

**TENTATIVE RULINGS for CIVIL LAW and MOTION
December 5, 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 Seven: (530) 406-6722

TENTATIVE RULING

Case: Beckley v. Morrison Homes, Inc.
Case No. CV CV 13-754
Hearing Date: December 5, 2014 Department Two 9:00 a.m.

William A. Jenkins’s unopposed motion to be relieved as counsel for cross-defendant Blackhawk Concrete Company, Inc. is **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until Mr. Jenkins files a proof of service with the court showing service of a copy of the signed order on his client. (Cal. Rules of Court, rule 3.1362(e).)

Defendant and cross-complainant Morrison Homes, Inc.’s motion to contest the good faith settlement application of CLF Enterprises, Inc. dba The Door & Window Company (“CLF”) is **GRANTED**. (Code Civ. Proc., § 877.6.) CLF’s application for good faith settlement is **DENIED**. CLF fails to provide evidence sufficient to enable the Court to determine that the proposed settlement is within the “good faith ballpark.” (*Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court 3.1312 or further notice is required.

TENTATIVE RULING

Case: Done Again, LLC v. Sierra Nevada Reconveyance, Inc.
Case No. CV CV 12-2574
Hearing Date: December 5, 2014 Department Seven 2:30 p.m.

Defendant Bruce Myers request that the Court take judicial notice of Exhibits 1, 2, and 7 is **GRANTED**. (Evid. Code, § 452, subd. (c).) The Court declines to take judicial notice of the remaining exhibits as they are subject to dispute. (Evid. Code, § 452, subd. (h).)

Defendant’s motion to expunge the lis pendens is **GRANTED**. (Code Civ. Proc., §§ 405.30, 405.32.) Plaintiff, as the lis pendens claimant, fails to establish by a preponderance of the evidence the probable validity of a real property claim. An offer to tender must be alleged to set

aside a trustee's sale. Plaintiff fails to allege or provide evidence that it is able to tender the amount of money paid by defendant in order to set aside the trustee's sale. (*Abdallah v. Untied Sa. Bank* (1996) 43 Cal.App.4th 1101, 1109; *Arnolds Management Corp. v. Eischen* (1984) 158 Cal.App.3d 575, 578; *FPCI RE-HAB 01 v. E & G Investments, Ltd.* (1989) 207 Cal.App.3d 1018, 1023.)

The requests for attorneys' fees are denied. (Code Civ. Proc., § 405.38.)

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: **Tapia v. Centex Homes**
Case No. CV CV 11-1082
Hearing Date: **December 5, 2014** **Department Two** **9:00 a.m.**

Cross-defendant Ironshore Specialty Insurance Company's demurrer is **CONTINUED** on the Court's own motion to be heard with Travelers Property Casualty Company of America's and Travelers Indemnity Company of Connecticut's demurrer on December 19, 2014, at 9:00 a.m. in Department 2.