

Tentative Rulings for July 14, 2026 Department M301

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

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 & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at [Riverside Superior Court-Tentative Rulings](#). 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 M301 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear remotely, 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 information and instructions on remote appearances via **ZOOM**, visit the court's website at [Riverside Superior Court-Remote Appearances](#)

You may also make a Telephonic Appearance: 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: 1-833-568-8864 (Toll Free), 1-669-254-5252,
1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: **161 538 5472**

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 fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.

1.

CASE #	CASE NAME	HEARING NAME
CVME2511805	ANNETTE VS TOYOTA MOTOR SALES	MOTION TO DISMISS AND MOTION TO STRIKE

Tentative Ruling:

Motion to Strike is granted in part, denied in part. Motion to dismiss is denied. A party can bring a motion to strike any irrelevant, false, or improper matters inserted in a pleading. (CCP §436(a).) A motion to strike can also be used to strike any part of a pleading that is not drawn or filed in conformity with the laws of the state, a court rule, or an order of the court. (CCP §436(b).)

Defendant seeks to strike the entire FAC because it was not served within the 20 day time period given by the Court for leave to amend. It is not disputed by the parties that that FAC was filed with the court during this applicable period. "If the complaint is amended, a copy of the amendments shall be filed, or the court may, in its discretion, require the complaint as amended to be filed, and a copy of the amendments or amended complaint must be served upon the defendants affected thereby." (CCP § 471.5(a).)

While Defendant is correct that an amended complaint is required to be served on the defendants, it cites to no authority that supports striking the filed amended pleading if service occurred later than the 20 day time period given for leave to amend. Defendant points to no authority that supports granting this motion without leave is appropriate under these circumstances.

Defendant also seeks to strike some remedies sought in the prayer section of the FAC – declarations regarding the contract and reasonable number of repairs, a request for temporary restraining order or preliminary injunction, and remedies regarding Business & Professions Code § 17200. Plaintiffs do not oppose this portion of the motion to strike. Plaintiffs do not assert a declaratory relief cause of action. As such, motion is granted as to lines 1-3 on page 6 of the FAC regarding declaratory relief. A temporary restraining order or preliminary injunction can be sought without asserting said relief in the complaint. As such, this requested relief is not necessary and the motion is also granted as to line 12 on page 6 of the FAC. Additionally, the Business & Professions Code § 17200 cause of action has been removed. As such, relief under this code section is not proper. As such, the motion is granted as to lines 14-19 on page 6 of the FAC.

Motion to Dismiss: Under CCP § 581(f)(2), "[t]he court may dismiss the complaint as to that defendant when: . . . (2) Except where Section 597 applies, after a demurrer to the complaint is sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court and either party moves for dismissal." (CCP § 581(f)(2).)

The FAC was filed within the applicable period. The issue is service, which has been remedied. Defendants have failed to cite to any authority that granting under CCP § 581(f)(2) would be proper in this instance.

2.

CASE #	CASE NAME	HEARING NAME
CVME2606825	IN RE: NICHOLAS GEORGE	PETITION FOR APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Tentative Ruling: Hearing required

3.

CASE #	CASE NAME	HEARING NAME
CVSW2203462	KAIL VS MCS RANCHO CA MEDICAL PLAZA	MOTION TO ENFORCE SETTLEMENT AGREEMENT

Tentative Ruling: Hearing required

4.

CASE #	CASE NAME	HEARING NAME
CVSW2307551	VALLE VS FCA US	MOTION FOR ATTORNEYS FEES

Tentative Ruling:

Motion for Attorney's Fees and Order to Show Cause continued until October 6, 2026 8:30 am M301. Both parties are order to meet and confer for a minimum of 2 hours to resolve this motion without Court intervention and file a joint declaration at least 10 days prior to the next hearing indicating compliance with the meet and confer order.

Plaintiff now moves for an award of \$54,573.15 in attorney fees using the lodestar method, which includes \$2,827.50 in anticipated fees for defending this motion. Defendant's opposition appears to oppose a different case altogether. Although the caption page references the correct case and motion, the body of the opposition refers to a Complaint that was filed on August 21, 2023; refers to a procedural history involving a case that was transferred from Orange County to Solano County; argues the prevailing market rates for Solano County; and refers to a supporting declaration from Vanessa Oliva. In contrast, the instant action was filed on September 7, 2023 in Riverside County, and the supporting declaration is from Hector E. Zurita-Cruz. Accordingly, it appears that Defendant has erroneously filed an opposition to another case in this matter. The Court is unable to resolve this motion on its merits until Defendant corrects its mistake.