

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA**

MINUTE ORDER

DATE: 09/11/2014

TIME: 08:20:00 AM

DEPT: 42

JUDICIAL OFFICER PRESIDING: Henry Walsh

CLERK: Shelley Bolton

REPORTER/ERM: None

CASE NO: **56-2013-00436494-CU-BT-VTA**

CASE TITLE: **Bustillos vs. Oxnard Automobile Exchange Inc**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Business Tort

EVENT TYPE: Motion for Judgment on the Pleadings Motion to Strike First Amended Complaint

MOVING PARTY: Access Finance Inc

CAUSAL DOCUMENT/DATE FILED: Motion for Judgment on the Pleadings Memorandum of Points and Authorities, 05/06/2014

EVENT TYPE: Motion for Leave to File Amended Complaint Second amended complaint

MOVING PARTY: Anthony Bustillos

CAUSAL DOCUMENT/DATE FILED: Motion for Leave to File Second Amended complaint; Memo of p&a's; Decl. of Erik B. Feingold; Exhibit "A";, 08/14/2014

EVENT TYPE: Motion - Other (CLM) for an Order Striking Portions of First Amended Complaint

MOVING PARTY: Access Finance Inc

CAUSAL DOCUMENT/DATE FILED: Motion - Other for an Order Striking Portions of First Amended Complaint, 05/05/2014

Additional events listed on last page.

APPEARANCES

Kate Bowles, specially appearing for counsel Gregory L Johnson, present for Plaintiff(s).

Erik B. Feingold, counsel, present for Plaintiff(s).

Cassandra Bolton, specially appearing for counsel CRAIG J. MARIAM, present for Defendant, Cross - Defendant(s).

Cecilia Quinn, counsel, present for Defendant, Cross - Complainant(s).

The court advises counsel regarding its tentative rulings on the motions before it today.

The Court received, read and considered all briefs and declarations filed in this cause. The matter is submitted to the Court with argument.

The Court finds/orders:

Motion for Leave to file a Second Amended Complaint is granted.
Proposed Second Amended Complaint is returned to counsel for filing.
Mr. Feingold advises the court that he will also be filing affidavits under CRLA.

The court determines that the demurrers, motions to strike and JOP motion set for today are moot in light of the granting of the motion for leave to file a Second Amended Complaint.

Counsel state that they will be filing similar motions regarding the Second Amended Complaint.

The court notes that a demurrer and motion to strike as to the cross complaint were filed, but due to clerical error were not set for hearing today. Counsel are directed to re-notice these matter for hearing when appropriate.

CMC set for 9/26/14 is continued as follows:

MANDATORY APPEARANCE CMC/Order to Show Cause Re Sanctions/Dismissal for Failure to File Proof of Service/Default continued to 11/21/2014 at 08:15 AM in department 22B.

ADDITIONAL EVENTS:

EVENT TYPE: Demurrer (CLM) Motion to Strike First Amended Complaint
MOVING PARTY: RCD Enterprises Inc. dba Automobile Exchange
CAUSAL DOCUMENT/DATE FILED: Demurrer to First Amended Complaint. Memorandum of Points and Authorities, 05/02/2014

EVENT TYPE: Motion to Strike plaintiffs supplemental opposition in connection with pending motion for judgment on the pleadings and pending motion to strike
MOVING PARTY: Access Finance Inc
CAUSAL DOCUMENT/DATE FILED: Motion to Strike plaintiffs supplemental opposition in connection with pending motion for judgment on the pleadings and pending motion to strike, 07/08/2014

EVENT TYPE: Motion to Strike Motion to Strike First Amended Complaint
MOVING PARTY: RCD Enterprises Inc. dba Automobile Exchange
CAUSAL DOCUMENT/DATE FILED: Motion to Strike to Strike Portions of First Amended Complaint. Memorandum of Points and Authorities, 05/02/2014