

**DEPARTMENT THREE - JUDGE HARRY S. KINNICUTT
TENTATIVE RULINGS SCHEDULED FOR
THURSDAY, NOVEMBER 13, 2008**

**CHASE BANK USA, N.A. v. CHRISTINA P. MARIANO, et al.
Case No. FCM100403**

Motion to Set Aside Dismissal

TENTATIVE RULING

The motion is granted.

**PEOPLE OF THE STATE OF CALIFORNIA v. FORD MOTOR CO., et al.
Case No. FCS029477**

Motion to be Relieved as Counsel

TENTATIVE RULING

The motion is granted.

**FORD MOTOR CREDIT CO., LLC v. VACAVILLE FORD-MERCURY, INC.
Case No. FCS029702**

Motion to be Relieved as Counsel

TENTATIVE RULING

The motion is granted.

**LEE PENNYWELL, Jr. v. FIDELITY NATIONAL TITLE INSURANCE CO., et al.
Case No. FCS029943**

Motion to be Relieved as Counsel

TENTATIVE RULING

The motion is granted.

CHRISTOPHER ADAM HILL v. STEVEN HENRY SKIADAS
Case No. FCS030955

Motion to be Relieved as Counsel

TENTATIVE RULING

The motion is granted.

KEIL v. JELLY BELLY, INC.
Case No. FCS032022

Defendant's Motion to Strike
Defendant's Demurrer

TENTATIVE RULING

The unopposed demurrer is sustained without leave to amend on the grounds it fails to state facts sufficient to constitute a cause of action, and that it is uncertain. Plaintiff's verified Complaint fails to state facts that constitute a cause of action for fraud, conversion, conspiracy, false imprisonment, or defamation. Plaintiff has made no showing that his verified Complaint can be modified to state a cause of action. *Blank v. Kirwan* (1985) 39 Cal. 3d 311, 318; *Rose v. Royal Ins. Co.* (1991) 2 Cal. App. 4th 709, 719.

The unopposed motion to strike is granted in part and denied in part. The motion to strike is granted without leave to amend as to headings of "Allegations Nexus Elements", "Duty" "Breach of Duty" and "Causation" on page 4:22-24, 5:7, and 7:8 of the Complaint; and, as to material regarding the prayer for damages on page 9, lines 2 through 14. The motion to strike the discovery requests and the power of attorney are denied as moot because those items are not attached to the Complaint. However, California Rules of Court 3.250 (a)(8)-(10) provides that discovery requests are not to be filed except in certain situations not applicable here; and, a self-represented party may not be represented by a non-attorney whether pursuant to a Power of Attorney or otherwise. *Drake v. Superior Court* (1994) 21 Cal. App. 4th 1826.