

# Tentative Rulings for October 19, 2020

## Department PS1

To request oral argument you must notify  
Judicial Secretary Carol Delfosse-Kidd at (760) 904-5722  
and inform all other counsel no later than 4:30 p.m.

PER RULES OF COURT, RULE 3.670(f) THIS DEPARTMENT MANDATES ALL PARTIES TO APPEAR AT ALL HEARINGS VIA WEBEX RATHER THAN IN PERSON.

IN-PERSON APPEARANCES WILL NOT BE PERMITTED.

Public access is available through WebEx. For more information, please see:  
<https://riverside.courts.ca.gov/PublicNotices/Webex-Appearances-Public-Access.pdf?rev=05-29-2020-09:54:48am>

**TELEPHONIC APPEARANCES:** On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1 (213) 306-3065 or 1 (415) 655-0001
- Meeting Number: **288-096-409#**
- Press # again

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call twenty (20) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

This court follows California Rules of Court, rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local rule 3316). Tentative Rulings for each law and motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at: <https://www.riverside.courts.ca.gov/OnlineServices/TentativeRulings/tentative-rulings.php>. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department PS1 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear telephonically, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

For additional information and instructions on telephonic appearances, visit the court's website at: <https://riverside.courts.ca.gov/PublicNotices/Webex-Appearances-Public-Access.pdf?rev=05-29-2020-09:54:48am>

1.

PSC1903088	ESCOBOSO VS DESERT MEDICAL	HEARING RE: MOTION TO/FOR COMPEL FURTHER RESP TO REQ F/PROD OF DOCS AND REQ F/SANCTIONS BY ADRIAN ESCOBOSO
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**Tentative Ruling:** Grant. No opposition was filed. Responding party is ordered to serve further verified responses to the Demand for Production of Documents, Set One, Numbers 67 and 68 within 30 days of service of notice (CCP § 2031.310). The objections asserted have no merit. The Court notes that the amount of attorneys' fees requested was grossly excessive. Responding party is ordered to pay attorney's fees and costs to moving party in the amount of \$1,000 within 30 days of service of notice. (CCP 2023.010, 2030.290 (c), 2031.310, and 2033.280.) Prevailing party ordered to give notice pursuant to CCP §1019.5.

2.

PSC2002268	MCCLUSKY VS PALM SPRINGS LABELS	HEARING ON DEMURRER TO ANSWER OF COMPLAINT OF REBECCA MCCLUSKY AS TO PALM SPRING LABELS INC FILED BY REBECCA MCCLUSKY.
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**Tentative Ruling:** Sustain with 20 days leave to amend. Plaintiff demurrers to 25 affirmative defenses alleged in Defendant's amended answer alleging that the defenses are insufficiently pleaded and uncertain. These are appropriate challenges to an answer. (Code Civ. Proc., § 430.20.) The "determination of the sufficiency of the answer requires an examination of the complaint because its adequacy is with reference to the complaint it purports to answer. [Citations.] This requirement, however, does not mean that the allegations of the complaint, if denied, are to be taken as true, the rule being that the demurrer to the answer admits all issuable facts pleaded therein and eliminates all allegations of the complaint denied by the answer." (*South Shore Land Co. v. Peterson* (1994) 226 Cal.App.2d 725, 733.) Affirmative defenses must be pleaded with facts "averred as carefully and with as much detail as the facts which constitute the cause of action are alleged in the complaint." (*FPI Development, Inc. v. Nakashima* (1991) 231 Cal.App.3d 367, 384.) A pleading must allege facts, not conclusions. (*Jones v. Grewe* (1987) 189 Cal.App.3d 950, 954.) The Court sustains the demurrer because the challenged affirmative defenses do not plead any ultimate facts, they contain merely boilerplate language.

3.

PSC2003740	JOHN GALT INDUSTRIES V DESERT JET CHARTER	HEARING ON PETITION TO CONFIRM ARBITRATION AWARD
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**Tentative Ruling:** No tentative ruling. A hearing will be conducted.