

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

MINUTE ORDER

DATE: 08/19/2020

TIME: 08:20:00 AM

DEPT: 20

JUDICIAL OFFICER PRESIDING: Matthew P. Guasco

CLERK: Miriam Hernandez

REPORTER/ERM: None

CASE NO: **56-2019-00528075-CU-BC-VTA**

CASE TITLE: **Mead vs. Kristjansson**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion for Leave to File Cross Complaint Reserved by Counsel for Defendant Kris Kristjansson

MOVING PARTY: Castle Rock Communities LLC, Kris Kristjansson

CAUSAL DOCUMENT/DATE FILED: Motion for Leave to File Notice of Hearing and Application for Leave to File A Cross Complaint; Memo of Points and Auth, 03/02/2020

EVENT TYPE: Trial Setting Conference

APPEARANCES

TIMOTHY F. SHIELDS, counsel, present for Plaintiff(s) telephonically.

Richard A. Rodgers, counsel, present for Defendant(s) telephonically.

At 09:05 a.m., court convenes in this matter with all parties present as previously indicated.

Counsel have received and read the court's written tentative ruling.

Matter submitted to the Court with argument.

The Court finds/orders:

The Court's tentative is adopted as the Court's ruling.

The Court DENIES Mead's request for judicial notice. The documents at issue are not properly the subject of either mandatory or permissive judicial notice.

The Court GRANTS the motion of Kristiansson and Castle Rock to file the proposed Cross-Complaint against Mead. The proposed Cross-Complaint is compulsory; it arises from the same events, occurrences and transactions which are the subject of the Complaint. (Code of Civ. Proc., § 428.10, subd. (a); *K.R.L. Partnership v. Superior Court (Pemberton)* (2004) 120 Cal.App.4th 490, 498, 15 Cal.Rptr.3d 517.) Compulsory cross-complaints must be timely asserted, otherwise they are barred. (Code of Civ. Proc., § 426.30, subd. (a).) Accordingly, the law liberally favors permitting leave to file compulsory cross-complaints to avoid a forfeiture of claims. (*Silver Organizations Ltd. v. Frank* (1990) 217 Cal.App.3d 94, 98-99, 265 Cal.Rptr. 681.) In the absence of bad faith, a late-filed motion for leave to file a compulsory cross-complaint must be granted even on the eve of trial; it is an abuse of the trial court's discretion to deny such a motion. (*Ibid.*)

DATE: 08/19/2020

MINUTE ORDER

Page 1

DEPT: 20

VEN-FNR-10.03

Here, the Court concludes that the proposed compulsory Cross-Complaint is not in bad faith. It would be an abuse of discretion for the Court to deny this motion.

The Court enters its ORDER granting the motion and directing moving parties to file the proposed Cross-Complaint by 4:00 p.m. on **August 20, 2020**.

Counsel for moving parties shall serve and file a notice of ruling and proposed order consistent with the above and in conformity with the Code of Civil Procedure and the California Rules of Court.

Trial Setting Conference

Trial Setting Conference continued to 10/22/2020 at 09:00 AM in department 20. Telephonic appearance by CourtCall is required until further notice by the court.

Parties are advised of Courtroom 20's instructions on trial setting conferences, which may be found on the court's website as *Trial Setting Conferences in Courtroom 20*.

A Joint Trial Setting Conference Statement is to be filed 7 day priors to the hearing.

Parties waive notice.