

TENTATIVE RULINGS for CIVIL LAW and MOTION March 18, 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 Fifteen: (530) 406-6942

TENTATIVE RULING

Case: Luce v. Wells Fargo Bank, N.A.

Case No. CV CV 13-1727

Hearing Date: March 18, 2015 Department Two 9:00 a.m.

Danny A. Barak of the United Law Center's unopposed motion to be relieved as counsel for Joe Luce and Cheryl Luce is **DROPPED FROM CALENDAR** pursuant to Mr. Barak's written request filed with the Court on March 17, 2015.

TENTATIVE RULING

Case: Mistiuk v. Select Portfolio Servicing, Inc.

Case No. CV CV 14-2049

Hearing Date: March 18, 2015 Department Fifteen 9:00 a.m.

Please note that this matter is being heard in Department Fifteen.

Defendant Select Portfolio Servicing, Inc.'s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (c).)

Defendant's demurrer to the first cause of action for violation of Civil Code section 2923.6(c) is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff fails to allege facts sufficient to support a finding that a complete application was submitted to defendant prior to the recording of the Notice of Default on July 14, 2014, and of the Notice of Trustee's Sale on October 17, 2014. (Civ. Code, § 2923.6, subd. (c); Complaint, ¶¶ 52, 63-65, 69, 79.)

Defendant's demurrer to the second cause of action for violation of Civil Code section 2923.7, the third cause of action for violation of Civil Code section 2924.10, and the fourth cause of action for negligence is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff alleges facts sufficient to support these causes of action. (Civil Code, §§ 2923.7, 2924.10; *Alvarez v. BAC Home Loans Servicing, L.P.* (2014) 228 Cal.App.4th 941, 948-949.)

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: **SUNLAN-062804, LLC v. Stillmunkes**
Case No. CV G 14-1165

Hearing Date: **March 18, 2018** **Department Two** **9:00 a.m.**

Plaintiff SUNLAN-062804, LLC's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d); *Evans v. California Trailer Court, Inc.* (1994) 28 Cal. App. 4th 540, 549; *Columbia Casualty Co. v. Northwestern Nat. Ins. Co.* (1991) 231 Cal. App. 3d 457, 468; *Able v. Van Der Zee* (1967) 256 Cal. App. 2d 728, 734.)

Plaintiff's unopposed motion for judgment on the pleadings against defendant Keith P. Stillmunkes is **GRANTED**. (Code Civ. Proc., § 438, subd. (c)(1)(A); Plaintiff's Request for Judicial Notice, nos. 1-4.)

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).