

TENTATIVE RULINGS for CIVIL LAW and MOTION

March 3, 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: **Davis Royal Oak, LLC v. Dehart**
Case No. CV UD 16-75
Hearing Date: **March 3, 2016** **Department Eleven** **9:00 a.m.**

Defendant Scott Dehart's unopposed demurrer to plaintiff Davis Royal Oak, LLC's complaint for unlawful detainer is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., §430.10, subd. (e).) Plaintiff fails to state facts sufficient to state a cause of action. The three-day notice to pay rent or quit fails to state the correct amount of rent due, based on the allegations contained in the complaint. (Code Civ. Proc., § 1161(2).) The complaint states that the monthly rent due from February 1, 2015 to January 31, 2016, was \$499.00. (Complaint, Exh. 1, ¶ 3(B)(3).) However, the three-day notice attached to the complaint states that defendant owes rent from August 1, 2015, through September 30, 2015, at the rental rate of \$750. (*Id.* at Exh. 2.)

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: **Nunez v. Omni Healthcare Services, Inc.**
Case No. CV PO 15-1096
Hearing Date: **March 3, 2016** **Department Eleven** **9:00 a.m.**

Plaintiffs' motion to compel further responses to requests for production, set one, to defendant Shepherd's Glen Management Services, Inc. is **DENIED AS MOOT**. (Code Civ. Proc., § 2031.310.) Defendant has served supplemental responses.

Plaintiffs' motion to compel further responses to special interrogatories, set two, to defendant Oni Healthcare Services, Inc. dba River Bend Nursing Center is **GRANTED**. (Code Civ. Proc., § 2030.300.) The third party administrator procedure proposed by plaintiffs will adequately protect the privacy rights claimed by defendant in the requested information. Plaintiffs are ordered to pay the cost associated with retaining the third-party administrator. The parties shall meet and confer and submit to the Court an order attaching the agreed-upon opt-in letter and response card, setting forth an agreed upon timeline for defendants to provide a list of names and addresses to the administrator, and setting forth an agreed upon timeline for the third-party

administrator to complete the tasks of mailing the opt-in letter and response card and notifying the parties of the names and contact information of the residents/responsible parties authorizing dissemination of their information.

Plaintiffs' motion to compel further responses to requests for production, set one, to defendant River Bend is **GRANTED IN PART**. (Code Civ. Proc., § 2031.310.) The motion is **DENIED AS MOOT** as to request nos. 12, 19, 20, 22, 28, 41, 48, 49, and 57, as defendant has served supplemental responses to these requests.

Plaintiffs' motion to compel further responses to request nos. 6 and 59 are **DENIED**. (Code Civ. Proc., § 2031.310.) Defendant has claimed that certain privileges apply. Defendant shall provide a privilege log to plaintiffs for every document withheld pursuant to these privileges. (Code Civ. Proc., § 2031.240, subd. (c)(1).) Upon receipt, the parties shall meet and confer about the applicability of the privilege claims. Plaintiffs may renew their motion to compel if any objections are not justified.

Plaintiffs' motion to compel further responses to request nos. 26, 27, and 62 are **GRANTED IN PART**. (Code Civ. Proc., § 2031.310.) Defendant shall produce only those evaluations or parts thereof which relate to care provided to plaintiff. Any portions of the evaluations which do not relate to plaintiff's care shall be redacted or withheld.

Plaintiffs' motion to compel further responses to request nos. 33 and 35 is **GRANTED IN PART**. (Code Civ. Proc., § 2031.310.) Defendant shall produce the requested documents, but shall redact all patient names and medical information. Defendant shall provide a privilege log for any privileged matter redacted. Upon receipt, the parties shall meet and confer about the applicability of the privilege claims. Plaintiffs may renew their motion to compel if any objections are not justified.

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: **Scaccia v. Scaccia**
Case No. CV CV 14-1820
Hearing Date: **March 3, 2016** **Department Eleven** **9:00 a.m.**

Plaintiff Brian Scaccia's third motion to compel discovery, filed on January 29, 2016, is **DROPPED FROM CALENDAR**. The motion will be heard by the discovery referee selected by the Court.