

**DEPARTMENT TWELVE
JUDGE CHRISTINE CARRINGER
707-207-7312
TENTATIVE RULINGS SCHEDULED FOR
WEDNESDAY, MARCH 13, 2024**

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SECURITY NATIONAL INSURANCE COMPANY v. FOS, INC.

Case No. cu23-00557

Motion by Plaintiff to Strike Defendant's Answer

TENTATIVE RULING

C.C.P. §436(b) authorizes the court to “strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court”.

The law is clear that corporations cannot represent themselves in court, and must retain counsel to represent them. Merco Construction Engineers v. Municipal Court (1978) 21 Cal.3d 724; Paradise v. Nowlin (1948) 86 Cal.App.2d 897, 898.

The court therefore strikes the answer filed by FOS, INC. as it was not filed by a California licensed attorney.

FOS, INC. has 30 days to find an attorney and through that attorney file an amended answer, or its default may be taken.

PORTFOLIO RECOVERY ASSOCIATES, LLC v. PURIFICACION
Case No. FCM176577

Motion by Plaintiff to Vacate Dismissal and Enter Judgment Under Terms of
Stipulated Settlement

TENTATIVE RULING

Reflecting due process concerns, service of a motion affecting the rights of a defendant who has not appeared in an action typically is required to be made in the same manner as required for service of summons and complaint. See, e.g., applications for writs of attachment [C.C.P. §482.070(d)], and applications for writs of possession [C.C.P. §512.030(b)].

Defendant filed no responsive pleading in this action.

The only proof of service filed here for the motion papers and notices of hearings show service by mail, on Defendant in care of a law group which made no appearance in this case on Defendant's behalf.

Because of these due process concerns, the court continues this motion to April 24, 2024, at 8:30 a.m. in Dept. 12, and directs Plaintiff to effect service of the motion papers and the notice of this continued hearing date on Defendant, in a manner authorized for service of summons and complaint, at least 16 court days prior to this continued hearing date.

Plaintiff is also reminded that costs are claimed after judgment, per CRC 3.1700.

HAJOCA CORPORATION dba WHCI PLUMBING SUPPLY v. FACTORY OS,
INC. et al
FCS059105

Plaintiff Hajoca Corporation's Motion to Vacate and Strike Answer and Enter
Default of Defendant Factory OS, Inc.
TENTATIVE RULING

Defendant Factory OS, Inc. is a corporation. Since November 15, 2023 when Defendant's prior attorneys from Perkins Coie LLP were relieved as counsel of record, no attorney has substituted into the case on behalf of the defendant. It is well-settled law that a corporation cannot represent itself in a legal proceeding. *Merco Constr. Engineers, Inc. v. Municipal Court* (1978) 21 Cal.3d 724. Plaintiff's meet-and-confer efforts have been heretofore unsuccessful. The motion to strike Defendant's answer is therefore granted and default is hereby entered as to Factory OS, Inc.