

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**March 28, 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 Eleven: (530) 406-6843

**TENTATIVE RULING**

**Case:** **Davis Enterprise, Inc. v. Fairfield Publishing Company**  
**Case No. CV CV 06-68**  
**Hearing Date:** **March 28, 2016** **Department Eleven** **9:00 a.m.**

The motion for good faith settlement determination filed by Daily Republic, Inc. is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., § 877.6) As the Court found in its ruling issued on December 7, 2015, the motion is contingent on the execution of the drafted Agreement and Covenant Not to Sue which is attached as Exhibit A to the Declaration of Probal G. Young ("Covenant"). However, the City of Davis, who opposes the current motion, is a settling party under the terms of the Covenant. (Decl. of Young, Exh. A, ¶ 1.1.) As the Covenant has not yet been executed, this motion is premature. (*Id.* at Exh. A, ¶ 4.1.)

Plaintiff Davis Enterprise, Inc.'s motion to enforce the settlement agreement by compelling the City of Davis to sign the Covenant is **DENIED**. (Code Civ. Proc., § 664.6.) The settlement agreement is not a binding instrument until the Covenant is executed by the parties. Accordingly, Enterprise has not shown that the agreement is subject to enforcement pursuant to section 664.6. The parties are **DIRECTED TO APPEAR** to advise the Court of the status of the City Council's consideration and approval of the Covenant.

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:** **Davis Industrial Group v. Sudwerk Restaurant and Brewery, Inc.**  
**Case No. CV CV 16-405**  
**Hearing Date:** **March 28, 2016** **Department Eleven** **9:00 a.m.**

Specially Appearing Defendant Sudwerk Restaurant and Brewery, Inc.'s motion to quash plaintiff Davis Industrial Group's complaint is **DENIED**. Motions to quash are not the proper means of challenging ineffectual notices of failure to pay rent. (*Borsuk v. Appellate Division of the Superior Court* (2015) 242 Cal.App.4<sup>th</sup> 607, 612.)

The notice of motion does not provide notice of this 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).

**TENTATIVE RULING**

**Case:** **In re the JoAnn M. Mahan Trust**  
**Case No. CV P2 15-114**  
**Hearing Date:** **March 28, 2016** **Department Eleven** **9:00 a.m.**

Matthew S. Crider's unopposed motion to be relieved as counsel for respondent Mary McCarthy is **DENIED WITHOUT PREJUDICE**, based on the pending motion to enforce an oral settlement agreement against respondent, set to be heard on April 4, 2016, in Department Six.

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:** **McDonald v. Chrysler Group LLC**  
**Case No. CV CV 14-280**  
**Hearing Date:** **March 28, 2016** **Department Eleven** **9:00 a.m.**

Plaintiffs Robert W. McDonald and Joan C. McDonald's motion for attorneys' fees is **DROPPED FROM CALENDAR**. It was not timely served on the parties in accordance with Code of Civil Procedure section 1005.