

E-FILED

Jan 21, 2016 5:00 PM

David H. Yamasaki

Chief Executive Officer/Clerk

Superior Court of CA, County of Santa Clara

Case #1-13-CV-258281 Filing #G-80179

By S. Smith, Deputy

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Madera Framing, Inc.
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 CILKER APARTMENTS, LLC,)
11 Plaintiff,)
12 vs.)
13 WESTERN NATIONAL CONSTRUCTION,)
et al.,)
14 Defendants.)
15
16 AND RELATED CROSS-ACTIONS.)
17

Case No.: 113CV258281

**NOTICE OF MOTION/MOTION FOR
SUMMARY JUDGMENT AGAINST
PLAINTIFF CILKER APARTMENTS,
LLC**

Date: April 8, 2016
Time: 9:00 a.m.
Dept: 1

Complaint Filed: March 20, 2014
Trial Date: February 1, 2015

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 **PLEASE TAKE NOTICE** that on April 8, 2016, at 9:00 a.m., or as soon thereafter as the
20 matter may be heard in Dept. 1 of the above-entitled court, located at 191 North First Street, San
21 Jose, California, Defendant and Cross-Defendant MADERA FRAMING, INC. ("MADERA
22 FRAMING") will move the Court, pursuant to Code of Civil Procedure section 437c, for summary
23 judgment in favor of MADERA FRAMING and against Plaintiff CILKER APARTMENTS, LLC
24 ("PLAINTIFF").

25 This motion is made on the grounds that PLAINTIFF's causes of action are time barred
26 pursuant to the provisions of Code of Civil Procedure section 337.15. The undisputed material
27 facts establish the work of MADERA FRAMING was completed more than ten years prior to the
28

1 filing of PLAINTIFF's Complaint. On this basis MADERA FRAMING moves for judgment in its
2 favor as to all causes of action in PLAINTIFF's operative Complaint.

3 This motion is based on the Memorandum of Points & Authorities, the Declaration of Jerry
4 Merry, the Separate Statement of Undisputed Material Facts, and the Request for Judicial Notice,
5 all filed and served concurrently herewith. This motion is also based on the pleadings in this
6 action and the court's file, which MADERA FRAMING respectfully requests the Court to have on
7 hand during the hearing on this motion.

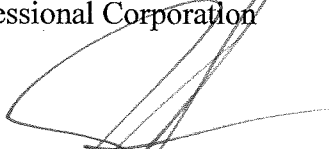
8 Please note that the above-entitled court follows a tentative ruling system. The Complex
9 Civil Litigation Department Guidelines and Protocols state as follows:

10 **Tentative rulings on motions of all types are posted online by 2:00**
11 **p.m. the day prior to the hearing and unless an objection is**
12 **properly raised by 4:00 p.m. the day prior to the hearing, the**
13 **ruling will automatically become the Court's order the next day.**
14 **For specific information, go to: [http://www.scsccourt.org/online](http://www.scsccourt.org/online_services/tentatives/tentative_rulings_Dept1.shtml)**
15 **[services/tentatives/tentative_rulings_Dept1.shtml](http://www.scsccourt.org/online_services/tentatives/tentative_rulings_Dept1.shtml)**

14 For further information, please visit [https://www.scefilings.org/Complex_Civil_Litigation](https://www.scefilings.org/Complex_Civil_Litigation_Guidelines_2014_03_04.pdf)
15 [Guidelines 2014 03 04.pdf](http://www.scsccourt.org/online_services/tentatives/tentative_rulings_Dept1.shtml) or [http://www.scsccourt.org/online_services/tentative](http://www.scsccourt.org/online_services/tentatives/tentative_rulings_Dept1.shtml)
16 [rulings_Dept1.shtml](http://www.scsccourt.org/online_services/tentatives/tentative_rulings_Dept1.shtml).

17 DATED: January 21, 2016

18 BOORNAZIAN, JENSEN & GARTHE
19 A Professional Corporation

20 By: 
21 ALEXANDER R. MOORE, ESQ.
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23 Attorneys for Defendant/Cross-
24 Defendant Madera Framing, Inc.

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