

TENTATIVE RULINGS for CIVIL LAW and MOTION
April 7, 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: **Oliveira v. Clark**
Case No. CV UD 16-285
Hearing Date: **April 7, 2016** **Department Eleven** **9:00 a.m.**

Defendant Jennifer Clark's unopposed motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c, subd. (p)(2).) The undisputed facts establish that plaintiff Lucia Oliveira did not include language mandated by Civil Code section 1946 in her thirty-day notice to terminate tenancy: "State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out." (Civ. Code, § 1946; Complaint.) Additionally, the undisputed facts establish that plaintiff failed to provide an address where rent could be paid in the three-day notice to pay rent or quit. (Code Civ. Proc., § 1161(2); Complaint.)

Defendant is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c(g) and California Rule of Court 3.1312. If no hearing is requested, this tentative ruling is effective immediately.

TENTATIVE RULING

Case: **Oliveros v. Olam Americas, Inc.**
Case No. CV CV 14-1483
Hearing Date: **April 7, 2016** **Department Eleven** **9:00 a.m.**

Plaintiff Susana Ramirez Oliveros's request for a continuance pursuant to Code of Civil procedure section 437c(h) is **DENIED**. The request is untimely, and the declaration offered in support of the request does not adequately explain how the expected testimony would controvert the evidence offered in the motion for summary judgment, and it does not contain an estimate of the time necessary to obtain the discovery. (Code Civ. Proc., 437c, subd. (h); *Roth v. Rhodes* (1994) 25 Cal.App.4th 530, 548; *Cooksey v. Alexakis* (2004) 123 Cal.App.4th 246, 254; *Johnson v. Alameda County Med. Ctr.* (2012) 205 Cal.App.4th 521, 532.)

The hearing on the motion for summary judgment is **CONTINUED** to April 12, 2016 at 9:00 a.m. in Department 11. The Court will not accept late opposition papers.

TENTATIVE RULING

Case: **Peterson v. Drouin**
Case No. CV PO 14-1480
Hearing Date: **April 7, 2016** **Department Eleven** **9:00 a.m.**

Defendant Emil Drouin's motion to continue the trial presently set for July 11, 2016, is **DENIED WITHOUT PREJUDICE**. (Cal. Rules of Court, rule 3.1332.) Defendant provides no evidence to support his assertion that he expects to be released from prison by February, 2017.

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.