

TENTATIVE RULINGS for CIVIL LAW and MOTION **April 29, 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: Scaccia v. Scaccia
Case No. CV CV 14-1820
Hearing Date: April 29, 2015 Department Two 9:00 a.m.

The Court declines to consider plaintiff Brian Scaccia's opposition filed on April 24, 2015, as it is untimely. Plaintiff's opposition was due no later than April 16, 2015. (Code Civ. Proc., § 1005, subd. (b).)

Defendant Sutter Health Sacramento Sierra Region dba Sutter Davis Hospital's demurrer to each cause of action brought by the Estate of Anne Ringcamp in plaintiffs' amended complaint ("FAC") is **SUSTAINED WITH LEAVE TO AMEND**. The FAC fails to state facts sufficient to establish that Mr. Scaccia has been appointed as the personal representative of the Anne Ringcamp Estate. (Code Civ. Proc. § 377.30; FAC, ¶ 1.)

Defendant's demurrer to Mr. Scaccia's first cause of action for false light is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (f).) Mr. Scaccia fails to allege which information defendant publicized to show plaintiff in a false light. (FAC, ¶¶ 298-299, 301, and 304-305.)

Defendant's demurrer to Mr. Scaccia's second cause of action for defamation, fifteenth cause of action for fraud, sixteenth cause of action for medical negligence, eighteenth cause of action for decisions law, and nineteenth cause of action for breach of confidentiality is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) The FAC fails to state facts sufficient to state each of these causes of action against defendant.

Defendant's demurrer to Mr. Scaccia's seventeenth cause of action for wrongful death is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).)

Defendant's motion to strike paragraph 9 of the prayer of the FAC requesting punitive damages is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 436, 425.13.)

Defendant's motion to strike "emotional distress and suffering" from paragraph 443 of the FAC is **GRANTED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 436, *Krouse v. Graham* (1977) 19 Cal.3d 59, 72.)

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.