

**DEPARTMENT THREE  
JUDGE STEPHEN GIZZI  
707-207-7303  
TENTATIVE RULINGS SCHEDULED FOR  
TUESDAY, MARCH 12, 2024**

***The parties may appear via Zoom with the exception of trials, trial management conferences, order for examinations and mandatory settlement conferences. The information for the Zoom meeting is set forth below.***

The tentative ruling shall become the ruling of the court unless a party desiring to be heard contacts the judicial assistant of the department hearing the matter by 4:30 p.m. on the court day preceding the hearing, and further advises that such party has notified the other side of its intention to request a hearing. A party requesting a hearing must notify all parties of the request to be heard by 4:30.

**BOWIE v. WEIBLEN, ET AL.  
Case No. CU23-03847**

Motion for Leave to File First Amended Complaint; Motion to “File Answer to Demurrer”

**TENTATIVE RULING**

Plaintiff’s motions to “file answer to demurrer outside of the 10-day response requirement” and for leave to amend the complaint are denied.

Plaintiff has not properly served Defendant Green Dot Corporation with the motion papers. When a party has an attorney in an action, service of papers must be on the attorney. (Code Civ. Proc. § 1015; *Linforth v. White* (1900) 129 Cal. 188, 190; *Gortner v. Gortner* (1976) 60 Cal.App.3d 996, 999.) Plaintiff’s proof of service shows service by mail, addressed directly to Defendant Green Dot, at an address in Sacramento different from the address given for Defendant Green Dot’s attorney of record.

Additionally, both motions lack merit.

Plaintiff’s motion for leave to file an untimely “answer” to Defendant’s demurrer is moot, the court having already heard and sustained the demurrer. Furthermore, rule 3.1320(j) does not require Plaintiff to file an “answer” to a demurrer within 10-days; it requires a demurring defendant to file an answer to a complaint or to any remaining causes of action within 10 days, as may be appropriate, after the court has issued a ruling on the demurrer.

Plaintiff's motion for leave to amend the complaint does not state what allegations are sought to be added or deleted by page, paragraph, and line number and is not accompanied by a supporting declaration providing the information required. (Cal. Rules of Court, rule 3.1324, subds. (a)-(b).) And, the court need not grant leave to amend when the proposed amendment fails to state a cause of action. (*Oakland Raiders v. Nat'l Football League* (2005) 131 Cal.App.4th 621, 652; *Soderberg v. McKinney* (1996) 44 Cal.App.4th 1760, 1773.) In sustaining the demurrer without leave to amend, this court determined that the proposed first amended complaint fails to state a cause of action against Defendant Green Dot.

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**JASMINE WILSON v. UNITED VETERINARY CARE, INC., et al.**  
**Case No. CU23-04601**

Application by Attorney Elbert F. Nasis to Appear Pro Hac Vice

**TENTATIVE RULING**

The application is granted.

**JASMINE WILSON v. UNITED VETERINARY CARE, INC., et al.**  
**Case No. CU23-04601**

Application by Attorney Michael A. Berger to Appear Pro Hac Vice

**TENTATIVE RULING**

The application is granted.

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