

TENTATIVE RULINGS for CIVIL LAW and MOTION

February 23, 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: Nunez v. Omni Healthcare Services, Inc.

Case No. CV PO 15-1096

Hearing Date: February 23, 2016 Department Eleven 9:00 a.m.

Plaintiffs' motion to compel further responses to requests for production, set one, from defendant River Bend Nursing Center is **DROPPED FROM CALENDAR**. Defendant served responses to these discovery requests on November 6, 2015 by an unspecified method. At the latest, plaintiffs' deadline within which to file a motion to compel would have expired on December 28, 2015. (Code Civ. Proc., §§ 2016.060; 2031.310, subd. (c).) This motion was filed on January 27, 2016. Plaintiffs provide no evidence indicating that they agreed in writing to a "specific later date" on which the motion could be filed. The letter dated January 15, 2016 from defendant's counsel attached to the declaration of Mr. Pick at Exhibit C states only that "We will grant additional time for any Motion to Compel." By January 15, 2016, the deadline had expired and this letter does not contain a specific later date for the deadline. Plaintiffs' motion is untimely. (*Vidal Sassoon, Inc. v. Sup. Ct. (Halpern)* (1983) 147 Cal.App.3d 681, 685 [court lacks jurisdiction to order further answers after deadline].)

Plaintiffs' motion to compel further responses to special interrogatories, set two, from defendant River Bend Nursing Center is **DROPPED FROM CALENDAR**. Defendant served responses to these discovery requests on November 6, 2015 by an unspecified method. At the latest, plaintiffs' deadline within which to file a motion to compel would have expired on December 28, 2015. (Code Civ. Proc., §§ 2016.060; 2031.310, subd. (c).) This motion was filed on January 27, 2016. Plaintiffs provide no evidence indicating that they agreed in writing to a "specific later date" on which the motion could be filed. Plaintiffs' motion is untimely. (*Vidal Sassoon, Inc. v. Sup. Ct. (Halpern)*, *supra*.)

Plaintiffs' motion to compel further responses to requests for production, set one, from defendant Shepherd's Glen Management Services, Inc. is **DROPPED FROM CALENDAR**. Defendant served responses to these discovery requests on November 6, 2015 by an unspecified method. At the latest, plaintiffs' deadline within which to file a motion to compel would have expired on December 28, 2015. (Code Civ. Proc., §§ 2016.060; 2031.310, subd. (c).) This motion was filed on January 27, 2016. Plaintiffs provide no evidence indicating that they agreed in writing to a "specific later date" on which the motion could be filed. The letter dated January 15, 2016 from

defendant's counsel attached to the declaration of Mr. Pick at Exhibit C states only that "We will grant additional time for any Motion to Compel." By January 15, 2016, the deadline had expired and this letter does not contain a specific later date for the deadline. Plaintiffs' motion is untimely. (*Vidal Sassoon, Inc. v. Sup. Ct. (Halpern), supra.*)

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.