

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **March 2, 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](http://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 Four: (530) 406-6942

Telephone number for the clerk in Department Eleven: (530) 406-6843

#### **TENTATIVE RULING**

**Case:** **Aurora Production and Publishing, Inc. v. Jenkins**  
**Case No. CV CV 13-637**

**Hearing Date:** **March 2, 2016** **Department Eleven** **9:00 a.m.**

Cross-complainant Adam Jenkins's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (c); *Friends of Shingle Springs Interchange, Inc. v. City of El Dorado* (2011) 200 Cal.App.4th 1470, 1483-1484.)

Cross-complainant's motion to strike cross-defendants Aurora Production and Publishing, LLC ("Aurora") and Standard Fulfillment Services, LLC's ("Standard") answer is **GRANTED**. (Code Civ. Proc., § 435.) Aurora and Standard's answer filed on January 25, 2016, is **STRICKEN** and default against Aurora and Standard is entered.

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:** **Neil v. Christy**  
**Case No. CV UD 16-71**

**Hearing Date:** **March 2, 2016** **Department Eleven** **9:00 a.m.**

The demurrer is **DROPPED FROM CALENDAR**. Plaintiff filed a first amended complaint on February 16, 2016. (Code Civ. Proc., § 472.)

#### **TENTATIVE RULING**

**Case:** **Weinstein v. Ferrell**  
**Case No. CV PO 15-1443**

**Hearing Date:** **March 2, 2016** **Department Four** **9:00 a.m.**

Defendant County of Yolo's request for judicial notice is **GRANTED**, as to items 1-3 and **DENIED** as to item 4. (Evid. Code, § 452, subds. (c), (d), & (h).)

Yolo's demurrer to the fourth cause of action is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff fails to allege that Yolo owned the property causing the dangerous condition, that Yolo had actual or constructive notice of the condition, and facts showing that his cause of action lies outside the breadth of any applicable statutory immunity. The Court need not reach the remaining grounds for demurrer.

Defendant Raymond Ferrell's demurrer to the sixth cause of action for defamation is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff has not pleaded the allegedly defamatory statements. (*Hecimovich v. Encinal Sch. Parent Teacher Org.* (2012) 203 Cal.App.4th 450, 457, fn. 1.) The Court need not reach the remaining ground for demurrer.

Defendant Ferrell's motion to strike is **DENIED AS MOOT**, given the Court's ruling on the demurrer.

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.