

## **TENTATIVE RULINGS for CIVIL LAW and MOTION November 12, 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](http://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:** Day & Night Truck Trailer Repair, Inc. v. River City Petroleum, Inc.  
Case No. CV CV 15-508

**Hearing Date:** November 12, 2015 Department Eleven 9:00 a.m.

Defendants River City Petroleum, Inc. and Leonard Robinson's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants' motion for judgment on the pleadings directed to plaintiff Day & Night Truck Trailer Repair, Inc.'s first cause of action for breach of contract, second cause of action for breach of "covenants of good faith dealings" and third cause of action for "intentional infliction of business losses" is **DENIED**. (Code Civ. Proc., § 438, subd. (c)(1)(B).) Only where the parties to an unlawful detainer action fully litigate other issues besides the right of possession, is the unlawful detainer judgment conclusive as to those other litigated issues. (*Gombiner v. Swartz* (2008) 167 Cal.App.4th 1365, 1371; *Pelletier v. Alameda Yacht Harbor* (1986) 188 Cal.App.3d 1551, 1557; *Vella v. Hudgins* (1977) 20 Cal.3d 251, 255-257.) Based on the pleadings and matters which are judicially noticeable, the Court cannot determine as a matter of law that plaintiff's claims were fully litigated in the underlying unlawful detainer action. (Defendants' Request for Judicial Notice, Exhs. 1-3.)

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.

### **TENTATIVE RULING**

**Case:** Scaccia v. Scaccia  
Case No. CV CV 14-1820

**Hearing Date:** November 12, 2015 Department Eleven 9:00 a.m.

Plaintiff's motion for a stay, filed on October 20, 2015, is **DROPPED FROM CALENDAR**. Plaintiff has failed to afford defendants proper notice of the motion. (Code Civ. Proc., § 1005.)

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.