TENTATIVE RULINGS for CIVIL LAW and MOTION
December 10, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department 15: (530) 406-6942

TENTATIVE RULING

CASE: **McReynolds v. Grigsby**
Case No. CV CV 09-2026

Hearing Date: December 10, 2009 Department Fifteen 9:00 a.m.

The request for judicial notice of the contents of the Court's file and Exhibit A to the defendants' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (c) and (d).) The request for judicial notice of Exhibit B to the defendants' request for judicial notice is **DENIED**.

The demurrer to the complaint is **OVERRULED**. The complaint cannot reasonably be interpreted to allege that the plaintiff discovered the alleged wrongful acts at the time such acts were committed. The complaint alleges that the plaintiff "did not know of the conversion at the time of the fraudulent conveyance until the present". (Complaint ¶¶ 166 and 179.) Plaintiff alleges that Linda Grigsby changed title to the Account "without Plaintiff's knowledge or express consent." (Complaint ¶ 202.)

Defendants shall file their answer to the complaint by no later than December 21, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **In re Trinidad Murillo**
Case No. CV PT 09-2451

Hearing Date: December 10, 2009 Department Fifteen 9:00 a.m.

The petition for approval of transfer of structured settlement payment rights is **DENIED WITHOUT PREJUDICE**. Petitioner failed to address the concerns raised in the response filed on November 19, 2009, as directed by the Court on December 2, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **In re claim of Devante Johnson Silva**
Case No. CV P2 09-191

Hearing Date: **December 10, 2009** **Department Fifteen** **9:00 a.m.**

The petition to approve compromise of disputed claim is **DENIED WITHOUT PREJUDICE**.

Petitioner has not been appointed the minor's guardian ad litem. Although the petitioner may compromise the minor's claim(s), the petition does not state whether the minor's parents are living separate and apart and if the parents are living separate and apart that the petitioner is the parent with the care, custody, or control of the minor. (Prob. Code, § 3500, subd. (a).)

The sum of the amounts to be paid from the proceeds of the settlement stated in Item 10.b. and Attachment 10 to the petition is $1,985.02, not $2,035.02. The net settlement proceeds that should be invested for the minor's benefit in Item 16.b. of the petition is $3,014.98, not $2,964.98.

Petitioner may correct the above-noted deficiencies prior to the hearing. If the petitioner corrects the deficiencies identified above before the hearing, the petitioner and the minor are directed to appear at the hearing or to show good cause why the petitioner and minor should not be required to appear. (Cal. Rules of Court, rule 7.952.) If the petitioner and the minor choose to show good cause, they should do so by filing a declaration before the hearing setting forth the facts supporting good cause. If the parties fail to appear at the hearing and the court has not excused their personal appearance, the petition will be denied without prejudice.

TENTATIVE RULING

CASE: **Yepez v. Sangha**
Case No. CV PM 08-1956

Hearing Date: **December 10, 2009** **Department Fifteen** **9:00 a.m.**

Karen Shore's motion to continue the trial date and to re-open discovery for all purposes only as to her is **GRANTED**. (Cal. Rules of Court, rule 3.1332.) Raul Yepez and Gloria Yepez' motion for severance is **DENIED**. The trial, trial readiness, and mandatory settlement conference dates are **VACATED**. A further case management conference is set for Thursday, January 7, 2010, at 1:30 p.m. in Department Ten so that new dates may be set.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.