

Tentative Ruling

Case Number: 24CV00958

Case Name: Wells Fargo Bank NA v Maria G Romero

Hearing Date: July 16, 2026

Regarding: Motion: Judgment on the Pleadings

Proposed Tentative

The court has read plaintiff Wells Fargo Bank, N.A.'s "Motion for Judgment on the Pleadings," and all associated briefing. Plaintiff seems to be of the view that the initial complaint, filed on February 20, 2024, remains operative, meaning the present motion is appropriate. Plaintiff, however, overlooks the fact that on November 5, 2025, a "Notice of Settlement of the Entire Case" was filed, indicating the parties had entered into a conditional settlement agreement. While it is true that the action has not been voluntarily dismissed, the fact a settlement has been consummated between the parties alters how prosecution of the matter can proceed. It may proceed pursuant to the procedures contemplated by the Code of Civil Procedure section 664.6. Alternatively, as our high court observed in *Levy v. Superior Court* (1995) 10 Cal.4th 578, 586, fn. 5, plaintiff (to enforce a settlement) may proceed by "a motion for summary judgment, a separate suit in equity, or an amendment to the pleadings in this action." (See *Roberston v. Chen* (1996) 44 Cal.App.4th 1290, 1293 [even when Code Civ. Proc. § 664.6 is unavailable, "a settlement agreement might be enforceable by summary judgment, a suit for breach of contract (perhaps prosecuted by means of a supplemental pleading), or a suit at equity"]; *Nicholson v. Barab* (1991) 233 Cal.App.3d 1671, 1681 ["Settlement agreements not enforceable under Code Civ. Proc., § 664.6 are governed by the legal principles applicable to contracts in general"]; see also *Davidson v. Superior Court* (1999) 70 Cal.App.4th 514, 537 [summary judgment procedure may be utilized after amending the pleadings to allege the settlement defense].) What is not sanctioned is a motion for judgment on the pleadings based on the original complaint, as the latter is no longer operative as filed. Plaintiff has not pursued any of these methods, and fails to acknowledge the import and impact of the settlement agreement at all in the motion.

Unless there is an appearance on the date of the hearing, the court will deny the Motion for Judgment on the pleadings.