

## **TENTATIVE RULINGS for CIVIL LAW and MOTION October 24, 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  
Telephone number for the clerk in Department Three: (530) 406-6816

### **TENTATIVE RULING**

**Case:** Lindfors v. The Regents of the University of California  
Case No. CV CV 11-2789  
**Hearing Date:** October 24, 2014 Department Three 8:30 a.m.

Plaintiff Heather A. Lindfors's unopposed motion to correct the July 25, 2014 minute order is **GRANTED**. (Code Civ. Proc., § 473, subd. (d).) The motion to compel which was originally set to be heard on September 23, 2014, is **CONTINUED** on the Court's own motion to November 14, 2014, at 8:30 a.m. in Department Three.

### **TENTATIVE RULING**

**Case:** Matter of Royal Oaks  
Case No. CV CV 14-1032  
**Hearing Date:** October 24, 2014 Department Two 9:00 a.m.

Respondent Davis Group dba Royal Oak Manufactured Community's motion to quash an inspection warrant and suppress evidence obtained during the search related thereto is **DENIED**. Respondent has not demonstrated that the inspection warrant is based on false and misleading statements that were made knowingly or intentionally or with reckless disregard for the truth. (*Franks v. Delaware* (1978) 438 U.S. 154.)

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:** **Wright v. McClellan**  
**Case No. CV CV 12-2241**  
**Hearing Date:** **October 24, 2014** **Department Two** **9:00 a.m.**

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The Court declines to consider plaintiff James Wright and defendant Tazwell McClellan's opposition brief to the motion to disqualify Jeff Klink as counsel. The opposition brief was filed after the deadline for filing opposition papers, and the brief also violates California Rule of Court 3.1113(f). (Code Civ. Proc., § 1005, subd. (b).) The Court further declines to grant Mr. Klink's request to continue the hearing to allow a timely opposition to be filed. Defendant Royce McClellan's motion to disqualify counsel was originally set to be heard on October 10, 2014. However, to accommodate Mr. Klink's schedule, the hearing was continued to October 24, 2014. (Stipulation and Order filed on September 26, 2014.) Mr. Klink fails to state a sufficient basis for his failure to timely file his clients' opposition. (Decl. of Jeff Klink filed October 21, 2014, ¶¶ 1-6.)

Defendant Royce McClellan's motion to disqualify Jeff Klink from representing any party in the current case **GRANTED IN PART**. (Code of Civ. Proc, § 128.) Mr. Klink is disqualified from representing Tazwell McClellan. Tazwell McClellan's answer, filed on August 15, 2014, is **STRICKEN**. (*Schimmel v. Levin* (2011) 195 Cal.App.4th 81, 87-88; *City & County of San Francisco v. Cobra Solutions, Inc.* (2006) 38 Cal.4th 839, 846; *Flatt v. Superior Court* (1994) 9 Cal.4th 275, 284-286; *Klemm v. Superior Court* (1977) 75 Cal.App.3d 893, 898.) Tazwell McClellan shall file a response to plaintiff's complaint no later than November 24, 2014.

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.