hearing for early April.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

43 **CVL67096** **Ford Motor Credit Company LLC vs. Joshua D. Wilkinson** 03/20/2025

Ford Motor Credit Company LLC Attorney: Robert Kennard

Joshua D. Wilkinson

Review Hearing - Collections Case CRC 3.740

03/20/2025 Complaint

File Tracking
06/05/2025 Archive Room

Case dismissed.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

44 **CVL67111** **Jefferson Capital Systems, LLC vs. Mickael Price** 03/27/2025

Jefferson Capital Systems, LLC Attorney: Robert Kayvon

Mickael Price

Review Hearing - Collections Case CRC 3.740

03/27/2025 Complaint

File Tracking
04/16/2025 High Density

This is a collections case.

Set OSC and review hearing for early April.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

45 **CVL67297** **LVNV Funding LLC vs. Justin Lassor** 05/27/2025

LVNV Funding LLC Attorney: Spencer Penuela

Justin Lassor

Review Hearing - Collections Case CRC 3.740

05/27/2025 Complaint

File Tracking
05/28/2025 High Density

Case dismissed.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

46 **CVL67091** **TD Bank USA, N.A. vs. Mark B. Molica** 03/19/2025

TD Bank USA, N.A. Attorney: Megan Gramlich

Mark B. Molica

Review Hearing - Collections Case CRC 3.740

03/19/2025 Complaint

File Tracking
03/25/2025 High Density

This is a collections case.

Set OSC and review hearing for early April.

Superior Court of California, County of Tuolumne

Civil Calendar Case Notes

Commissioner Steven Streger

Department 5	January 7, 2026 10:03 am	DA Case #	Date Filed

47 **CVL66894** **Wells Fargo Bank, N.A. vs. Jeremy A. Davis** 01/17/2025

Wells Fargo Bank, N.A. Attorney: Harlan Reese

Jeremy A. Davis

Review Hearing - Collections Case CRC 3.740

01/17/2025 Complaint

File Tracking
08/08/2025 High Density

No appearance is necessary.

This is a collections case, commenced by way of complaint filed on 01/17/2025. Pursuant to CRC 3.740(f), plaintiff was obliged to secure either a default judgment or a dismissal within 360 days. That seems highly unlikely to occur on time.

Court intends to set an OSC re sanctions in the amount of $750 based on counsel's likely failure to comply with CRC 3.740, set for hearing on 02/18/2025 at 10:00 a.m. If a dismissal or complete prove-up package is received at least 10 days prior thereto, the OSC will be vacated.