

DEPARTMENT FIVE  
707-207-7305

**TENTATIVE RULINGS  
AND  
PROBATE PREGRANTS**

**CALENDAR DATE: July 21, 2025**

**ADVISEMENTS**

**Probate Notes:** Probate notes are available in individual cases and are not posted on the public website. For more information on how to access case information through the court's public portal, please visit <https://portal.solano.courts.ca.gov>.

**Civil Tentative Rulings and Probate Pregrants:** Current procedures to advise the court of appearances and nonappearances in response to tentative rulings and pregrants remain unchanged. Probate pregrants and tentative rulings are not posted for conservatorships, guardianships, or any ex parte matters.

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**PREGRANTS AND TENTATIVE RULINGS  
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LINE

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**LVNV FUNDING LLC v. ROBERTA WEIR  
CL24-02002**

Motion to Dismiss

**TENTATIVE RULING**

Defendant Roberta Weir’s “motion to dismiss”, construed by this court as a motion for judgment on the pleadings, is denied.

The statute of limitations for the common counts of an account stated in writing and open book account is four years. (*Prof'l Collection Consultants v. Lauron* (2017) 8 Cal.App.5th 958, 966.) “Actions to recover on an account stated or a book account accrue on the date of the last item or entry in the account.” (*Ibid.*)

Plaintiff alleged that “[t]he date of last payment is November 13, 2019.” (Complaint, ¶ 11.) Plaintiff alleged no other facts suggesting that its causes of action did not accrue on November 13, 2019. Consequently, the date alleged in the complaint establishes, on its face, that the action had to be filed no later than November 13, 2023. Plaintiff did not file its action until March 18, 2024.

But, “statutes of limitations and repose for civil causes of action that exceed 180 days are tolled from April 6, 2020, until October 1, 2020.” (Emergency Rules Related to COVID-19, emergency rule 9(a).) “[T]he tolled interval, no matter when it took place, is tacked onto the end of the limitations period, thus extending the deadline for suit by the entire length of time during which the tolling event previously occurred.” (*Comm. for Sound Water & Land Dev. v. City of Seaside* (2022) 79 Cal.App.5th 389, 403, quoting *Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 370-371.) With the benefit of tolling from the emergency rule, the action is not barred by the statute of limitations.

LINE

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**AMERICAN BUILDERS & CONTRACTORS SUPPLY CO., INC. v. DONALD RAY  
HUNT, JR.  
CL24-04520**

Motion to Set Aside Default Judgment

**TENTATIVE RULING**

The motion is denied, for the following reason:

The motion was not filed within six months of entry of default.

The motion was not accompanied by a proposed pleading, such as an answer.  
C.C.P. section 473(b).