

GRANADA v. BURGESS, et al.

21CV45760

COUNSEL'S MOTION TO BE RELIEVED

Carno Law Group seeks to be relieved as counsel of record for Level 1 Roofing, Inc. Counsel's declaration meets the statutory language pursuant to CCP 284(2) and CRC 3.1362. The Court intends to sign the submitted Order.

CHESSON, et al. v KNIGHT & DAY, et al.

18CV43298

PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT

The parties reached a full settlement agreement in mediation on December 8, 2022. The agreement was reduced to a sign settlement agreement that called for various payments by various defendants by specific dates. Some defendants have made all required payments and have been dismissed. However, plaintiffs contend defendants KDI/Johnson and WestCoast/Neiremeyer/Myrtakis/Jamke failed to make the necessary payments and now seek to have this Court enforce the settlement provisions pursuant to CCP Section 664.6 (which is explicitly incorporated in the agreement in paragraph 18). Although subsequent filed declarations reflect that the necessary payments have now been made, making the request to reduce the owed amounts to civil judgments moot, the Court notes all such payments were made *after* filing and service of the instant motion.

Paragraph 18 of the settlement agreement explicitly provides, in relevant part: "If any action ... is necessary to enforce ... the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and expenses ...". As the language of this portion of the agreement is mandatory, the Court finds the instant motion was "necessary to enforce" given the timing of the payments. The Court therefore awards attorneys fees in the amount of \$900 and the filing fee of \$60, for a total award of \$960. (The Court notes attorney Fluetsch's declaration that his hourly billing rate is \$550; however, the reasonable rate in the Calaveras legal community is \$300 which is the basis for the Court's award of 3 hours of attorney time.) Defendants KDI/Johnson and WestCoast/Neiremeyer/Myrtakis/Jamke and their respective counsel, jointly and severally, are each ordered to pay \$480 no later than 5:00 p.m. on April 5, 2023.

The Clerk shall provide notice of this Ruling to the parties forthwith. Plaintiffs are ordered to serve and file a proposed order consistent herewith and CRC 3.1312.

ARIZA v LAKESIDE VENTURES, LLC

22CV46059

**PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED
COMPLAINT**

Plaintiff is seeking leave to file a First Amended Complaint. No opposition has been filed. Given California's liberal pleading practice and the public policy of fostering resolutions on the merits, and the lack of any trial date so allowing the amendment would not lead to any delay, Plaintiff's Motion for Leave to File a First Amended Complaint is GRANTED. Plaintiff to file and serve the First Amended Complaint by 3:00 p.m. on April 7, 2023.

The Clerk shall provide notice of this Ruling to the parties forthwith. The Court will sign the submitted proposed Order.