

TENTATIVE RULINGS for CIVIL LAW and MOTION December 3, 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: Midland Funding LLC v. Mojadedi
Case No. CV G 13-1334**

Hearing Date: December 3, 2014 Department Two 9:00 a.m.

Plaintiff Midland Funding LLC's unopposed motion for terminating sanctions for failure to respond to discovery and comply with the Court's discovery order is **DENIED WITHOUT PREJUDICE**. Terminating sanctions are not warranted at this time based on the record of disobedience of court orders presented. (Code Civ. Proc., § 2023.030; *Caryl Richards Inc. v. Superior Court* (1961) 188 Cal.App.2d 300, 304.)

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: Singh v. Derossett
Case No. CV UD 14-1798**

Hearing Date: December 3, 2014 Department Two 9:00 a.m.

Defendants Sandra Derossett, individually, and as guardian ad litem for Roselynn Berry's demurrer to the complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (f).) The complaint is allegedly premised upon a 3 day notice to pay rent or quit, a 30 day notice to quit, and a 60 day notice to quit. (Complaint, ¶¶ 7-8.) However, while the 3 day notice is an exhibit to the complaint, the 30 day notice and 60 day notice have not been attached to the complaint as required by Code of Civil Procedure section 1166(d)(1)(A). The remaining ground for the demurrer, that the notice to quit does not comply with section 1161(2), lacks merit. The 3 day notice to pay rent or quit states the name of the person to whom payment may be made, and his telephone number. (Exhibit 2 to Complaint.)

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).