

TENTATIVE RULINGS for CIVIL LAW and MOTION
February 26, 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: Capital One Bank (U.S.A.) N.A. v. Pettet
Case No. CV G 10-865

Hearing Date: February 26, 2015 Department Two 9:00 a.m.

Defendant Michael Pettet's unopposed motion to set aside the default and default judgment is **GRANTED**. (Code Civ. Proc., § 473.) Defendant has demonstrated that he had no notice of the action. (*Plitisa v. Sup. Ct. (Kadri)* (1983) 140 Cal.App.3d 755, 761.)

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: Conlee v. Clark Pacific Corp.
Case No. CV CV 14-1409

Hearing Date: February 26, 2015 Department Fourteen 11:00 a.m.

Defendant Clark-Pacific Corporation's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant's petition to compel arbitration is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., § 1281.2.) Plaintiff Casey Conlee's foundational objections to Steve Mackay's declaration are **SUSTAINED**. Mr. Mackay implies but does not state whether plaintiff was a dues-paying member of the Northern California District Council of Laborers, and accordingly, whether the Council had the authority to bargain on plaintiff's behalf.

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: Ludwig v. K. Hovnanian Forecast Homes, Inc.
Case No. CV CV 13-56

Hearing Date: February 26, 2015 **Department Two** **9:00 a.m.**

Cross-complainants K. Hovnanian Forecast Homes, Inc., K. Hovnanian Companies of California, Inc., The Forecast Group, L.P., K. Hovnanian Communities, Inc., and K. Hovnanian Cooperative's unopposed motion to set aside the dismissal of Foremost Interiors, Inc., entered on December 3, 2014, is **GRANTED**. (Code Civ. Proc., § 473, subd. (d).) Cross-complainants did not authorize their attorney to settle with or dismiss Foremost Interiors, Inc. from the current action. (Decl. of Jessica L. Moran, ¶¶ 6-8.) Therefore, the dismissal entered by the Court on December 3, 2014, is void. (*Romadka v. Hoge* (1991) 232 Cal.App.3d 1231, 1236-1237.)

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).