

TENTATIVE RULINGS for CIVIL LAW and MOTION
June 27, 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: State Farm General Insurance Company v. Watts Regulator Co.
Case No. CV G 15-1268

Hearing Date: June 27, 2016 Department Eleven 9:00 a.m.

Defendant Watts Regulator Co.'s motion for reconsideration is **DENIED**. (Code Civ. Proc., §§ 128, 1008.)

The Court retained jurisdiction on May 11, 2016, until such time as it granted plaintiff State Farm General Insurance Company's motion to compel further responses to form and special interrogatories, motion to compel further responses to requests for production, and motion to deem requests for admission admitted. The Court's ruling should be construed consistently with this intent.

The Court properly granted plaintiff's motion to deem requests for admission admitted. Plaintiff served the requests at issue on defendant by mail on January 25, 2016. (Pallares Decl., ¶ 3.) According to its own admission, defendant served responses which consisted solely of objections on March 7, 2016. (*Id.*, ¶ 4.) The responses were late; they were due on February 29, 2016. (Code Civ. Proc., §§ 2033.250; 1013, subd. (a).) A motion to deem requests for admission admitted properly lies when a party to whom requests for admission are directed fails to serve a timely response. (Code Civ. Proc., § 2033.280.) A response includes objections. (Code Civ. Proc., §§ 2033.210, subd. (b), 2033.240, subd. (a).)

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: Two Jinn, Inc. dba Aladdin Bail Bonds v. Casillas
Case No. CV G 15-1802
Hearing Date: June 27, 2016 Department Eleven 9:00 a.m.

The Court has considered defendant Felisha Aragon’s tardy opposition to the motions. The Court cautions defendant that if she fails to serve timely papers in the future, the Court may decline to consider them. (Code Civ. Proc., § 1005.)

Plaintiff Two Jinn, Inc.’s motion to deem requests for admission admitted is **DENIED AS MOOT**. (Code Civ. Proc., §§ 2033.280, subd. (b), 2030.290, subd. (b).) Defendant Felisha Aragon represents that she has served responses to these discovery requests. (Exhibit 1 to Aragon Decl.) The Court finds that they are in substantial compliance with section 2033.220. (Code Civ. Proc., § 2033.280, subd. (c).)

Plaintiff’s motion to compel responses to form interrogatories is **GRANTED**. (Code Civ. Proc., § 2030.290, subd. (a).) The Court declines to relieve defendant of the waiver of the objections made in response to the form interrogatories. Defendant has not shown the failure to serve responses on June 10, 2016 was the result of mistake, inadvertence, or excusable neglect. Defendant shall serve responses to the form interrogatories, without objections, by no later than July 8, 2016.

Defendant shall pay monetary sanctions to plaintiff in the amount of \$810.00. (Sims Decl., ¶ 7; Code Civ. Proc., §§ 2033.280, subd. (c), 2030.290, subd. (c).) Defendant admits that she received the subject discovery requests in “mid-to late-April 2016,” yet she served responses to these requests on June 10, 2016.

The order with respect to the form interrogatories shall become effective upon plaintiff’s payment of an additional law and motion fee to the Court of \$60.00. Only one law and motion fee was submitted for both motions.

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: Virk v. Juchau
Case No. CV CV 11-2634
Hearing Date: June 27, 2016 Department Eleven 9:00 a.m.

Plaintiff Anthony Virk’s motion to continue trial is **DENIED**. (Cal. Rules of Court, rule 3.1332.) Plaintiff has not shown sufficient good cause to continue the trial. Specifically, counsel for plaintiff has not shown why he did not seek a continuance of the Los Angeles Superior Court

(“LA case”) case based on the trial date in this case. Trial was set in the LA case on February 26, 2016, yet counsel made no effort to continue the trial date in the LA case until May 31, 2016. Plaintiff also failed to exercise reasonable diligence in moving to continue this trial after learning that plaintiff’s counsel was set for trial in the LA case on the same trial date. Plaintiff has also not addressed why other counsel in this matter cannot adequately represent plaintiff at trial.

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.