

TENTATIVE RULINGS for CIVIL LAW and MOTION October 6, 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
Telephone number for the clerk in Department Four: (530) 406-6942

TENTATIVE RULING

Case: **Clark v. EMQ Families First**
Case No. CV CV 14-1250
Hearing Date: **October 6, 2015** **Department Four** **9:00 a.m.**

Defendant FamiliesFirst, Inc.'s unopposed motion to compel further responses from plaintiff Dino Clark to form interrogatories, set one, is **GRANTED**. (Code Civ. Proc., § 2030.290, subd. (a).) Plaintiff shall serve responses, without objections, by October 16, 2015.

Monetary sanctions are **GRANTED**, in the amount of \$690.00, against plaintiff. (Code Civ. Proc., § 2030.290, subd. (c).) The Court does not award sanctions for fees not yet incurred.

Plaintiff Dino Clark's request for judicial notice is **DENIED**. (Evid. Code, § 452, subd. (c).) These documents are not relevant to the issues before the Court.

Defendant's demurrer to the first cause of action for negligence is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff Dino Clark fails to state facts sufficient to support the existence of the special relationship necessary to establish a duty of care. (*Beauchene v. Syanon Foundation, Inc.* (1979) 88 Cal.App.3d 342, 347.) Plaintiff also fails to establish that the cited regulations impose such a duty on defendant. Having already afforded plaintiff leave to amend this cause of action, the Court declines further leave to amend.

Defendant's demurrer to the first cause of action for negligence is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff has not alleged that defendant was John Doe's guardian. (Civ. Code, § 1714.1, subd. (a).)

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: **Monticello Seasonal Cuisine, Inc. v. The Davis Center, LLC**
Case No. CV CV 15-876

Hearing Date: **October 6, 2015** **Department Eleven** **9:00 a.m.**

Defendant The Davis Center, LLC's requests for judicial notice are **GRANTED**. (Evid. Code, § 452, (d).)

Defendant's demurrer to the first cause of action for breach of contract, second cause of action for breach of the covenant of good faith and fair dealing, third cause of action for quiet title, fourth cause of action for fraudulent misrepresentation, fifth cause of action for intentional interference with prospective economic advantage, and seventh cause of action for unfair business practices in plaintiff Monticello Seasonal Cuisine, Inc.'s complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff states facts sufficient to support each cause of action. (*Locke v. Warner Bros.* (1997) 57 Cal.App.4th 354, 363-364; *Youst v. Longo* (1987) 43 Cal.3d 64, 71, fn. 6; Code Civ. Proc., § 762.010.)

Defendant's motion to strike is **DENIED**. (Code Civ. Proc., § 436.) The Court cannot determine, as a matter of law, that plaintiff's requests for punitive damages are improper. (Civ. Code 3294, subds. (c)(1), (c)(3).)

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.