

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 21, 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 Three: (530) 406-6816

TENTATIVE RULING

Case: Nambiar v. The Regents of the University of Calif.
Case No. CV PO 12-1928

Hearing Date: August 21, 2014 Department Three 9:00 a.m.

Defendants The Regents of the University of California and Winston Ko's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (b) & (c).)

Defendants' demurrer to the first, second, and third causes of action is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) At this stage, plaintiff has pled sufficient facts to support the application of the futility exception to the exhaustion of administrative remedies requirement and an inference of positive misconduct by defendant Regents. (Third Amended Complaint, ¶¶ 13a., 34; *Coachella Valley Mosquito & Vector Control District v. California Public Employment Relations Board* (2005) 35 Cal.4th 1072, 1080; *Fretland v. County of Humboldt* (1999) 69 Cal.App.4th 1478, 1486-87.)

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.