

TENTATIVE RULINGS for CIVIL LAW and MOTION
December 11, 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: **Pierce v. Wilbur-Ellis Company**
Case No. CV CV 14-718

Hearing Date: **December 11, 2015** **Department Eleven** **9:00 a.m.**

Defendants Wilbur-Ellis Company, Daniel Giger, and Lillian Belnick’s motion for reconsideration is **DENIED**. (Code Civ. Proc., § 1008, subd. (a).) Defendants failed to establish that any new or different facts or circumstances exist to support their motion as required.

Defendants’ request that the Court modify its order *sua sponte* is **DENIED**. Plaintiff Karen Pierce alleges her “actual and/or perceived” disability consisted of the injury to her wrist and ankle. (Complaint, ¶ 26; *Hutton v. Fidelity National Title Company* (2013) 213 Cal.App.4th 486, 493, citing *Conroy v. Regents of University of California* (2009) 45 Cal.4th 1244, 1250; *Careau & Co. v. Sec. Pac. Bus. Credit, Inc.* (1990) 222 Cal.App.3d 1371, 1389-1390.) The Court’s order dated October 14, 2015, which granted defendants’ motion for summary adjudication of issue no. 2, was based on both the actual and perceived disability claims arising from plaintiff’s wrist and ankle injury, as alleged.

To the extent defendants assert that the Court’s order is “internally inconsistent,” defendants are directed to page 2, lines 4 through 7, of the order, wherein the Court explains:

Where defendants present as an undisputed material fact a matter which incorporates another supposedly undisputed material fact which is actually properly disputed, the first purported undisputed material fact is likewise considered disputed.

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.