

**TENTATIVE RULINGS for CIVIL LAW and MOTION
December 17, 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: **Kolb v. City of West Sacramento**
Case No. CV CV 14-1710
Hearing Date: **December 17, 2015** **Department Eleven** **9:00 a.m.**

So the Court may more thoroughly consider the parties' papers, defendant City of West Sacramento's motion for summary judgment, or in the alternative summary adjudication, is **CONTINUED** on the Court's own motion to be heard on Tuesday, January 5, 2016, at 9:00 a.m. in Department 11.

TENTATIVE RULING

Case: **Piro v. Cox**
Case No. CV PT 15-1313
Hearing Date: **December 17, 2015** **Department Eleven** **9:00 a.m.**

Petitioner Ralph Piro's motion for attorneys' fees and costs is **DENIED**. The affidavits offered in support of the motion do not comply with Code of Civil Procedure section 2015.5.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Ramos v. City of West Sacramento**
Case No. CV CV 15-483
Hearing Date: **December 17, 2015** **Department Eleven** **9:00 a.m.**

Defendant City of West Sacramento's demurrer to the first cause of action for abatement of private nuisance, second cause of action for abatement of public nuisance, third cause of action for trespass, fourth cause of action for a dangerous condition of public property, fifth cause of action for declaratory relief, and sixth cause of action for injunctive relief in plaintiff Raymond Ramos's first amend complaint ("FAC") is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff states facts sufficient to support each of action. (Code Civ. Proc., § 1060; Gov. Code, § 835; *Paterno v. State of California*, (1999) 74 Cal.App.4th 68, 103-104; *Brown v. Poway*

Unified Sch. Dist. (1993) 4 Cal.4th 820, 83; *Balboa Ins. Co. v. Aguirre* (1983) 149 Cal.App.3d 1002, 1010.)

Defendant's motion to strike portions of plaintiff's FAC is **DENIED**. Defendant fails to establish that plaintiff's fifth cause of action for declaratory relief or sixth cause of action for injunctive relief contain irrelevant, false, or improper matter or that it is drawn in violation of a law, rule, or court order. (Code Civ. Proc., § 436; Cal. Rules of Court, rule 3.1322; *Warren v. Atchison, Topeka & Santa Fe Ry.* (1971) 19 Cal.App.3d 24, 41.) Further, defendant fails to establish that plaintiff's prayer for attorney fees is improper. (Code Civ. Proc., § 1021.5.)

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: **Santillan v. Perry**
Case No. CV CV 14-906

Hearing Date: December 17, 2015 Department Eleven 9:00 a.m.

Plaintiff Heather Santillan's unopposed motion for an order deeming requests for admission admitted as set forth in requests for admission, set one, to defendants Jeffrey Perry and Perry Brothers Heavy Hauling is **GRANTED**. (Code Civ. Proc., § 2033.280, subd. (b).)

Monetary sanctions are awarded against defendants Jeffrey Perry and Perry Brothers Heavy Hauling in the amount of \$500.00 (computed at a \$250/hour rate times 2 hours based on the substance of the papers), jointly and severally. (Code Civ. Proc., § 2033.280, subd. (c).) Attorney Daniel Bartley has not submitted sufficient evidence to justify the requested \$600/hour rate.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.