

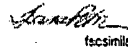
automobile. Cavazos is employed by CAC, not Phantom Motors, and she fails to establish any foundation for attesting to the authenticity of documents generated by an entirely different company. In particular, Cavazos fails to establish that she has personal knowledge of any information necessary to satisfy the requirements of the business records exception to hearsay pursuant to Evidence Code section 1271 as to those two documents.

Furthermore, even if the Court were to accept the authenticity of those two documents, they do not negate Plaintiff's testimony under oath that he did not see them prior to the filing of this lawsuit.

CAC's request for a continuance of the hearing to allow the agent for Phantom Motors who signed the Declaration Acknowledging Electronic Signature Process to appear to testify under oath is DENIED. As discussed above, the Court issued a tentative ruling on September 14 requiring counsel and Plaintiff to appear at the hearing, and advising CAC to attempt to arrange for the attendance of the agent for Phantom Motors. CAC's counsel did not attempt to contact Phantom Motors to arrange for his appearance until September 19, the day before this hearing.

Based on the state of the evidentiary record presented, the Court does not find that Plaintiff entered any agreement to arbitrate the claims alleged in this action.

Dated: 09/20/2016


facsimile

Judge Ioana Petrou

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Case Number: HG16815744
Order After Hearing Re: of 09/20/2016

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 09/20/2016.

Chad Finke Executive Officer / Clerk of the Superior Court

By  Digital

Deputy Clerk