

TENTATIVE RULINGS for CIVIL LAW and MOTION

April 14, 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: KJKSC Enterprises LP v. Capital Mailing Services, Inc.
Case No. CV UD 16-339

Hearing Date: April 14, 2016 Department Eleven 9:00 a.m.

Defendant Capital Mailing Services, Inc.'s demurrer is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff's counsel may properly verify the complaint based on his client's presence outside the county. (Code Civ. Proc., § 446.) The three-day notice attached to the complaint is not invalid for including amounts claimed as Common Area Maintenance ("CAM") fees. The lease agreement defines these items as encompassed within the definition of "rent." (Lease Agreement, § 4.1.) Defendant's demurrer for uncertainty fails based on its failure to specify why the complaint is uncertain and where such uncertainty appears. (*Fenton v. Groveland Community Services Dist.* (1982) 135 Cal.App.3d 797, 809.)

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: Mendez v. Washington Unified School Dist.
Case No. CV PM 15-629

Hearing Date: April 14, 2016 Department Eleven 9:00 a.m.

Defendants Washington Unified School District and Kim Marie Alpers's unopposed motions to compel responses to form interrogatories and requests for production of documents are **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b) & 2031.300, subd. (b).) Plaintiffs Leroy Mendez, Laura Mendez, and Gavin Mendez are ordered to provide verified responses to these discovery requests, together with responsive documents, by no later than April 29, 2016.

Defendants' motions to compel plaintiffs to provide information regarding collateral source payments pursuant to Government Code section 985 are **DENIED**. Defendant cites no legal authority authorizing a motion to compel disclosure of such information when a plaintiff refuses to provide it.

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.