

PROPOSED TENTATIVE

The court has detailed the nature of the dispute in two previous orders associated with defendant's petition to confirm the arbitration award. The court ultimately granted the motion to confirm in a signed order dated July 31, 2026. The court incorporates all previous tentative orders into this order.

On calendar today is defendant's motion to dismiss the operative complaint due to lack of standing, "lack of counsel," and delay in prosecution. The motion at this time is superfluous and in fact counter-productive. Pursuant to Code of Civil Procedure section 1287.4, once an arbitration award is confirmed, as this court did on July 31, 2026, "judgment shall be entered in conformity therewith. The judgment so entered has the same force and effect as, and is subject to the provisions of law relating to, a judgment in a civil action of the same jurisdictional classification; and it may be enforced like any other judgment of the court in which it is entered, in action of the same jurisdictional classification." The reason for this is clear – an arbitration is viewed as a trial on the merits. (*Kelly v. Bredelis* (1996) 45 Cal.App.4th 1819, 1827.) Dismissing the complaint at this time would defeat defendant's right to obtain an enforceable judgment based on the arbitration award, something the court assumes defendant finds undesirable.

Accordingly, the court, rather than addressing the merits of the motion to dismiss, denies it without prejudice; it instead will enter the arbitration agreement as a judgment, per the court's order dated July 31, 2026, pursuant to Code of Civil Procedures section 1287.4. Defendant is directed to provide a **proposed judgment** for signature, and once signed and entered, defendant is directed to send notice of entry of judgment to all parties.