

TENTATIVE RULINGS for CIVIL LAW and MOTION
May 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 Seven: (530) 406-6722

TENTATIVE RULING

Case: Brown Construction, Inc. v. KTP Builders, Inc.
Case No. CV CV 14-795

Hearing Date: May 18, 2015 Department Seven 9:00 a.m.

Plaintiff Brown Construction, Inc.'s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants KTP Builders, Inc., Robert Douds, and Paul Mitchell Cook's motion to set aside the default entered on November 20, 2013 is **DENIED**. Defendants fail to establish that their failure to timely file an answer was due to mistake, inadvertence, surprise, or excusable neglect. (Code Civ. Proc., § 473, subd. (b).)

Defendants' motion to set aside the default judgment entered on March 12, 2015, is **GRANTED**. (Code Civ. Proc., § 473, subd. (d).) The damages awarded in the default judgment are not supported by the allegations contained in plaintiff's complaint. (Code Civ. Proc., §§ 425.10, subd. (a)(2), 585, subd. (a).)

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.