

TENTATIVE RULINGS for CIVIL LAW and MOTION February 3, 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: **Costa v. Contreras**

Case No. CV CV 14-745

Hearing Date: **February 3, 2015** **Department Two** **9:00 a.m.**

Plaintiffs Thomas Costa and Gwendolyn Costa's motion to compel further responses to plaintiffs' form interrogatories and special interrogatories is **DENIED**. Plaintiffs fail to establish that a reasonable and good faith attempt at an informal resolution was made prior to filing the current motion. (Code Civ. Proc., § 2016.040, 2030.300, subd. (b); *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1294; *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1438; Decl. of Andrey R. Yurtsan in Support of Motion, ¶¶ 1-10, 12, Exhs. F-J; Decl. of Mark R. Mittelman in Opposition to Motion, ¶¶ 1-11, Exhs. A-D.) Aside from plaintiffs' letter dated December 5, 2014, plaintiffs fail to establish that any efforts were made to informally resolve the discovery issues in dispute. Further, plaintiffs fail to establish that they responded to the substance of defendant the Romero Berrettoni Trust's meet and confer letter dated December 17, 2014.

Plaintiffs' motion to compel further responses to plaintiffs' request for admissions and request for production of documents is **DENIED**. Plaintiffs' separate statement does not comply with California Rule of Court 3.1345. "The separate statement must be full and complete so that no person is required to review any other document in order to determine the full request and *the full response*." (Cal. Rules of Court, rule 3.1345(c), italics added.) The responses reproduced in plaintiffs' separate statement fail to include defendant's supplemental responses which were served on plaintiffs on December 17, 2014. (Decl. of Andrey R. Yurtsan in Support of Motion, ¶ 10, Exh. J.) Further, plaintiffs have failed to establish that *any* attempt at an informal resolution was made regarding defendant's supplemental responses prior to filing the current motion. (Decl. of Mittelman, ¶¶ 1-11, Exh. A-D; Decl. of Yurtsan, ¶ 1-10, 12, Exhs. F-J.)

Plaintiffs' request for monetary sanctions is **DENIED**. Plaintiffs' notice of motion does not state whom sanctions are sought against. (Code Civ. Proc., § 2023.040.)

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: **Yahn v. Lopez**
 Case No. CV UD 14-1502

Hearing Date: **February 3, 2015** **Department Two** **9:00 a.m.**

Defendants Jennifer Lopez and David Harrison's motion to set aside the default judgment is **DROPPED FROM CALENDAR**. No proof of service has been filed showing service of the moving papers on plaintiff Will Yan.