

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 1:30 P.M. DEPT: H CASE NO: CV0003054

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: NORTHBAY
MAINTENANCE, INC., D/B/A CRITICAL
CONTROL, A CALIFORNIA
CORPORATION

and

DEFENDANT: PATRICIA LUFRANO, ET
AL

NATURE OF PROCEEDINGS: MOTION – RELIEVE COUNSEL

RULING

Counsel for Defendant Patricia Lufrano has filed a motion to be relieved as counsel. A proof of service confirms that Defendant was served with this motion, but no opposition was filed. A failure to oppose a motion may be deemed a consent to the granting of the motion. (Cal. Rules of Court, rule 8.54, subd. (c).) Failure to oppose a motion may also lead to the presumption that the responding party has no meritorious arguments. (*See Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal. App. 3d 481, 489, disapproved of by *Garcia v. McCutchen* (1997) 16 Cal.4th 469, on other grounds.) In light of the non-opposition, the court conditionally grants the motion, dependent on the transfer of files to Defendants. This matter is continued to April 16, 2025 so that counsel may file an updated declaration confirming the transmittal of all files.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for April, 2025 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjEOSHnzEGafG.1>

Meeting ID: 161 548 7764

Passcode: 502070

If you are unable to join by video, you may join by telephone by calling (669) 254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court's website: <https://www.marin.courts.ca.gov>

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/02/25 TIME: 1:30 P.M. DEPT: H CASE NO: CV0005721

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: WILLIAM F.
MCLAUGHLIN, ET AL

. and

DEFENDANT: JOHN R. WILKINSON, ET
AL

NATURE OF PROCEEDINGS: MOTION – COMPEL

RULING

Plaintiffs William McLaughlin and Ronald Earl Elijah (“Plaintiffs”) bring this motion to compel responses to their amended complaint pursuant to Code of Civil Procedure sections 2030.260 and 2030.290. Section 2030.260 provides that a party to whom interrogatories are directed must provide a response within 30 days. Section 2030.290 provides for remedies to a propounding party if the responding party to whom the interrogatories are directed fails to serve a timely response. These sections are inapposite as they are directed to discovery. They have nothing to do with a party’s failure to respond to a complaint.

If Plaintiffs wish to address Defendants’ failure to respond to the amended complaint, they must follow the proper procedures for obtaining a default. Failure to request such entry may result in this court issuing an order to show cause as to why sanctions should not be imposed. (Cal. Rules Court, Rule 3.110.) On the other hand, Defendants’ continued failure to file an answer or, if appropriate, a motion to quash is frankly puzzling given that they have appeared throughout the proceedings, and they have been warned of the harsh consequences of a default judgment.

The court notes that almost all parties in this matter are unrepresented and that their lack of representation may make it difficult to understand the elementary requirements of pleading practice. However, self-representing litigants are subject to the same standards as parties represented by attorneys. (*Gamet v. Blanchard* (2001) 91 Cal.App.4th 1276, 1284-1285.)

The motion is DENIED.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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