

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 19, 2011

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 Fifteen: (530) 406-6722

TENTATIVE RULING

Case: Clifford v. Alpha Epsilon Pi, et al.
Case No. CV CV 09-1282

Hearing Date: August 19, 2011 Department Fifteen 8:30 a.m.

Plaintiff Ryan Clifford's objections to the declaration of Rebecca Weinstein-Hamilton are **SUSTAINED**. Plaintiff's motion to reopen discovery is **DENIED**. (Code Civ. Proc., § 2024.050.) The motions to compel that plaintiff proposes to file would be untimely and the Court would be without authority to rule on them, other than to deny them. (*Sexton v. Superior Court* (1997) 58 Cal.App.4th 1403, 1410.) Plaintiff fails to provide any other justification for reopening discovery.

Defendant Daniel Sacher's request for sanctions is **GRANTED** in the amount of \$750.00. (Code Civ. Proc., § 2024.050, subd. (b).) The Court does not award time not yet incurred as of the time of the declaration of Weinstein-Hamilton. Defendant may submit a supplemental declaration to substantiate the fees actually incurred in connection with any appearance at the hearing. Plaintiff shall pay the monetary sanctions to Sacher by August 31, 2011.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

TENTATIVE RULING

Case: Hakker v. John Stewart Company, Inc., et al.
Case No. CV CV 10-2436

Hearing Date: August 19, 2011 Department Fifteen 8:30 a.m.

Stephen A. Mason's motion to be relieved as counsel is **DENIED WITHOUT PREJUDICE**. A proposed order was not lodged with the Court or served on Eathan Hakker. (Cal. Rules of Court, rule 3.1362(d) & (e).)

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: **Smith v. Marquee Homes, Inc.**
Case No. CV CV 10-2633

Hearing Date: **August 19, 2011** **Department Fifteen** **8:30 a.m.**

Cross-defendant Mitchell Jones Concrete, Inc.'s motion for relief from Case Management Order is premature and therefore **DENIED WITHOUT PREJUDICE**. Cross-complainant Marquee Homes, Inc. shall serve Mitchell Jones Concrete with the Case Management Order filed March 24, 2011 (together with any subsequent amendments) by no later than **September 2, 2011**.

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.