

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 1, Honorable Sunil R. Kulkarni Presiding

JeeJee Vizconde, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2110

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Please state your case name, case number, the name of the attorney and contact number. It would also be helpful if you could identify the specific portion or portions of the tentative ruling that will be contested. Thank you.

Court Reporters are not provided. Please consult our Court's website, www.sccourt.org, for the rules, policies and required forms for the court's appointment by stipulation of privately-retained court reporters.

- In light of the Shelter-in-Place Order in this County due to COVID-19, all appearances MUST be by CourtCall, unless otherwise authorized by the Court. If any party wants a Court Reporter, the appropriate form must be submitted and the Reporter must be reporting remotely (i.e., not in the courtroom).
- There will be a Public Access Line so that interested members of the public can listen in. That number is 888-808-6929, access #: 2752612.
- As ordered by the Presiding Judge of the Court, if the court permits someone to appear in person for the hearing, that person must observe appropriate social distancing protocols and wear a face covering, unless otherwise authorized by the Court.
- As a reminder, state and local Court Rules prohibit recording of court proceedings without a Court order. This prohibition applies while in the courtroom and while listening in on the Public Access Line.

LAW AND MOTION TENTATIVE RULINGS

DATE: JUNE 17, 2021 TIME: 1:30 P.M.

**PREVAILING PARTY SHALL PREPARE THE ORDER
UNLESS OTHERWISE STATED (SEE [RULE OF COURT 3.1312](#))**

LINE #	CASE #	CASE TITLE	RULING
LINE 1	21CV376344	KT4 Partners LLC, et al. v. Palantir Technologies Inc., et al.	The Court already has circulated its tentative ruling (which may contain confidential information) to the parties.
LINE 2	19CV347733	Batin v. McGee Air Services, Inc.	RESCHEDULED to July 8, 2021 at 1:30p.m.
LINE 3	18CV336878	Baiting Jiang v. Jianjun Jiang	The moving party has not satisfied the factors required for her reconsideration motion. (See CCP, section 1008.) The Court therefore DENIES the motion in its entirety.
LINE 4	18CV336878	Baiting Jiang v. Jianjun Jiang	The moving party has not satisfied the factors required for her reconsideration motion. (See CCP, section 1008.) The Court therefore DENIES the motion in its entirety.

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LAW AND MOTION TENTATIVE RULINGS

LINE 5	21CV376344	KT4 Partners LLC, et al. v. Palantir Technologies Inc., et al.	See line 1.
LINE 6	16CV300760	Green v. City of Palo Alto (Lead Case/Consolidated With 18CV336237)	The Court invites oral argument. To help guide oral argument, the Court's tentative thoughts are attached.
LINE 7	19CV340667	Prager University v. Google LLC, et al.	Good cause appearing, the Court GRANTS the unopposed motion for entry of dismissal, and will sign the proposed judgment form that is attached to Prager University's motion.
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16CV300760

Green v. City of Palo Alto (Lead Case/Consolidated With 18CV336237)

After reviewing the parties' filings, the Court has these tentative thoughts on the issues raised by the parties:

1. Costs: If the City had wanted the common fund to pay for costs, the time to raise that argument would have been in opposition to plaintiff's motion for attorney fees, since plaintiff was clear she intended to seek additional costs per code, and the Court awarded her a particular percentage of the common fund as "attorney fees." And plaintiff's point that the class should be noticed of any additional deductions from the common fund is valid.

The Court's tentative position is that this particular common fund was meant for attorney fees only, and was not meant to encompass costs as well. Therefore, prevailing party costs would be paid by defendants directly (or alternatively, the common fund could be increased to account for such costs, but that alternative will require additional notice).

2. Electric Rate Claims: The Court believes that the City's request that the judgment address that the electric rate claims were resolved in the City's favor in some way is fair, but as plaintiff notes, these were not pleaded as separate causes of action. The Court tentatively believes that a good compromise would be for the paragraph stating "all other relief is denied" to specify that this language includes any relief arising from Plaintiff's challenges to Defendant's electric rates.

The Court tentatively declines the City's request to include additional commentary on the preclusive effect of the judgment as to electric rates, since the actual preclusive effect may be disputed in the future and is not the traditional subject matter of a judgment.

3. Writ of Mandate Issues: The Court is fine with 9 months, instead of 6 months, for the time period the City has to prepare a return to the writ. The Court agrees with plaintiff's proposed timeline for briefing the costs award.

Finally, the Court will like to discuss the following issue with the parties:

4. Notice to Classes: Only the gas customer classes ultimately received notice of this action. But earlier in this case, the parties stipulated to the certification of gas and electric customer classes, and they stipulated that class notice would issue after a decision on the merits. The proposed judgments don't refer to the electric customer classes at all and seem to treat those theories as individual claims by plaintiff. But at the same time, the City is arguing that the electric customers are bound by this judgment.

It might be problematic for the electric customer classes to remain certified, but those customers to never receive notice or the option to opt-out as the gas customers did. Should these electric customer classes be decertified? Or is that not necessary?

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