

## **TENTATIVE RULINGS for CIVIL LAW and MOTION July 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](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 Fourteen: (530) 406-6888

### **TENTATIVE RULING**

**Case: Anand v. Mawi**  
**Case No. CV UD 15-814**

**Hearing Date: July 28, 2015 Department Two 9:00 a.m.**

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Defendant Ratu Waqa Mawi's unopposed motion to quash service of summons is **GRANTED**. (Code Civ. Proc., §§ 418.10; 1167.4; Cal. Rules of Court, rules 3.36(b), 3.1327.) Defendant submits evidence to establish he was not personally served with the amended summons and complaint. (Decl. of Ratu Mawi, ¶¶ 1-5; *Bolkiah v. Superior Court* (1999) 74 Cal.App.4th 984, 991.) Papers in the case must be served on both the attorney providing the limited scope representation and the defendant directly. (Cal. Rules of Court, rule 3.36(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: Morgan v. Woodland Healthcare**  
**Case No. CV PO 14-394**

**Hearing Date: July 28, 2015 Department Two 9:00 a.m.**

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Plaintiff James Morgan's motion to compel further responses from defendant Carmine Cammarosano, M.D. to plaintiffs' special interrogatories, set one, is **GRANTED IN PART** as follows:

- **GRANTED**, as to special interrogatory nos. 1-4, 7, 9, 12, 14, 17, 19, 22, 24, and 27. To the extent defendant's responses are based on Code of Civil Procedure section 2030.230, defendant's responses must refer to this section, in addition to specifying the writings from which the answer may be derived or ascertained. (Code Civ. Proc., § 2030.230.)
- **GRANTED**, as to special interrogatory nos. 6, 8, 11, 16, and 21. (Code Civ. Proc., § 2030.220, subs. (a), (b); *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783; *Liberty Mutual v. LCL Administrators, Inc.* (2008) 163 Cal.App.4th 1093.) To the extent

defendant is claiming he does not have any personal knowledge sufficient to respond fully to this interrogatory, he must state so. (Code Civ. Proc., § 2030.220, subd. (c).)

- **GRANTED**, as to special interrogatory nos. 26 and 28. (Code Civ. Proc., § 2030.220; *Liberty Mutual v. LCL Administrators, Inc.* (2008) 163 Cal.App.4th 1093.)
- **GRANTED**, as to special interrogatory no. 31, on the grounds that defendant has agreed to provide additional information as to any independent recollection defendant has regarding his conversation with plaintiff and the need for a second procedure.
- **DENIED**, as to special interrogatory nos. 13, 18, 23, 29, and 30, on the grounds that defendant provided a sufficient response.

Plaintiff's request for monetary sanctions is **DENIED**. (Code Civ. Proc., § 2023.040.)

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:** **Paschoal v. McDowell**

**Case No. CV CV 15-217**

**Hearing Date:** **July 28, 2015** **Department Fourteen** **10:00 a.m.**

Plaintiff and cross-defendant Robert Paschoal's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (c) & (d).)

Plaintiff and cross-defendant's demurrer to the first and second causes of action in cross-complainants' cross-complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The Court is not persuaded that cross-defendant's interpretation of the exemption contained in Business and Professions Code section 7049 is the correct one. (*Fraenkel v. Bank of America* (1953) 40 Cal.2d 845.)

Plaintiff and cross-defendant's application for a right to attach order and writ of attachment is **DENIED**. (Code Civ. Proc., § 484.090, subd. (a).) Plaintiff fails to establish the probable validity of his claim.

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.