

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 6

Honorable Rafael Sivilla-Jones, Presiding

191 North First Street, San Jose, CA 95113

Telephone: (408) 882-2160

April 21, 2026

9:00 and 9:01 A.M.

RECORDING COURT PROCEEDINGS IS PROHIBITED

ORAL ARGUMENT

Before 4:00 PM today you must notify the:

- (1) Court by calling (408) 808-6856 and
- (2) Other side by phone or email that you will appear at the hearing to contest the tentative

If you fail to so notify the court or opposing side, the Court will not hear argument, and the tentative ruling will be adopted. (California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

REMOTE APPEARANCES

Phone only appearances are PROHIBITED. In-person appearances are preferred.

For necessary virtual appearances, you **must use video** and follow **Civil Local Rule 5.**

To access the courtroom, click or copy and paste this link into your internet browser and scroll to

Department 6: <https://santaclara.courts.ca.gov/online-services/remote-hearings>

LINE	CASE NO.	CASE TITLE	TENTATIVE RULING
9:00 1	21CV390666	Eric Hartman vs. Koshy George	Plaintiff moves this court to quash subpoena for law enforcement records. No opposition was filed. Plaintiff's motion is GRANTED.
9:00 2	24CV444258	Stephanie Rollins vs. Sue Saign	Cont. to 4/23/26.
9:00 3-6	24CV451702	Victor Moran vs. Ford Motor Company	Plaintiff petitions this court to compel further responses to Special Interrogatories and issues a Separate Statement. Court finds that Special Interrogatories 3, 4, 5, and 6 are relevant and not overly broad. Court finds that all other interrogatories have been sufficiently complied with by Defendant. Plaintiff's petition to Compel further responses for Special Interrogatories as to Interrogatories 3, 4, 5, and 6 are GRANTED; all other petitions for further responses to special interrogatories are DENIED. Plaintiff petitions this court to compel Defendant for further response as to Production of Documents and issued a Separate Statement. Court finds that Defendant sufficiently complied with Plaintiffs request for production of documents. Plaintiff's petition is DENIED.
9:00 7	24CV470735	Isella Cantu vs. Nam Tran	See Item No. 7 below.
9:00 8	20CV369113	Absolute Resolutions vs. Priscilla Chairez	Plaintiff moves this Court to order Defendant to pay \$9,578.16. Plaintiff entered into a settlement agreement with Defendant. Defendant failed to make payments. Plaintiff's motion is GRANTED. Defendant is ordered to pay \$9,578.16./
9:00 9	25CV474216	Gustavo Abarca Nino vs. Gill Motors	Plaintiff petitions this court to compel arbitration. Plaintiff entered into a contract with defendant for a used car specifying an arbitration agreement should a dispute arise at either party's election. No opposition was filed to this motion. Plaintiff's motion is GRANTED.
9:00 20	20CV373187	Austin Erlich vs. Wahid Shah	Plaintiff moves this Court to restore wage garnishment established by Defendant's employer El Camino Hospital. On October 7, 2025, this Court ordered that Defendant's wages be garnished at \$300 a month. However, unknown to the Court the Defendant's employer El Camino Hospital had already made a determination that the amount to be garnished would be \$1300 per month. Defendant has filed no opposition to Plaintiff's motion. Plaintiff's motion to garnish Defendant's wages at \$1300 per month is GRANTED.
9:00 21	24CV447021	Dominik Navarro Gongora vs. Envision MPS Toy Auto	Plaintiff moves this court to permit the deposit of funds, discharging of liability of stakeholder, and a restraining order from further prosecution. No opposition was filed to this motion. Plaintiff's motion is GRANTED.

Calendar Line 7

Case Name: *Cantu v. Tran., et al.*

Case No.: 25CV470735

This is a wage and hour case. Defendants Spring Fertility Management LLC, Spring Fertility Holdings LLC, Spring Fertility Management Oakland LLC, Spring Fertility Management Silicon Valley LLC, Spring Fertility Master MSO LLC, Nam D. Tran, Peter Klatsky, Kimberly Kwok, Chau Dang, and Tanya Ly (collectively, “Defendants”) demur to the entirety of the first amended complaint (“FAC”) filed by plaintiff Isella Cantu (“Plaintiff”) on the ground that it is uncertain as it fails to specify which defendant engaged in what alleged misconduct and also demur to the ninth cause of action on the ground that it fails to state facts sufficient to constitute a cause of action. Defendants also improperly attempt to move to strike portions of the FAC without a separate notice of motion in an apparent attempt to avoid paying the filing fee.

Defendants’ demurrer to the entirety of the FAC on the ground that it is uncertain is SUSTAINED with 10 days leave to amend. While the FAC generally alleges alter ego liability, the FAC does not adequately allege facts supporting alter ego liability as to any defendant. (See *Sonora Diamond Corp. v. Super. Ct. (Sonora Union High School Dist.)* (2000) 83 Cal.App.4th 523, 538-539 (stating that “[t]here must be such a unity of interest and ownership between the corporation and its equitable owner that the separate personalities of the corporation and the shareholder do not in reality exist... [and] an inequitable [will] result if the acts in question are treated as those of the corporation alone... [a]mong the factors to be considered in applying the doctrine are commingling of funds and other assets of the two entities, the holding out by one entity that it is liable for the debts of the other, identical equitable ownership in the two entities, use of the same offices and employees, and use of one as a mere shell or conduit for the affairs of the other”).) The FAC also does not adequately explain the liability of individual defendants Tran, Klatsky, Kwok, Dang and Ly as to each cause of action.

Defendants' demurrer to the ninth cause of action is SUSTAINED with 10 days leave to amend. "[S]tatutory causes of action must be pleaded with particularity." (*Covenant Care, Inc. v. Super. Ct. (Inclan)* (2004) 32 Cal.4th 771, 790.) The FAC fails to allege facts supporting liability as to each individual defendants Tran, Klatsky, Kwok, Dang and Ly.

In light of the above ruling, Defendants' motion to strike portions of the FAC is MOOT. Defendants are admonished that any future attempts at improperly combining motions under a single notice of motion may result in a denial of those motions.