

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

SOUTH BUILDING

TENTATIVE RULINGS - October 25, 2011

EVENT DATE: 10/28/2011

EVENT TIME: 01:30:00 PM

DEPT.: N-28

JUDICIAL OFFICER: Earl H. Maas III

CASE NO.: GIN044539

CASE TITLE: KELMAN VS KRAMER

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Defamation

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED:

The Motion of Defendant Kramer to Award Costs to Prevailing Party is granted. The record reflects that Kramer was awarded \$2,545.28. The appellate court confirmed. The court has the discretion to correct the judgment as it will not affect the ruling on appeal.

The Motion of Defendant Kramer to Vacate Void Judgment is denied. The court finds that the record does not reflect that the 9/24/11 judgment was actually void on its face. Extrinsic evidence was required in order to argue that the judgment was not properly "...entered, noticed or amended...". After review, the court finds that the clerks substantially complied with the statutes, that any violations of particular code sections did not void the judgment. Finally, Defendant Kramer has moved for relief too late to argue that the judgment is voidable under the usual statutes.

The clerk is directed to alter the 9/24/11 judgment to include the statement that: "Defendant Kramer is the prevailing party as to Plaintiff Globaltox, Inc. The judgment is hereby amended to include costs of \$2,545.28 in favor of Defendant Kramer and as against Plaintiff Globaltox, Inc."