

# **TENTATIVE RULINGS for CIVIL LAW and MOTION**

## **March 13, 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 Seven: (530) 406-6722  
Telephone number for the clerk in Department Fourteen: (530) 406-6888

### **TENTATIVE RULING**

**Case:** **Asset Acceptance, LLC v. Delacruz**  
**Case No. CV G 13-1839**

**Hearing Date:** **March 13, 2015** **Department Two** **9:00 a.m.**

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Plaintiff Asset Acceptance, LLC's unopposed motion to set aside the default judgment entered against Raul Delacruz on February 7, 2014, is **GRANTED**. (Code Civ. Proc., § 473, subd. (b); *Zamora v. Clayborn Contracting Group, Inc.* (2002) 28 Cal.4th 249, 254; Decl. of Stelios A. Harris, ¶¶ 2-3.)

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:** **Cleveland v. Hoblit Chrysler Jeep Dodge**  
**Case No. CV CV 12-2594**

**Hearing Date:** **March 13, 2015** **Department Seven** **2:30 p.m.**

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Plaintiffs Alisha Cleveland and Debora Cleveland's motion to file a fourth amended complaint is **DENIED**. (Code Civ. Proc., § 464.) While styled as a motion for leave to file an "amended" complaint, plaintiffs' motion is in fact a motion to file a supplemental complaint because the facts alleged to support the new cause of action for breach of settlement agreement occurred in January, 2015. Accordingly, the matter contained in the proposed fourth amended complaint is in fact a supplemental pleading. A supplemental pleading cannot be used to allege facts constituting an entirely new cause of action or defense. I.e., the "occurring-after" facts must supplement the cause of action or defense originally pleaded. (*Flood v. Simpson* (1975) 45 Cal.App.3d 644, 647.)

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

**TENTATIVE RULING**

**Case: Done Again LLC v. Sierra Nevada Reconveyance, Inc.**  
**Case No. CV CV 12-2574**

**Hearing Date: March 13, 2015 Department Fourteen 11:00 a.m.**

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Defendants Windemere Capital, LLC and Mesa Asset Management, LLC's demurrer to plaintiff Done Again LLC's fourth amended complaint is **CONTINUED** on the Court's own motion to April 3, 2015, at 2:30 p.m. in Department Seven.

**TENTATIVE RULING**

**Case: Grill v. Meritage Homes of California, Inc.**  
**Case No. CV CV 11-13**

**Hearing Date: March 13, 2015 Department Two 9:00 a.m.**

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Cross-defendant Solano Construction Co., Inc.'s unopposed motion for determination of good faith settlement is **GRANTED**. (Code Civ. Proc., § 877.6.)

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.