

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
MINUTE ORDER

Date: 08/20/2009

Time: 01:30:00 PM

Dept: C18

Judicial Officer Presiding: Judge James J. Di Cesare
Clerk: Marycruz Leyva

Bailiff/Court Attendant: Veronica Chavira

Reporter: Randi Taylor-6208

Case Init. Date: 04/25/2007

Case No: 07CC05296

Case Title: DB&M MEDIA INC VS CROWN DIAMONDS INC

Case Category: Civil - Unlimited

Case Type: Other Collections

Event Type: Motion to Tax Costs; Motion - Other

Moving Party: CROWN DIAMONDS, INC, VICTOR ALI, DB&M MEDIA INC

Causal Document & Date Filed: Motion to Strike or Tax Costs, 06/29/2009; Motion - Other, 07/30/2009

Appearances:

NONE

There are no appearances by any party.

The tentative ruling posted on the Internet as follows:

1. DEFENDANTS' MOTION TO TAX COST
2. PLAINTIFF'S MOTION TO AMEND JUDGMENT NUNC PRO TUNC

Motion 1 Tax Costs: Defendants Crown Diamonds, Inc. and Victor Ali's motion to tax costs is denied. The cost memo was mail served on June 3, 2009. Under CCP § 685.070(c) and 1013(a), the motion to tax should have been filed on or before June 18, 2009. The motion was not filed until June 29, 2009. Because the motion to tax costs was not made within the time provided, the costs claimed in the memorandum would be allowed. CCP § 685.070(d).

Motion 2 Amend Judgment: The judgment does not provide for an award of attorney fees. Adding an award of attorney fees to the judgment would not be the equivalent a correcting a clerical error (Rochin v. Pat Johnson (1998) 67 CA4th 1228; Bell v. Farmers (2006) 135 CA4th 1138). Therefore, no CCP 437 relief is warranted or required. Moving party did not timely move for new trial or vacate the judgment and enter a different judgment (CCP 663(a)). The motion is denied.

Notwithstanding the ruling to deny the motion to tax costs, no attorney fees or costs have been awarded so the memo of costs requests items not awarded hence is stricken. Please note that if motion 2 were granted which it cannot be for reasons stated there would be a new judgment and it is thought that the cost issue and time limits would start anew.

The clerk informs the Court that counsel for Defendant submitted on the tentative ruling prior to calendar call.

Date: 08/20/2009

MINUTE ORDER

Page: 1

Dept: C18

Calendar No.:

The tentative ruling becomes the final ruling of the Court.

Clerk is ordered to give notice.

The Kushner Law Firm
15 Enterprise #110 Aliso Viejo, CA 92656

LAW OFFICES OF GARRETT S. GREGOR
111 Fashion Lane Tustin, CA 92780

CLERK'S CERTIFICATE OF MAILING (CCP 1013a) – I certify that I am not a party to this cause, over 18, and a copy of this document was mailed first class postage fully prepared, in a sealed envelope as shown. Mailing and execution of this certificate occurred on 08/21/09 in Santa Ana, CA.

ALAN CARLSON, CLERK, by MARYCRUZ LEYVA, Deputy