

TENTATIVE RULINGS for CIVIL LAW and MOTION October 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 Two: (530) 406-6843
Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: Hinesley v. Collicutt Energy Services, Inc.
Case No. CV CV 14-432
Hearing Date: October 21, 2014 Department Two 9:00 a.m.

Defendant Collicutt Energy Services, Inc.'s demurrer to the fourth, fifth, sixth, seventh, and eighth causes of action is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).)

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: PHL Associates, Inc. v. Wallis
Case No. CV CV 14-1023
Hearing Date: October 21, 2014 Department Fifteen 1:30 p.m.

Plaintiffs PHL Associates, Inc., Jeffrey Wichmann, and Mary Holmes's request for judicial notice is **GRANTED**. (Evid. Code, 452, subd. (d).)

Plaintiffs' motion to release funds held in the interpleader account is **DENIED**. (Code Civ. Proc., § 386, subd. (b).) Plaintiffs fail to cite any legal authority which authorizes the Court to release a portion of the funds deposited with the Court for an interpleader action during the course of litigation.

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: **Sharma Holdings v. Jones**
Case No. CV UD 14-568

Hearing Date: **October 21, 2014** **Department Two** **9:00 a.m.**

Defendant Daisy Taviea's unopposed motion to quash service of summons is **GRANTED**. (Code Civ. Proc., § 418.10, subd. (a)(1).) Defendant presents undisputed evidence that the three-day notice to pay rent or quit overstates the amount of rent due. (Decl. Taviea.) A notice that overstates that amount of rent due cannot support an unlawful detainer action. (*Levitz Furn. Co. of the Pacific, Inc. v. Wingtip Communications* (2001) 86 Cal.App.4th 1035.)

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.