

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**August 14, 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:** **Davis Enterprise, Inc. v. Fairfield Publishing Co.**  
**Case No. CV CV 06-68**

**Hearing Date:** **August 14, 2014** **Department Two** **9:00 a.m.**

Defendant City of Davis's motions for judgment on the pleadings and motions for summary judgment, or in the alternative summary adjudication are **CONTINUED** on the Court's own motion to August 22, 2014, so that the briefings may be further considered.

Further, the parties are **DIRECTED TO APPEAR** on August 14, 2014, as ordered on August 7, 2014, 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:** **Nguy v. Stone**  
**Case No. CV CV 12-1979**

**Hearing Date:** **August 14, 2014** **Department Two** **9:00 a.m.**

Plaintiff Dinh Nguy's motion to strike the amended judgment of dismissal is **DENIED**. The document is not a "pleading" as that term is defined in Code of Civil Procedure section 435. (Code Civ. Proc., §§ 435, 436.)

Defendant John C. Orcutt's request to declare plaintiff a vexatious litigant is not properly before the Court, i.e., made in a properly noticed motion. It is therefore **DENIED**. (Code Civ. Proc., § 391.1.) Plaintiff's request to continue the hearing made on August 13, 2014, on this issue is therefore **MOOT**.

The notice of motion does not provide notice of this 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:** **The Regents of the University of Calif. v. Garcia**  
**Case No. CV CV 14-821**

**Hearing Date:** **August 14, 2014** **Department Two** **9:00 a.m.**

Defendant The Regents of the University of California's demurrer to the fourth, sixth, and seventh causes of action is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) These common law claims are barred against public entities. (Gov. Code, §§ 810, 815, subd. (a); *Miklosy v. Regents of Univ. of Calif.* (2008) 44 Cal.4<sup>th</sup> 876, 900-0; *McAllister v. Los Angeles Unif. Sch. Dist.* (2013) 216 Cal.App.4th 1198, 1218.)

Defendant's unopposed motion to strike is **GRANTED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 436.)

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.