

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**June 12, 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  
Telephone number for the clerk in Department Seven: (530) 406-6722  
Telephone number for the clerk in Department Fourteen: (530) 406-6888

**TENTATIVE RULING**

**Case:** Done Again LLC v. Sierra Nevada Reconveyance, Inc.  
Case No. CV CV 12-2574  
**Hearing Date:** June 12, 2015 Department Seven 2:30 p.m.

Plaintiff Done Again LLC's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Plaintiff's motion to compel further responses to special interrogatory nos. 1, 5, 14, 15, and 16 is **GRANTED**. (Code Civ. Proc., § 2030.300.) Plaintiff's request for monetary sanctions is **GRANTED** in the amount of \$4,310.00 against defendant Windemere Capital LLC and its counsel, Edward Haas, jointly and severally. (Code Civ. Proc., § 2030.290, subd. (d).) Defendant fails to show that its opposition to the motion was substantially justified.

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, except as provided herein, is required.

**TENTATIVE RULING**

**Case:** Duran v. Meritage Homes of California, Inc.  
Case No. CV CV 12-1805  
**Hearing Date:** June 12, 2015 Department Two 9:00 a.m.

Attorneys Todd A. Jones and Lisa M. Estabrook's motion to be relieved as counsel for Wags Innovation, Inc., fka Grand Floor Designs, Inc., is **DROPPED FROM CALENDAR**. Mr. Jones and Ms. Estabrook have failed to afford proper notice of the motion to their client. According to Ms. Estabrook's declaration, the moving papers were served on her client by mail. (Decl. of Lisa M. Estabrook, ¶ 3(a)(2).) However, according to the proof of service filed with the Court, Wags Innovation, Inc. was only served by email. (Cal. Rules of Court, rule 3.1362(d).)

**TENTATIVE RULING**

**Case:** **Fields v. City of Davis**  
**Case No. CV CV 14-32**

**Hearing Date:** **June 12, 2015** **Department Two** **9:00 a.m.**

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The Court declines to consider plaintiff Randy Fields’s “reply” brief filed on June 10, 2015, as it is not authorized by the Code of Civil Procedure.

Plaintiff’s objections to defendant City of Davis’s evidence are **OVERRULED**. (Evid. Code, § 403.)

Defendant’s objections to the declaration of Brad Avrit are **SUSTAINED**. (Evid. Code, § 403, 720, 800, 801; *Caloroso v. Hathaway* (2004) 122 Cal.App.4th 922, 928; *Bushling v. Fremont Med. Ctr.* (2004) 117 Cal.App.4th 493, 510.)

Defendant’s motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c.) Defendant submits sufficient evidence to establish that defendant did not have actual or constructive notice of the alleged dangerous condition. (Code Civ. Proc, § 437c, subd. (o)(1); Defendant’s Separate Statement of Undisputed Material Facts (“UMF”) 1-61; Decl. Ambrozy, ¶¶ 1-8; Decl. of Butch Breault, ¶¶ 1-5; Decl. of Robert Martin, ¶¶ 1-6; Decl. of Roxanne Namazi, ¶¶ 1-20; Decl. of Grant Olsen, ¶¶ 1-5; Art Robles, ¶¶1-5; Decl. of Mark Vidales, ¶¶ 1-5.) Defendant also submits sufficient evidence to establish that none of its employees created the dangerous condition. (UMF 55; Decl. of Namazi, ¶ 19.) The burden therefore shifts to plaintiff to show that a triable issue of material fact exists. (Code Civ. Proc, § 437c, subd. (p)(2).) Plaintiff fails to submit any admissible evidence to support a finding that defendant had actual or constructive notice of the condition that led to plaintiff’s injuries, or that defendant’s employees created the condition. (Gov. Code, §§ 835, 835.2; *State v. Superior Court of San Mateo County* (1968) 263 Cal.App.2d 396, 400; *Heskel v. City of San Diego* (2014) 227 Cal. App. 4th 313, 317, 173 Cal. Rptr. 3d 768, 771 (2014).) All papers submitted show that there is no triable issue as to any material fact and therefore defendant is entitled to judgment as a matter of law.

Additionally, the Court acknowledges that plaintiff has requested that the hearing on the motion for summary judgment and the current trial date be continued in order to allow plaintiff to receive discovery responses from Google Earth on June 22, 2015. (Plaintiff’s ex parte papers filed on June 8, 2015.) However, even if the Court were to grant such continuances, the discovery period would still close on June 13, 2015. (Code Civ. Proc., § 2024.020, subd. (b).) Therefore, any discovery received on June 22, 2015, would be inadmissible.

If no hearing is requested, defendant is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c(g) and California Rule of Court 3.1312.

**TENTATIVE RULING**

**Case:** **Vargas v. Motel 6 Operating L.P.**  
**Case No. CV PO 14-530**

**Hearing Date:** **June 12, 2015** **Department Two** **9:00 a.m.**

Defendant Motel 6 Operating L.P.'s motion to compel the further deposition of Jorge Vargas is **GRANTED**. (Code Civ. Proc., § 2025.410, et seq.) Plaintiff shall submit to a further deposition, to take place by no later than July 12, 2015, unless otherwise mutually agreed by the parties. The location and time limits for the continued deposition shall comply with Code of Civil Procedure sections 2025.250 and 2025.290(a).

Defendant's motion for a protective order and sanctions is **DENIED**. (Code Civ. Proc., §§ 2025.420, 2023.030.)

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:** **Sacramento Floormasters, Inc. v. Sac Profloors, Inc.**  
**Case No. CV CV 13-2165**

**Hearing Date:** **June 12, 2015** **Department Two** **9:00 a.m.**

Defendants Sac Profloors, Inc., Enrique Curbelo, and Gene Sorenson have filed substitutions of attorney. Accordingly, Wood Robbins LLP's motion to be relieved as counsel for defendants, and plaintiffs' motion to disqualify Wood Robbins, LLP are **DENIED AS MOOT**.

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, except as provided herein, is required.

**TENTATIVE RULING**

**Case:** **Sidhu v. Mason McDuffie Real Estate, Inc.**  
**Case No. CV CV 12-1940**

**Hearing Date:** **June 12, 2015** **Department Fourteen** **11:00 a.m.**

The following motions for summary adjudication/summary judgment are **CONTINUED** on the Court's own motion to be heard on July 2, 2015, at 11:00 a.m. in Department 14:

1. Defendants Mason McDuffie Real Estate, Inc. and Michael Gaskill's motions for summary judgment/adjudication; and
2. Plaintiffs Pritam Sidhu and Amanprett Sidhu's motion for summary judgment/adjudication.