

PROPOSED TENTATIVE

On April 4, 2025, JPMorgan Chase Bank, N.A. (plaintiff) filed a complaint against Lindsay Alvarado (defendant) for breach of contract, after defendant failed to pay charges on her account. Damages were alleged to be \$4,971.14. Defendant was served by substituted service at 2220 Diesel Ave., Santa Maria, on May 1, 2025. Before an answer was filed, the parties entered a “Stipulation Agreement,” filed with the court on July 31, 2025. According to the stipulation, defendant agreed to pay the full amount of \$4,971.14, with a one-time payment \$187.14 and payments of \$208 per month commencing on June 20, 2025, and continuing until the balance was paid in full. The court signed an order on August 4, 2025, retaining jurisdiction pursuant to Code of Civil Procedure¹ section 664.6 and dismissing the matter without prejudice.

On January 2, 2026, plaintiff filed a “Motion to Vacate Dismissal and Enter Judgment under the Terms of the Stipulated Settlement.” Defendant made her last payment under the agreement on September 29, 2025, after repaying a total of \$1,019.14. Plaintiff asks the court to enter as judgment, per the agreement above, \$3,952, with no request for costs (as costs are not authorized by the agreement). Plaintiff indicates it will submit on the written record and will not appear at the hearing today, as is permitted per California Rules of Court, rule 3.1304 (c).² Plaintiff asks the court to take judicial notice of the “Stipulation Agreement.” On January 2, 2026, plaintiff served defendant by mail at the address noted above. No opposition has been submitted.

Section 664.6 provides a summary procedure for entering judgment under the terms of a settlement agreement. (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1337; *In re The Clergy Cases I* (2010) 188 Cal.App.4th 1224, 1236.) Pursuant to this provision, when the parties stipulate to settle pending litigation, the trial court may enter judgment under the terms of the settlement after dismissal. The court is authorized to enter judgment regardless of whether the settlement’s obligations were performed or excused, even after dismissal. (*Hines v. Lukes* (2008) 167 Cal.App.4th 1174, 1184-1185.) “In order to take advantage of the statute's expedited procedure, a party must first establish the agreement at issue was set forth ‘in a writing signed by the parties’ [citation] or was made orally before the court.” (*Ibid.*) When the settlement agreement and dismissal reserve for the trial court the authority to determine the prevailing party and to award costs, the court has jurisdiction to award such costs and fees. (*Khavarian Enterprises, Inc. v. Commline, Inc.* (2013) 216 Cal.App.4th 310, 320.)

The court grants the request for judicial notice.

¹ Unless otherwise noted, all further statutory references are to this Code.

² This provision provides as follows: “A party may give to notice that he or she will not appear at a law and motion hearing and submit the matter without an appearance unless the court orders otherwise. The court must rule on the motion as if the party had appeared.”

Here, the requirements of section 664.6 have been satisfied. The parties agreed to the expedited procedure, and the court agreed to retain jurisdiction in a July 17, 2025, order. (*Wackeen v. Malis* (2002) 97 Cal.App.4th 429, 439.) The request was made by the parties, in writing, during the pendency of the case. (*Mesa RHF Partners, L.P. v. City of Los Angeles* (2019) 33 Cal.App.5th 913.) The stipulation was filed with the court before the case was dismissed. (*Ibid.*) The parties agreed that the court should retain jurisdiction during litigation in a signed written settlement agreement, which the court agreed to do, empowering it to vacate dismissal and enter judgment.

The court grants the motion, vacates dismissal, and enters judgment in the amount of \$3,952, the principal debt outstanding. The court will sign the proposed order and judgment submitted by plaintiff. The clerk is directed to send notice of the order and entry of judgment to all parties.