

## **PROPOSED TENTATIVE**

Defendant challenges via demurrer and motion to strike the fifth cause of action for “fraudulent inducement” as advanced in the complaint. On March 26, 2025, plaintiff filed a first amended complaint, as permitted by Code of Civil Procedure section 472, subdivision (a). That provision allows a party to amend once without leave of court after a demurrer or motion to strike has been filed “no later than the date for filing an opposition to the demurrer or motion to strike.” Pursuant to Code of Civil Procedure section 1005, subdivision (b), an opposition to the demurrer/motion to strike was required no later than nine (9) court days before the hearing. March 26, 2025, taking into account the court holiday on Monday, March 31, 2025, is exactly nine (9) courts days before the April 1, 2025, hearing (excluding the hearing date but including the date of filing). The amended pleading is timely and thus moots the demurrer and motion to strike. Both motions have been removed from the court’s calendar as a result.