

TENTATIVE RULINGS for CIVIL LAW and MOTION
February 22, 2016

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 on Yolo Court's 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: Grill v. Meritage Homes of California, Inc.
Case No. CV CV 11-13
Hearing Date: February 22, 2016 **Department Eleven** **9:00 a.m.**

Cross-defendant Meritage Homes of California, Inc.'s demurrer is **DROPPED FROM CALENDAR**. Cross-defendant failed to comply with Code of Civil Procedure section 430.41(a). Before filing a demurrer, the demurring party is required to "meet and confer *in person or by telephone* with the party who filed the pleading that is subject to demurrer." (Code Civ. Proc., § 430.41, subd. (a), emphasis added.)

TENTATIVE RULING

Case: Salazar v. Velasquez
Case No. CV CV 15-1542
Hearing Date: February 22, 2016 **Department Eleven** **9:00 a.m.**

Defendants Anthony Velasquez and Sotero Andrade's motion to strike plaintiffs Daniel Salazar and Melissa Hutto Salazar's claim and prayer for punitive damages is **GRANTED WITH LEAVE TO AMEND**. (Civ. Code, § 3294.) Defendants' conduct, as alleged in plaintiffs' complaint, does not support a finding of malice, oppression, or fraud. (Civ. Code, § 3294; *Brousseau v. Jarrett* (1977) 73 Cal.App.3d 864, 872; *Peterson v. Superior Court* (1982) 31 Cal.3d 147, 158-59; *Hasson v. Ford Motor Co.* (1982) 32 Cal.3d 388, 402; *G. D. Searle & Co. v. Superior Court* (1975) 49 Cal.App.3d 22, 31.)

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).