

TENTATIVE RULINGS for CIVIL LAW and MOTION September 10, 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: In the Matter of E. Alvarez
Case No. CV P2 15-128
Hearing Date: September 10, 2015 Department Eleven 9:00 a.m.

Petitioner and/or petitioner's counsel are **DIRECTED TO APPEAR**. In paragraph 14c(2), petitioner states that notice of this claim has been given to the State Director of Health Care Services. However, petitioner fails to attach a copy of the notice and proof of its delivery as alleged and required. (Petition, ¶ 14c(2)(a); Welf. & Inst. Code, § 14124.73.)

TENTATIVE RULING

Case: In the Matter of D. Alvarez
Case No. CV P2 15-129
Hearing Date: September 10, 2015 Department Eleven 9:00 a.m.

Petitioner and/or petitioner's counsel are **DIRECTED TO APPEAR**. In paragraph 14c(2), petitioner states that notice of this claim has been given to the State Director of Health Care Services. However, petitioner fails to attach a copy of the notice and proof of its delivery as alleged and required. (Petition, ¶ 14c(2)(a); Welf. & Inst. Code, § 14124.73.)

TENTATIVE RULING

Case: McGuire v. Eugene Burger Management Corporation
Case No. CV CV 15-161
Hearing Date: September 10, 2015 Department Eleven 9:00 a.m.

Defendant Eugene Burger Management Corporation's motion for an order appointing a judicial referee is **DROPPED FROM CALENDAR**. The moving papers, filed on August 28, 2015, were not filed at least 16 court days before the hearing. (Code Civ. Proc., § 1005, subd. (b).)

TENTATIVE RULING

Case: Ponce v. Wells Fargo Bank, N.A.
Case No. CV CV 13-1769

Hearing Date: September 10, 2015 **Department Eleven** **9:00 a.m.**

Defendants Wells Fargo Bank, N.A. (“Wells Fargo”) and Specialized Loan Servicing LLC’s (“SLS”) motions for summary judgment or, in the alternative, summary adjudication are **DROPPED FROM CALENDAR**. Defendants failed to provide the statutorily required notice for their motions. (Code Civ. Proc., §§ 437c, subd. (a).) The Court may not shorten the 75-day notice period without the parties’ consent. (*McMahon v. Superior Court of Los Angeles County* (2003) 106 Cal.App.4th 112; *Robinson v. Woods* (2008) 168 Cal.App.4th 1258.)

Defendants’ request for judicial notice is **GRANTED**. (Evid. Code, § 452, subs. (c), (d).)

Defendants’ motions for sanctions are **GRANTED**. (Code Civ. Proc., § 128.7, subd. (b)(1).) The Stipulation to Hold Wit executed by plaintiffs Heriberto Ponce, Antonio Aranda, and Imelda Aranda on March 29, 2013, released Wells Fargo, as a predecessor in interest, from any and all claims, causes of action, and liabilities, known or unknown, regarding the subject loan, Note, Deed of Trust, and foreclosure proceedings. (Decl. of Hunter Robinson, Exh. J.) Plaintiffs and plaintiffs’ counsel, jointly and severally, shall pay monetary sanctions to Wells Fargo in the amount of \$8,678.41. (Code Civ. Proc., § 128.7, subd. (d); Decl. of Thomas N. Abbott, ¶ 13.) Plaintiffs and plaintiffs’ counsel, jointly and severally, shall pay monetary sanctions to SLS in the amount of \$16,580.44. (Code Civ. Proc., § 128.7, subd. (d); Decl. of Thomas N. Abbott, ¶ 12.)

Plaintiffs’ complaint is **DISMISSED WITH PREJUDICE**. (Code Civ. Proc., § 128.7, subd. (d).)

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).