

**DEPARTMENT EIGHT - JUDGE WENDY GETTY  
TENTATIVE RULINGS SCHEDULED FOR  
THURSDAY, APRIL 28, 2011**

**324 VIRGINIA STREET PARTNERS, LLC v. WALKER  
Case No. FCS037111**

Demurrer filed by Respondent  
Motion for Protective Order filed by Respondent  
Motion to Compel Discovery Responses filed by Appellant

TENTATIVE RULING

This matter involves a de novo review of the Labor Commissioner's Award related to wages and penalties. The court has had the opportunity to review the parties submissions with respect to the Demurrer, Motion for Protective Order and Motion to Compel Discovery. The Court is additionally in receipt of the Notice of Non-Appearance filed on behalf of Respondent.

Respondent's pleadings reference an ongoing bankruptcy filing by his spouse. It is unclear from the content of the filings whether Respondent's claim for unpaid wages and associated penalties would be a community property asset and/or subject to the automatic stay under the United States Bankruptcy Code. See [11 U.S.C. § 362](#).

Based upon the above, the court declines to issue a tentative ruling regarding the merits of the pending motions until its jurisdiction to proceed is resolved.

Because Respondent has filed a Notice of Non-Appearance, this matter is continued. The parties are directed to appear on Wednesday, May 18, 2011 at 9:00 a.m. in Department 8.