

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
Court on its Own Motion

09/24/2024
4:17 PM
Department 6

CVRI2400337

ROUSHANZAMIR vs DEANNA M HOPKINS LIVING TRUST

Honorable Eric A Keen, Judge
E. Escobedo, Courtroom Assistant
Court Reporter: None

APPEARANCES:

No Appearances

On Court's own motion:

On 7/30/2024 the Court granted Plaintiff's Motion for Order Permitting Plaintiff to file a Second Amended Complaint. The Court's order stated:

"Plaintiff's motion to file a Second Amended Complaint is granted. Plaintiffs is ordered to file the Second Amended Complaint within 14 days of this order." Consequently, Plaintiff was ordered to file his Second Amended Complaint no later than 7/13/2024. As of 9/24/2024 Plaintiff has failed to file a Second Amended Complaint.

Also, on 7/30/2024 the Court made the following order:

"The matter is currently set for Case Management Conference on 9/26/2024 along with three OSCs. The Court modifies the Order to Show Cause as to why sanctions not to exceed \$1,500.00 or dismissal should not be imposed for Failure to timely file proof of service on all defendants (CRC 3.110(b)&(f)) as to ALI ROUSHANZAMIR to failure to timely file proof of service as to the Second Amended Complaint."

Plaintiff filed a Declaration on 9/6/2024 as to the OSC set for 9/26/2024, but did not address the issue of why Plaintiff failed to file a Second Amended Complaint or why there is no Proof of Service as to the Second Amended Complaint.

Because Plaintiff has not filed a Second Amended Complaint as ordered to do so within 14 days of 7/30/2024 the Court vacates that order and deems the First Amended Complaint filed on 2/27/2024 as the operative pleading.

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Plaintiff has failed to file a Proof of Service on the FAC as to the following Defendants:

DEANNA M HOPKINS LIVING TRUST, TERRY SCHWICHTENSE, DEANNA MAE HOPKINS INDIVIDUALLY AND AS TRUSTEE OF THE HOPKINS ANGLIN FAMILY TRUST, ORTEGA FELIPE, ANGLIN MAE HOPKINS, and FELIPE M ORTEGA.

Consequently, the Court imposes sanctions as to Plaintiff in the amount of \$250 payable to the Court within 20 days of this order.

Sanctions in the amount of \$250.00 imposed upon ALI ROUSHANZAMIR, payable to the Clerk of the Court on or before 10/16/2024.

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Order to Show Cause as to why sanctions not to exceed \$1,500.00 or dismissal should not be imposed for (Failure to failure to timely file proof of service as to the Second Amended Complaint.) on 09/26/2024 at 08:30 AM vacated.

Court further orders:

Continue (future hearing) 09/26/2024 08:30 AM Case Management Conference to 10/28/2024 at 08:30 AM in Department 6.

ALI ROUSHANZAMIR is/are ordered to appear on 10/28/2024 at 08:30 AM in Department 6 and show cause, if any, why sanctions not to exceed \$1500.00 or dismissal should not be imposed for Failure to Plaintiff's failure to timely file a proof of service on all defendants per CRC 3.110(b) and (f) as to the First Amended Complaint.

Notice to be given by Clerk to ALI ROUSHANZAMIR, JESSICA P. GRAZUL.

Minute entry completed.