

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**August 20, 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:** **Barth Tozer & Daly LLP v. Chartaev**  
**Case No. CV G 13-1390**

**Hearing Date:** **August 20, 2014** **Department Two** **9:00 a.m.**

Plaintiff Barth Tozer & Daly LLP's unopposed motion to compel responses to form interrogatories, special interrogatories, and requests for production is **GRANTED**. (Code Civ. Proc., §§ 2030.290, 2031.300.)

Monetary sanctions are **DENIED**. (*Id.*) Counsel Angie Palmerin states in her declaration that "BTD counsel spent 3.9 hours preparing the motion to compel responses." (Palmerin Decl., ¶ 9.) It is unclear from counsel's statement whether she prepared the motion. If another attorney prepared the motion, then her statement about another attorney preparing the motion appears to be hearsay. As to the remainder of the time requested, the Court does not award fees for time not yet incurred.

Verified responses, together with any responsive documents, shall be served by no later than August 29, 2014.

Plaintiff's unopposed motion to establish requests for admission admitted is **GRANTED**. (Code Civ. Proc., § 2033.280.)

Monetary sanctions are **DENIED**. Counsel Angie Palmerin states in her declaration that "BTD counsel spent 3.5 hours preparing *the motion to compel responses*." (Emphasis added, Palmerin Decl., ¶ 9.) As above, this declaration also appears to be based on incompetent hearsay. Additionally, from this averment, it is not clear to the Court that the declared time was spent on the motion to establish requests for admission admitted.

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:** **Protech Services, Inc. v. Gillette**  
**Case No. CV CV 12-527**  
**Hearing Date:** **August 20, 2014** **Department Two** **9:00 a.m.**

Defendant and cross-complainant James Gillette, individually and as trustee of the Gillette Family Revocable Bypass Trust's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant's unopposed motion to transfer and coordinate Alameda Superior Court Case No. RG 1368846 to be tried with the instant case is **GRANTED**. (Code Civ. Proc., § 403.) Should a continuance of the trial set in the instant case be necessary as a result of this coordination order, a separate motion shall be made.

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:** **Petition of Zochlinski**  
**Case No. CV PT 09-2287**  
**Hearing Date:** **August 20, 2014** **Department Two** **9:00 a.m.**

Petitioner Howard Zochlinski's motion for order of stay, filed and served on August 5, 2014, is **DROPPED FROM CALENDAR**. It was not served and filed at least 16 court days before the hearing date. (Code Civ. Proc., § 1005.)

It appears that petitioner filed an additional motion to extend the deadline for trial of this case that the Court cannot locate. Therefore, the Court continues the hearing thereon to September 8, 2014, at 9:00 a.m. in Department 2 so the documents can be located. In the meantime, petitioner shall provide a file-endorsed copy of the motion to the Court by no later than August 29, 2014. If the Court does not receive a copy of the motion, the hearing will be dropped from calendar.