

TENTATIVE RULINGS for CIVIL LAW and MOTION December 3, 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: KB Home v. Fortifiber Corporation
Case No. CV CV 15-791

Hearing Date: December 3, 2015 Department Eleven 9:00 a.m.

Defendant Fortifiber Corporation's motion to compel a further response to special interrogatory nos. 11 and 14, and request for production of documents no. 5 is **DENIED**. (Code Civ. Proc., §§ 2030.300, 2031.310.) The declaration of Lydia V. Ko, filed in support of the motion, fails to state facts showing that a reasonable and good faith attempt at an informal resolution was made. (Code Civ. Proc., § 2016.040; Decl. Ko, ¶¶ 8-9.)

Defendant's motion to compel verified responses to form interrogatories (construction defect litigation), set one, form interrogatories (general), set one, special interrogatories, set one, and requests for production of documents, set one, is **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).) Plaintiff KB Home shall serve verified responses to the form and special interrogatories and requests for production of documents, together with all responsive documents, without new objections, by December 17, 2015. The objections previously asserted by plaintiff are not waived as verification is unnecessary to assert discovery objections. (*Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal.App.4th 651, 658.)

Defendant's request for monetary sanctions against plaintiff and plaintiff's counsel is **DENIED**. (Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (c).) Based on defendant's failure to properly meet and confer, and on plaintiff's representation that verified responses have already been served, the imposition of sanctions would be unjust.

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: Miller v. Cordova
Case No. CV UD 15-1532
Hearing Date: December 3, 2015 Department Eleven 9:00 a.m.

Defendant Christina Cordova's motion to quash service of summons is **GRANTED** as to the service by posting which occurred on November 9, 2015, only. (Code Civ. Proc., § 418.10, 415.45.) Defendant establishes that she was not properly served with the summons and complaint. (Decl. of Christina Cordova, ¶¶ 4-5.)

Plaintiff Tom Miller's request for sanctions is **DENIED**. (Code Civ. Proc., § 128.5.)

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.

TENTATIVE RULING

Case: Sanchez v. Cattuzzo
Case No. CV CV 14-804
Hearing Date: December 3, 2015 Department Eleven 9:00 a.m.

Plaintiff and cross-defendant Richard Sanchez's motion to vacate the judgment is **DENIED**. (Code Civ. Proc., § 663.)

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).