

TENTATIVE RULINGS for CIVIL LAW and MOTION
January 22, 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

Telephone number for the clerk in Department Fourteen: (530) 406-6726

TENTATIVE RULING

Case: California Public Records Research, Inc. v. County of Yolo
Case No. CV PT 11-2537

Hearing Date: January 22, 2015 Department Fourteen 10:00 a.m.

Respondents County of Yolo and Freddie Oakley's objection no. 1 to the declaration of Donald Ricketts for failure to serve a verified copy of his declaration on respondents is **OVERRULED**. Petitioner subsequently filed a signed copy of his declaration and the Court finds that consideration thereof would not prejudice respondents. Objection nos. 2-5 to Mr. Ricketts's declaration are **SUSTAINED**.

Petitioner California Public Records Research, Inc.'s motion for attorneys' fees is **DENIED**. (Code Civ. Proc., § 1021.5; *Graham v. DaimlerChrysler Corp.* (2005) 34 Cal.4th 553, 560.) Petitioner does not establish that it is entitled to recover its attorneys' fees under the catalyst theory of section 1021.5. Even if petitioner were entitled to recover attorneys' fees under section 1021.5, it has offered no admissible evidence to support the fee request. (Ricketts Decl., ¶¶ 22-24.)

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: Kurowski v. City of West Sacramento
Case No. CV PM 12-2457

Hearing Date: January 22, 2015 Department Two 9:00 a.m.

Defendants City of West Sacramento and Stephen Freitas's objection to the declaration of Christopher W. Woods in support of plaintiffs Thomas L. Kurowski and Wendy Hoyt's opposition to the motion for bifurcation is **OVERRULED**.

Defendants' motion to bifurcate the issues of liability and damages is **DENIED**. (Code Civ. Proc., § 598; *Grappo v. Coventry Financial Corp.* (1991) 235 Cal.App.3d 496, 504.)

Plaintiffs' motion to continue trial is **DENIED**. (Cal. Rules of Court, rule 3.1332.) Plaintiffs fail to make an affirmative showing of good cause for the continuance of the trial date. Specifically, plaintiffs fail to provide a declaration from a medical professional to support their assertion that Mr. Kurowski will be unable to attend trial in early March due to his January 16, 2015, spinal surgery. (Decl. of Kelsey J. Fischer in Support of Motion to Continue, ¶¶ 1-12; Decl. of Adam M. Ambrozy in Opposition to Motion to Continue, ¶¶ 1-8.)

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: **Rosman v. Westlake Plaza Shopping Center, LLC**
Case No. CV PO 13-131

Hearing Date: **January 22, 2015** **Department Two** **9:00 a.m.**

Defendant City of Davis's motion to enter judgment:

Defendant's motion for entry of judgment is **DENIED**. (Code Civ. Proc., § 664.6.) Defendant fails to provide evidence that James Barcewski and Hassan Hosseinyoun were present, or represented by an insurance carrier, at the mandatory settlement conference on March 21, 2014, in order to orally agree, before the Court, on all terms and conditions expressed in the Stipulation for Settlement. (Decl. of Kevin J. Dehoff, ¶¶ 2-3, Exh. A; Decl. of Robert Martin, ¶ 3; *Fiege v. Cooke* (2004) 125 Cal.App.4th 1350, 1353-1356; *Richardson v. Richardson* (1986) 180 Cal.App.3d 91, 97.)

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.

Defendants James Barcewski, Westlake Plaza Shopping Center, and Hassan Hosseinyoun's motion to enter judgment:

Defendants' motion for entry of judgment is **DENIED**. (Code Civ. Proc., § 664.6.) Defendants fail to provide evidence that they are being provided a defense by an insurance carrier without reservation. (*Fiege v. Cooke* (2004) 125 Cal.App.4th 1350, 1353-1356.) Defendants further fail to provide evidence that either they, or their insurance carrier, were present at the mandatory settlement conference on March 21, 2014, in order to orally agree, before the Court, on all terms and conditions expressed in the Stipulation for Settlement. (Decl. of Sophie C. Wong, ¶¶ 1-6, Exh. A; *Fiege v. Cooke, supra*, 125 Cal.App.4th at 1353-1356; *Richardson v. Richardson* (1986) 180 Cal.App.3d 91, 97.)

The notice of motion does not provide notice of the 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).