

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 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 Calif., Inc.**
Case No. CV CV 11-13

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

Defendant and cross-defendant's unopposed motion for determination of good faith settlement is **GRANTED**. (Code Civ. Proc., § 877.6.)

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

Defendant City of Davis's amended demurrer to the second cause of action for negligence in plaintiff James O. Martinez's complaint 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.)

Defendant's amended demurrer to the third cause of action for an intentional tort in plaintiff's complaint is **SUSTAINED WITH LEAVE TO AMEND**. Plaintiff fails to plead a statutory basis for this cause of action. (Code Civ. Proc., § 430.10, subd. (e); Gov. Code, § 815; *Miklosy v. Regents of University of California, supra*, 44 Cal.4th at 899-900; *Susman v. City of Los Angeles* (1969) 269 Cal.App.2d 803, 809.)

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: Platt Electric Supply v. CDS Construction
Case No. CV G 11-2550**

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

Plaintiff Platt Electric Supply's unopposed motion to amend the judgment is **GRANTED**. (Code Civ. Proc., § 187; *Farenbaugh & Son v. Belmont Constr., Inc.* (1987) 194 Cal.App.3d 1023.)

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: Unifund CCR, LLC v. Raspa
Case No. CV G 14-414**

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

Plaintiff Unifund CCR, LLC's unopposed motion to deem requests for admission admitted is **GRANTED**. (Code Civ. Proc., § 2033.280, subd. (b).)

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).