

TENTATIVE RULINGS for CIVIL LAW and MOTION
November 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: **Shimada v. Jeff Gunnell Construction, Inc.**
Case No. CV CV 15-710

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

Defendant Jeff Gunnell Construction, Inc.'s request that the Court take judicial notice of Exhibit A is **GRANTED**. (Evid. Code, § 452, subd. (d).) Defendant's request that the Court take judicial of Exhibit B is **DENIED**. Defendant fails to cite legal authority which authorizes the Court to take judicial notice of a certificate of occupancy.

Defendant's demurrer to plaintiff Sean Shimada's complaint is **SUSTAINED WITH LEAVE TO AMEND** based on plaintiff's concession and request that the demurrer be sustained. (Code Civ. Proc., § 472; Plaintiff's Opposition, p. 2:3-4.)

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: **Three Rivers Ranch, LLC v. Kiefert**
Case No. CV UD 15-1406

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

The demurrer is **DROPPED FROM CALENDAR**. Plaintiff filed a first amended complaint on October 15, 2015. (Code Civ. Proc., § 472.)