TENTATIVE RULINGS for CIVIL LAW and MOTION
August 31, 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.

Please take note that Yolo Superior Court is now located at 1000 Main Street, in Woodland.

Telephone number for the clerk in Department Eleven: (530) 406-6843

TENTATIVE RULING

Case: **Ammons v. Troost**
Case No. CV UD 15-1079
Hearing Date: **August 31, 2015** **Department Eleven** **9:00 a.m.**

Defendants Joshua Troost and Eleanor Lewis's unopposed motion to quash plaintiff Benjamin Ammons's summons and complaint is **GRANTED**. (Code Civ. Proc., §§ 1161, 1162.) Defendants submit evidence to establish they were not personally served with the three-day notice to pay rent or quit ("Notice") on July 13, 2015. Further, the Notice fails to include the information required by Code of Civil Procedure section 1161. (Cal. Rules of Court, rule 3.1327; *Palm Property Investments, LLC v. Yadegar* (2011) 194 Cal.App.4th 1419, 1425–1427; Decl. of Joshua Troost, ¶¶ 1-4; Decl. of Eleanor Lewis, ¶¶ 1-4.)

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: **Jull v. Fourth and Hope**
Case No. CV CV 13-1860
Hearing Date: **August 31, 2015** **Department Eleven** **9:00 a.m.**

Defendants Fourth and Hope and the Board of Directors' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Plaintiff Leona Jull's motion to set aside the judgment is **DENIED**. Plaintiff's motion is untimely, and her counsel's purported mistake is not a valid legal basis for setting aside the judgment based on equity. (Code Civ. Proc., § 473, subd. (b); *Westinghouse Credit Corp. v. Wolfer* (1970) 10 Cal.App.3d 63, 70.)

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: **Magana v. California Department of Transportation**
Case No. CV PM 13-1419

Hearing Date: August 31, 2015 Department Eleven 9:00 a.m.

Defendant California Department of Transportation and Steven Pike's motion to tax costs is **GRANTED IN PART** and **DENIED IN PART**:

The motion to tax costs for service of process fees for service on Dr. Vinita Khare in the amount of $68.95 is **GRANTED.** (Code Civ. Proc. § 1033.5, subds. (c)(2) & (c)(3); *Ladas v. California State Auto. Ass'n* (1993) 19 Cal.App.4th 761, 774; *Perko's Enterprises, Inc. v. RRNS Enterprises* (1992) 4 Cal.App.4th 238.)

The motion to tax costs for service of process fees for service on Dr. Phillip Orisek and Dr. Mark Maskowitz is **DENIED.** (Code Civ. Proc., § 1033.5, subd. (a)(4).)

The motion to tax costs charged by Ensign Legal Support in the amount of $600.00 is **GRANTED**. (Code Civ. Proc., § 1033.5, subd. (a)(13); *Ladas v. California State Auto. Ass'n, supra,* 19 Cal.App.4th at 774.)

The motion to tax costs charged by Cogent Legal, LLC is **GRANTED IN PART** in the amount of $1,400.00 for the "attorney consultant" line items. (Code Civ. Proc., § 1033.5, subd. (a)(13); *Ladas v. California State Auto. Ass'n, supra,* 19 Cal.App.4th at 774.) The motion is **DENIED** as to the remaining charges by Cogent Legal, LLC in the amount of $7,770.00.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312, or further notice is required.