

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**May 15, 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

**TENTATIVE RULING**

**Case:** Hart v. Select Portfolio Servicing, Inc.  
Case No. CV CV 14-1991  
**Hearing Date:** May 15, 2015 Department Two **9:00 a.m.**

The Court rules upon defendant JP Morgan Chase Bank, N.A.'s ("Chase") demurrer as follows:

Defendant's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (c).)

Defendant's demurrer to the first cause of action for intentional misrepresentation, second cause of action for negligent misrepresentation, third cause of action for negligence, fourth cause of action for declaratory relief, fifth cause of action for conversion, and sixth cause of action for violation of Business and Professions Code section 17200 in plaintiffs' first amended complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs fail to state facts sufficient to support each cause of action. (*Jenkins v. JP Morgan Chase Bank, N.A.* (2013) 216 Cal.App.4th 497; *Michelson v. Hamada* (1994) 29 Cal.App.4th 1566, 1589; *Khoury v. Maly's of Cal., Inc.* (1993) 14 Cal.App.4th 612; *Tarmann v. State Farm Mut. Auto. Ins. Co.* (1991) 2 Cal.App.4th 153.)

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).

The Court rules upon defendants Select Portfolio Servicing, Inc. ("Select") and U.S. Bank National Association's ("US Bank") demurrer as follows:

Defendants' request for judicial notice of Exhibits 1-4 and 9 is **GRANTED**. (Evid. Code, § 452, subds. (c).) The Court declines to take judicial notice of the remaining exhibits as defendants concede they are not related to the current case. (Defendants' Reply, p. 2:11-16.)

Defendants' demurrer to the first cause of action for intentional misrepresentation, second cause of action for negligent misrepresentation, fourth cause of action for declaratory relief, fifth cause of action for conversion, and sixth cause of action for violation of Business and Professions Code section 17200 in plaintiffs' first amended complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs fail to state facts sufficient to support each cause of action. (*Jenkins v. JP Morgan Chase Bank, N.A.* (2013) 216 Cal.App.4th 497; *Michelson v. Hamada* (1994) 29 Cal.App.4th 1566, 1589; *Khoury v. Maly's of Cal., Inc.* (1993) 14 Cal.App.4th 612; *Tarmann v. State Farm Mut. Auto. Ins. Co.* (1991) 2 Cal.App.4th 153.)

Defendants' demurrer to the third cause of action for negligence, as to Select, is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs allege facts sufficient to support this cause of action.

Defendants' demurrer to the third cause of action for negligence, as to US Bank, is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs fail to allege facts sufficient to support this cause of action.

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).

#### **TENTATIVE RULING**

**Case:** **Jaime v. Results Realty & Mortgage**  
**Case No. CV G 13-729**  
**Hearing Date:** **May 15, 2015** **Department Two** **9:00 a.m.**

Defendants Sandy L. Redmond, Tyson Redmond, and Results Realty and Mortgage's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants' unopposed motion to dismiss the complaint is **GRANTED**. (Code Civ. Proc., §§ 581, subd. (h), 583.410, subd. (a), 583.420, subd. (a)(1).)

Defendant Federal National Mortgage Association aka Fannie Mae's motion to dismiss is **DROPPED FROM CALENDAR**. Defendant fails to establish that the moving papers were timely served on plaintiff Samuel Jaime at his current address. (Code Civ. Proc., § 1005, subd. (b).)

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.