

## **TENTATIVE RULINGS for CIVIL LAW and MOTION January 15, 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](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 Nine: (530) 406-6787

### **TENTATIVE RULING**

**Case:** **Kopple v. Loan Mart**  
**Case No. CV CV 14-1477**  
**Hearing Date:** **January 15, 2015** **Department Two** **9:00 a.m.**

Defendant Wheels Financial Group, LLC's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (c), (d).)

Defendant's unopposed demurrer to the first cause of action for "unconscionable contract" is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Unconscionability is not a cause of action and plaintiff does not plead facts warranting rescission of the contract based on the facts alleged in this cause of action.

Defendant's unopposed demurrer to the second cause of action for "contract defenses and claim: mistake" is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) None of the issues plaintiff alleges to provide the factual bases for this cause of action are cognizable mistakes of fact. (Civ. Code, § 1577.)

Defendant's unopposed demurrer to the third cause of action for breach of peace is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) A cause of action for breach of the peace is not recognized in California under the circumstances alleged by plaintiff.

Defendant's unopposed demurrer to the fourth cause of action for conversion is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff does not allege sufficient facts to support a claim that the taking of the property was wrongful and does not allege facts sufficient to establish a claim against defendant for wrongful retention of plaintiff's personal property items. (Bus. & Prof. Code, § 7507.13, subd. (b).)

Having sustained the demurrer to the entirety of the complaint, defendant's motion to strike is **DENIED AS MOOT**. (Code Civ. Proc., § 436.)

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: LVNV Funding LLC v. Bernal**  
**Case No. CV G 14-490**  
**Hearing Date: January 15, 2015 Department Two 9:00 a.m.**

Plaintiff LVNV Funding LLC's unopposed motion to deem requests for admission admitted is **GRANTED**. (Code Civ. Proc., § 2033.280, subd. (b).) Defendant Aurora Bernal is ordered to pay plaintiff a monetary sanction in the amount of \$332.50. (Code Civ. Proc., § 2033.280, subd. (c).)

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: Valadez v. Contreras**  
**Case No. CV PO 14-689**  
**Hearing Date: January 15, 2015 Department Two 9:00 a.m.**

The Court strikes Felix Valadez's third amended complaint. Plaintiff substituted defendant The Romeo Berrettoni Residual Trust for defendant The Romeo Berrettoni Trust without first seeking leave to amend. (Code Civ. Proc., § 473, subd. (a)(1).) Accordingly, defendant The Romeo Berrettoni Trust's demurrer is **DROPPED FROM CALENDAR**.

Plaintiff shall file a third amended complaint that is within the scope of the Court's tentative ruling dated October 7, 2014, by no later than January 30, 2015.

**TENTATIVE RULING**

**Case: Yamoah v. The Regents of the University of California**  
**Case No. CV CV 14-913**  
**Hearing Date: January 15, 2015 Department Nine 1:00 p.m.**

Defendants the Regents of the University of California and Cameron S. Carter's demurrer to plaintiff Ebenezer N. Yamoah's first amended complaint is **CONTINUED** on the Court's own motion to January 29, 2015, at 1:00 p.m. in Department Nine.