

TENTATIVE RULINGS for CIVIL LAW and MOTION
May 28, 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: Allied Property & Casualty Ins. Co. v. JTS Communities, Inc.
Case No. CV PO 14-271
Hearing Date: May 28, 2015 Department Two 9:00 a.m.

Jill Lifter's unopposed motion to be relieved as counsel for cross-defendant Vaca Valley Roofing, dba Old Country Roofing is **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until Ms. Lifter files a proof of service with the court showing service of a copy of the signed order on her client. (Cal. Rules of Court, rule 3.1362(e).)

TENTATIVE RULING

Case: Maloney v. Eugene Burger Management Corp.
Case No. CV CV 15-092
Hearing Date: May 28, 2015 Department Two 9:00 a.m.

Defendants Community Housing Opportunity Corporation and Sterling Asset Management Company's motion to strike is **DROPPED FROM CALENDAR**. Plaintiff Kevin Maloney has filed a first amended complaint. (Code Civ. Proc., § 472.)

TENTATIVE RULING

Case: West Capitol Courtyard LP II v. Peppers
Case No. CV UD 15-430
Hearing Date: May 28, 2015 Department Two 9:00 a.m.

Defendants Beshia Peppers and Wyeshia Shoate's unopposed demurrer to plaintiff West Capitol Courtyard LP II's complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., 430.10, subd. (e).) Based on the face of the complaint and the documents attached thereto, plaintiff fails to state facts sufficient to support an unlawful detainer cause of action. (*Frantz v. Blackwell* (1987) 189 Cal.App.3d 91, 94.) Plaintiff's 60-day notice to terminate tenancy failed to include a specific statement regarding defendants' entitlement to reclaim abandoned property as required. (Complaint, Exh. 2; Civ. Code, §§ 1946, 1946.1.)

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.