

TENTATIVE RULINGS for CIVIL LAW and MOTION October 20, 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: **Baker v. Jacobsen**
CV PM 14-177
Hearing Date: **October 20, 2015** **Department Eleven** **9:00 a.m.**

Defendant Regents of the University of California's motion for an order directing Creative Legal Funding to comply with defendant's deposition subpoena is **DENIED**. (Code Civ. Proc., § 1987.1.) Defendant fails to establish that the custodian of records for Creative Legal Funding was personally served with the deposition subpoena. (Code Civ. Proc., § 2020.220, subs. (b), (c); Decl. of Derek J. Haynes, ¶ 4, Exh. D.)

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: **Law Offices of Les Zieve v. Baeza**
CV CV 15-646
Hearing Date: **October 20, 2015** **Department Eleven** **9:00 a.m.**

Plaintiff Law Offices of Les Zieve's unopposed motion for an order to deposit undistributed surplus proceeds from a trustee's sale and discharge plaintiff from liability is **GRANTED**. (Civ. Code, § 2924j, subd. (e); Code Civ. Proc., 386.) Plaintiff is awarded costs in the amount of \$3,715.00, and attorney fees in the amount of \$5,270.00. (Decl. of Tanya McCullah, ¶ 11, Exh. 6; Civ. Proc. Code § 386.6, subd. (a).) Upon depositing the remaining undistributed surplus proceeds, in the amount of \$42,967.69, with the clerk of the court, plaintiff may be dismissed from the action. (Civ. Proc. Code § 386.5.)

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).

TENTATIVE RULING

Case: **Montes v. Valdez**
Case No. CV UD 15-380

Hearing Date: **October 20, 2015** **Department Eleven** **9:00 a.m.**

Defendants John Valdez and Desiree Valdez's unopposed motion to enforce the settlement agreement is **GRANTED** and plaintiff's complaint is **DISMISSED WITH PREJUDICE**. (Code Civ. Proc., § 664.6.) Defendants establish that they vacated the subject premises on or before 5:00 p.m. on May 15, 2015, in accordance with the terms stated in the stipulation and order filed with the Court on April 22, 2015. (Decl. of Desiree Valdez, ¶¶ 4-10, Exhs. A, B; Decl. of John Valdez, ¶¶ 4-10, Exhs. A, B.) Thereafter, plaintiff Nick Montes failed to file a dismissal within thirty days as required. (Decl. of John Valdez, Exh. A, Stipulation and Order, ¶ 13; Decl. of Alisha Heilman, ¶ 5.)

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.