

TENTATIVE RULINGS for CIVIL LAW and MOTION September 18, 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: **Bishop v. JTS Communities, Inc.**
Case No. CV CV 11-27

Hearing Date: **September 18, 2014** **Department Two** **9:00 a.m.**

Cross-defendant Beutler Heating and Air Conditioning, Inc.'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: **Cach v. Cheng**
Case No. CV G 14-631

Hearing Date: **September 18, 2014** **Department Two** **9:00 a.m.**

Defendant Nancy Cheng's special demurrers to the first and second causes of action for breach of contract and account stated are **OVERRULED**. (Code Civ. Proc., § 430.10, subs. (f) & (g).) Special demurrers are not allowed in limited civil cases. (Code Civ. Proc., § 92, subd. (c).)

Defendant's general demurrer to the first and second causes of action for account stated is **OVERRULED**. (Code Civ. Proc., § 430.10, subs. (f) & (g).) Defendant cites no controlling legal authority to support her argument that plaintiff must attach documents or exhibits to the complaint to support the existence of a valid contract.

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: **Dionisio v. State of California**
 Case No. CV PM 13-356

Hearing Date: **September 18, 2014** **Department Two** **9:00 a.m.**

Defendant State of California’s motion to compel a further response to defendant’s supplemental request for production of documents is **DENIED**. (Code Civ. Proc., § 2031.310; Decl. of Douglas L. Johnson, ¶¶ 4, 7, 10, Exh. F.) Defendant’s motion fails to include a separate statement as required. (Cal. Rules of Court, rule 3.1345(a)(3).)

Plaintiffs Rosalina Dionisio and Oscar Dionisio’s request for sanctions is **DENIED**.

The notice of motion does not provide notice of the 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: **Smith v. Rapp**
 Case No. CV UD 14-1271

Hearing Date: **September 18, 2014** **Department Two** **9:00 a.m.**

The parties are **DIRECTED TO APPEAR**. The Court will consider hearing evidence from all parties as to the sufficiency of service of the notice to pay rent or quit, or will set an evidentiary hearing thereon.