

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE
TENTATIVE RULING**

HEARING DATE: 4/17/2026

JUDICIAL OFFICER: MARK T. CUMBA

CASE NO.: 25CU006337C

CASE TITLE: Moody vs UTC Venture LLC

Defendant UTC Venture LLC's Motion for Summary Judgment (ROA 37) is DENIED.

Defendant UTC Venture LLC seeks summary judgment on Plaintiff's initial Complaint. However, the parties stipulated to allow Plaintiff to amend his pleadings, and on January 29, 2026, Plaintiff filed a First Amended Complaint. (ROA 40, 41.) "Because there is but one complaint in a civil action [citation], the filing of an amended complaint moots a motion directed to a prior complaint." (*State Compensation Ins. Fund v. Superior Court* (2010) 184 Cal.App.4th 1124, 1131.) Accordingly, Defendant UTC Venture LLC's motion is denied as moot.

On reply, Defendant UTC Venture LLC asserts it is entitled to a continuance of hearing on this motion. Defendant cites no legal authority for this assertion, and the court is not persuaded. A mere continuance of hearing would not cure the defective moving papers.

The court observes Defendant Westfield, LLC also filed a purported joinder in Defendant UTC Venture LLC's motion for summary judgment. (ROA 51.) Therein, Defendant Westfield, LLC asserts it is also moving for summary judgment on the grounds it is "similarly situated" to Defendant UTC Venture LLC. The notice of joinder fails to comply with notice requirements. (Code Civ. Proc. § 437c(a)(2).) The notice of joinder also is not supported by a separate statement. (*Frazee v. Seely* (2002) 95 Cal.App.4th 627, 636, filing of a "simple notice of joinder" without a separate statement "is not sufficient for purposes of the summary judgment statute," which requires that "[e]ach moving party *shall* support their motion for summary judgment with a separate statement" (emphasis in original).) Nor did Defendant Westfield, LLC reserve a date for hearing its own motion for summary judgment as required by local rules. (San Diego Superior Court Local Rules, Rule 2.1.19.A., "[f]ailure to reserve a date for hearing will result in the... motion... not being heard.") Thus, the court declines to consider Defendant Westfield, LLC's joinder. In any event, even if the court overlooked these procedural defects, Defendant UTC Venture LLC's motion is moot and thus any joinder therein would also be moot.

Once confirmed, this ruling shall be the final ruling of the court and no further written order is required.