

FILED

JUN -8 2018

FRESNO COUNTY SUPERIOR COURT
By _____ DEPT. 503 - DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CIVIL DIVISION

Jane Doe et al.,) No. 17CECG01971
Plaintiffs,) Dept. 503
v.)
Parlier Unified School District) ORDER RE REQUEST FOR JUDGMENT
et al.,)
Defendants.)

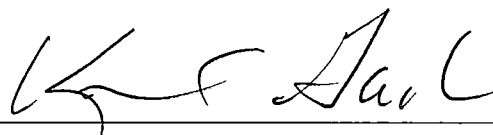
The ex parte request of Parlier Unified School District for judgment as to Layla Doe was received on June 5, 2018. The request is denied.

Layla Doe was a plaintiff in the original complaint. Layla Doe alleged causes of action one, three and five against Parlier Unified School District. Parlier Unified School District demurred to the first, third and fifth causes of action. The demurrer to the first and third causes of action was sustained with leave to amend. The demurrer to the fifth cause of action was sustained without leave to amend. It appears Layla Doe chose not to amend and thus is not named as a plaintiff in the first amended complaint.

1 Parlier Unified School District seeks a judgment that states
2 that the action brought by Layla Doe is dismissed and judgment is
3 entered in ¹⁵their favor and against Layla Doe. Parlier Unified
4 School District has failed to comply with statutory law. The
5 action brought by Layla Doe has not been dismissed.

6 On motion of either party, a judgment of dismissal may be
7 entered against a plaintiff where the defendant's demurrer was
8 sustained with leave to amend and the plaintiff failed to amend
9 the complaint within the time allowed by the court. Code of Civil
10 Procedure §581(f)(2). The Court notes that California Rules of
11 Court, rule 3.1320(h) permits an ex parte motion but only for
12 dismissal of the entire action and for entry of judgment after
13 expiration of the time to amend following the sustaining of a
14 demurrer. This rule does not apply to the case at bar.

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16 DATED this 8th day of June, 2018.

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20 Kimberly A. Gaab

21 Judge of the Superior Court
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