

TENTATIVE RULINGS for CIVIL LAW and MOTION
July 14, 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: Jaime v. Bracamontes
Case No. CV UD 13-170
Hearing Date: July 14, 2015 Department Two 9:00 a.m.

Defendant Esperanza Bracamontes's unopposed motion to dismiss the action is **GRANTED**. (Cal. Rules of Court, rule 3.1342; Code Civ. Proc., §§ 583.410, 583.420; Decl. of Alysya E. Meyer, Exhs. A, B.) Plaintiff Celia Jaime's failure to oppose the motion is construed by the Court as an admission that the motion is meritorious. (Cal. Rules of Court, rule 3.1342(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.

TENTATIVE RULING

Case: Kent v. Ocwen Loan Servicing, LLC
Case No. CV CV 14-2050
Hearing Date: July 14, 2015 Department Two 9:00 a.m.

Defendant Ocwen Loan Servicing, LLC's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subs. (c), (h); *Ingram v. Flippo* (1999) 74 Cal.App.4th 1280, 1285 n.3; Plaintiffs' First Amended Complaint, ¶ 15.)

Defendant's demurrer to the first amended complaint ("FAC") is **SUSTAINED WITH LEAVE TO AMEND**. The FAC fails to plead facts sufficient to state a cause of action for quiet title. (Code Civ. Proc., §§ 430.10, subd. (e), 761.020; *Miller v. Provost* (1994) 26 Cal.App.4th 1703, 1707.)

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).