

## **TENTATIVE RULINGS for CIVIL LAW and MOTION July 25, 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](http://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: Dodenhoff v. Cache Creek Foods, LLC  
Case No. CV CV 14-552**

**Hearing Date: July 25, 2014 Department Two 9:00 a.m.**

Defendant Cache Creek Foods, LLC's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (h).)

Defendant's demurrer to plaintiff Dennis A. Dodenhoff's complaint for recovery of pecuniary property and enforcement of plaintiff's rights protected by the state and federal Constitutions is **SUSTAINED WITHOUT LEAVE TO AMEND**. Plaintiff fails to state facts sufficient to constitute a cause of action against this defendant. Defendant is immune from any liability to plaintiff with respect to all monies paid to the Secretary of the Treasury pursuant to the notice of levy dated December 12, 2013. (Code Civ. Proc., § 430.10, subd. (e); 26 U.S.C.A. §§ 6332, 7701(a)(11)(B); Complaint, pp. 6-11.)

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).

Plaintiff's motion for summary judgment, motion to strike defendant's demurrer, and motion to add a new defendant are **DROPPED FROM CALENDAR**. The moving papers, filed on July 3, 2014, were not filed at least 16 court days before the hearing. (Code Civ. Proc., § 1005, subd. (b).) Further, plaintiff failed to provide proper notice for each motion. (Code Civ. Proc., §§ 437c, subd. (a), 1005, subd. (b).)