

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 7, 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
Telephone number for the clerk in Department Four: (530) 406-6800
Telephone number for the clerk in Department Seven: (530) 406-6722

TENTATIVE RULING

Case: **Bridge Seville LP v. Shields**
Case No. CV UD 15-980

Hearing Date: **August 7, 2015** **Department Two** **9:00 a.m.**

Defendant Tracy Shields’s motion to quash is **DENIED**. Defendant asserts that she was served with the three day notice to pay rent or quit attached as Exhibit A to her declaration, not the notice attached to the complaint as Exhibit 2. She argues that the notice attached as Exhibit A to her declaration is defective because it omits the days of the week and hours that defendant may pay the amount demanded in the notice. However, this is not a requirement. Code of Civil Procedure section 1161(2) provides that this information must be supplied “*if* payment may be made personally.” Otherwise, the notice must only state “the name, telephone number, and address of the person to whom the rent payment shall be made.” Defendant does not claim that this requirement was not satisfied.

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: **Dobic v. Eaton Corporation**
Case No. CV PO 14-723

Hearing Date: **August 7, 2015** **Department Two** **9:00 a.m.**

The four petitions for approval of the minors’ compromises of disputed claims are **DENIED**. Petitioner Galina Fatnik has not been appointed as guardian ad litem for Serghei Dobic, Anastasia Dobic, Kristina Dobic, or Elizabeth Dobic. (Prob. Code, § 1003.) Further, the petitions state that petitioner and the attorney entered into an agreement for services provided in connection with the claim giving rise to these petitions. (Petition, ¶18(a)(2).) However, petitioner failed to attach a copy of the agreement as “Attachment 18a,” and failed to include a declaration from the attorney as “Attachment 14a,” as required.

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: **Phan v. Alba**
Case No. CV UD 15-113
Hearing Date: **August 7, 2015** **Department 4** **9:00 a.m.**

The cross-complaint filed by defendant Philip Alba on May 27, 2015, is **STRICKEN**. Defendant did not obtain leave of Court to file the cross-complaint. (Code Civ. Proc., § 428.50, subd. (c).)

Defendant's unopposed motion for leave to file a cross-complaint is **GRANTED**. (Code Civ. Proc., § 428.50, subd. (c).) Ordinarily, a cross-complaint is not permitted in an unlawful detainer action. (See e.g., *Knowles v. Robinson* (1963) 60 Cal.2d 620.) Because defendant has vacated the premises, however, this case has become an ordinary civil action. Accordingly, the cross-complaint may be properly filed. (Civ. Code, § 1952.3, subd. (a)(2).)

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: **PHL Associates, Inc. v. Wallis**
Case No. CV CV 14-1023
Hearing Date: **August 7, 2015** **Department Seven** **4:00 p.m.**

Defendant Dale M. Wallis's request that the Court take judicial notice of Exhibit C is **GRANTED**. (Evid. Code, § 452, subd. (d).) Mr. Wallis's request that the Court take judicial notice of Exhibits A, B, D, and E is **DENIED**. These Exhibits are not copies of court filed documents.

Defendant's motion to partially vacate plaintiffs' dismissal and for an order enjoining plaintiffs from interfering with interpleaded funds is **DENIED**. (Code Civ. Proc., §§ 386, subd. (d), 431.30, subd. (c), 581, subd. (i).)

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.