

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 7, 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: **Davis Enterprise, Inc. v. Fairfield Publishing Co.**
Case No. CV CV 06-68

Hearing Date: **August 7, 2014** **Department Two** **9:00 a.m.**

There are currently five separate discovery related motions on the Court's calendar. 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 are directed to appear on August 14, 2014, in Department 2, at 9:00 a.m. to show cause as to why a discovery referee should not be appointed.

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.

TENTATIVE RULING

Case: **Martinez v. City of Davis**
Case No. CV PO 14-721

Hearing Date: **August 7, 2014** **Department Two** **9:00 a.m.**

Defendant City of Davis's unopposed motion to compel plaintiff James O. Martinez to appear at a deposition is **GRANTED**. (Code Civ. Proc., § 2025.450.)

Defendant's unopposed motion for an order that matters in its requests for admission, set one, be deemed admitted is **GRANTED**. (Code Civ. Proc., § 2033.280.)

Defendant's unopposed motion to compel responses to form interrogatories, sets one and two, special interrogatories, set one, and request for production of documents, set one is **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).) Plaintiff shall serve verified answers to the form and special interrogatories and requests for production of documents, together with all responsive documents, without objections, by August 21, 2014.

Defendant's unopposed request for monetary sanctions against plaintiff is **GRANTED IN PART** in the amount of \$2,966.40. (Code Civ. Proc., §§ 2023.010 et seq., 2025.450, subd.

(g)(1), 2030.290, subd. (c), 2031.300, subd. (c); Cal. Rules of Court, rule 3.1348; Decl. of Charleston S. Pearse, ¶¶ 1-10; Decl. of Benjamin D. Oram, ¶¶ 15-18[sic].) Sanctions are not granted for time not yet incurred. Plaintiff shall pay the monetary sanctions to defendant by August 21, 2014.

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.

TENTATIVE RULING

Case: Olive Drive Partners v. ALB Investments
Case No. CV UD 14-997

Hearing Date: August 7, 2014 Department Two 9:00 a.m.

Plaintiff Olive Drive Partners' motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 436c, subd. (p)(1).) Plaintiff has established that defendant ALB Investments failed to timely exercise its option to review its commercial lease, and defendant cites no applicable California legal authority to support its contention that it was excused from compliance with the lease. (Youmans Decl., ¶ 4; Exhibits A and B.)

Plaintiff shall comply with California Rules of Court 3.1700 et seq. to obtain its costs and attorneys' fees.

If no hearing is requested, plaintiff is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c(g) and California Rule of Court 3.1312.