

**TENTATIVE RULINGS for CIVIL LAW and MOTION
January 8, 2015**

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: Azevedo v. Valenzuela
Case No. CV PM 12-1601
Hearing Date: January 8, 2015 Department Two 9:00 a.m.

Defendant Alexander A. Perez’s unopposed motion for leave to file an amended answer to the complaint filed by Olivia R. Azevedo is **GRANTED**. (Code Civ. Proc., § 473, subd. (a).) Defendant shall file his amended answer by **January 15, 2015**.

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: Jaime v. Cal. Cars & Tires Express
Case No. CV CV 13-728
Hearing Date: January 8, 2015 Department Two 9:00 a.m.

Defendant Orrick Joint Venture, LP’s (“OJV”) request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).) The Court does not take judicial notice of the truth of the factual finding in the judgment. (*People v. Moore* (1997) 59 Cal.App.4th 168, 178.)

Defendant’s unopposed demurrer to the first, second, and third causes of action is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10.) Plaintiff fails to allege the harm he suffered to support the first cause of action for trespass. Plaintiff fails to allege that he did not consent to OJV’s actions to support the second cause of action for “malicious destruction of property” (which the Court analyzes under the standards applicable to conversion and trespass to chattels). Plaintiff fails to allege that defendant created a condition or permitted a condition to exist on the property, fails to allege how the condition interfered with the use of his property, and fails to establish that he did not consent to OJV’s actions to support the third cause of action for nuisance.

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: Rodriguez v. Sutter Health
Case No. CV CV 11-817

Hearing Date: January 8, 2015 Department Two 9:00 a.m.

Defendant Sutter Health's motion for an order granting a trial setting conference is in actuality a motion to continue trial. The motion is **DENIED**, for lack for good cause shown.

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.