

TENTATIVE RULINGS for CIVIL LAW and MOTION
July 15, 2014

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 Two: (530) 406-6843

TENTATIVE RULING

Case: **Grill v. Meritage Homes of California, Inc.**
Case No. CV CV 11-13

Hearing Date: **July 15, 2014** **Department Two** **9:00 a.m.**

David A. Frenznick of Wilke, Fleury, Hoffelt, Gould & Birney, LLP's unopposed motion to be relieved as counsel for Tami Richardson is **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until Mr. Frenznick files a proof of service with the court showing service of a copy of the signed order on his client. (Cal. Rules of Court, rule 3.1362(e).)

TENTATIVE RULING

Case: **In re Keister**
Case No. CV PT 14-784

Hearing Date: **July 15, 2014** **Department Two** **9:00 a.m.**

Allstate Settlement Corporation's petition for approval of transfer of structured settlement payment rights is **GRANTED**. (Ins. Code, § 10134 et seq.)

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: **Riverview International Trucks, LLC v. Truck Hydraulic Equipment Company**
Case No. CV CV 14-117

Hearing Date: **July 15, 2014** **Department Two** **9:00 a.m.**

Defendant Department of Transportation of the State of California's demurrer to the first cause of action for claim and delivery to plaintiff Riverview International Trucks, LLC's first amended complaint ("FAC") is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., §

430.10, subd. (e).) Plaintiff fails to allege facts sufficient to establish that defendant is wrongfully detaining the subject vehicles or that plaintiff is entitled to possession of the vehicles as alleged. (FAC, ¶¶ 28-31, Exh. C; Code Civ. Proc., § 512.010; *Barnett v. Fireman's Fund, Ins. Co.* (2001) 90 Cal.App.4th 500, 505.)

Defendant's demurrer to the second cause of action for "Breach of Commercial Code" is **SUSTAINED WITHOUT LEAVE TO AMEND**. Plaintiff fails to plead a statutory basis for this cause of action. A public entity is not liable for an injury, except provided by statute. (Code Civ. Proc., § 430.10, subd. (e); Gov. Code, § 815; *Miklosy v. Regents of University of California* (2008) 44 Cal.4th 876, 899-900.)

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: Sacramento Floormasters, Inc. v. Sac Profloors, Inc.
Case No. CV CV 13-2165

Hearing Date: July 15, 2014 Department Two 9:00 a.m.

Plaintiffs Sacramento Floormasters, Inc. has filed six (6) motions to compel against defendants Sac Profloors, Inc., Enrique Curbelo, and Gene Sorenson. Defendants have also filed a motion to compel set to be heard on July 17, 2014. Based on the volume of these motions and the record of this case, the Court finds good cause to appoint a discovery referee to determine the issues presented by the motions. The parties shall meet and confer, and select three candidates for appointment. By no later than August 15, 2014, the parties shall file with the Court the names, business addresses, and telephone numbers of the proposed referees, rates, and State Bar numbers, if applicable. (Cal. Rules of Court, rule 3.922.)

The parties are directed to appear on August 22, 2014, in Department 2, at 9:00 a.m. for purposes of appointment.

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