

**TENTATIVE RULINGS for CIVIL LAW and MOTION
October 14, 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: **Devore v. California Highway Patrol**
Case No. CV PO 12-399

Hearing Date: October 14, 2015 Department Eleven 9:00 a.m.

Defendants California Highway Patrol and Officer Justin Sherwood's motion to bifurcate the trial into liability and damages phases is **GRANTED**. (Code Civ. Proc., §§ 598, 1048, subd. (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: **Harrington v. City of Davis**
Case No. CV PT 14-461

Hearing Date: October 14, 2015 Department Eleven 9:00 a.m.

Petitioner Michael Harrington contends that the property at 717 7th Street, in Davis, underwent a change in occupancy under California Building Code section 3411.4.2, which necessitated that the City of Davis require accessible parking as a condition of real party's conditional use permit. The administrative record indicates that the permitted use is single-family residential. (AR 193.) Respondents City of Davis and Davis City Council are directed to brief the following issues: What facts and legal authority supports respondents' contention that there has been no change in occupancy as a result of real party's request for the conditional use permit in light of its admission at AR 193 about the use of the property? What significance, if any, should the Court accord to respondents' admission that that the permitted use is single-family residential? Is this use relevant to how the term occupancy is defined in the California Building Code?

Respondents shall file a brief addressing these issues by no later than November 6, 2015. Petitioner may file a responsive brief by no later than November 13, 2015. Neither brief shall exceed 10 pages, and shall be limited to discussion of the above-referenced issues.

This matter is **CONTINUED** for hearing to December 1, 2015 at 9:00 a.m. in Department 11.

TENTATIVE RULING

Case: **Li v. Kuo**

Case No. CV CV 14-1466

Hearing Date: **October 14, 2015** **Department Eleven** **9:00 a.m.**

Defendant Wei-Chen Kuo's motion to quash the deposition subpoena is **DENIED**. The motion is not accompanied by a separate statement. (Cal. Rules of Court, rule 3.1345(a)(5).)

The notice of motion does not provide notice of this 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).