

**TENTATIVE RULINGS for CIVIL LAW and MOTION
October 31, 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: Treat v. City of Winters
Case No. CV PO 14-593

Hearing Date: October 31, 2014 Department Two 9:00 a.m.

Defendant City of Winters's demurrer to count three, for dangerous condition of public property, of the first cause of action for premise liability is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff fails to allege facts sufficient to establish that the alleged condition existed for such a period of time and was of such an obvious nature that defendant, in the exercise of due care, should have discovered the condition and its dangerous character. (Gov. Code, §§ 835, 835.2, subd. (b); *Mittenhuber v. City of Redondo Beach* (1983) 142 Cal.App.3d 1, 5; *Balmer v. City of Beverly Hills* (1937) 22 Cal.App.2d 529.)

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.