

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 1, 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: Dish Network LLC v. Wu
Case No. CV CV 13-1918

Hearing Date: August 1, 2016 Department Eleven 9:00 a.m.

Defendant Qihua Wu's unopposed motion for an order to release and return the levied funds held by Wells Fargo is **GRANTED**. (Code Civ. Proc., §§ 128, subd. (a)(5), 699.060, 701.020, subds. (b)(2), (3).) On June 10, 2016, plaintiff and judgment creditor Dish Network LLC filed an acknowledgement that its judgment has been satisfied in full.

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: Petition of Hough
Case No. CV P2 16-109

Hearing Date: August 1, 2016 Department Eleven 9:00 a.m.

The petitioner, Kimberly Hough, and the minor, Aiyana Hurtado, are directed to appear. (Cal. Rules of Court, rule 7.952.) If the parties fail to appear at the hearing and the Court has not excused their personal appearance, the petition will be denied without prejudice. No request for a hearing is required.

TENTATIVE RULING

Case: Vargas v. VSS International, Inc.
Case No. CV CV 16-23

Hearing Date: August 1, 2016 Department Eleven 9:00 a.m.

Defendant VSS International, Inc.'s renewed motion to compel arbitration and stay trial proceedings is **GRANTED**. (Code Civ. Proc., §§ 1008, subd. (b), 1280 et seq.) Defendant establishes that the parties are unable to resolve their disputes related to the Arbitration of

Disputes agreement through mediation, despite defendant's multiple requests to plaintiff to participate in mediation. (*City of Hollister v. Monterey Ins. Co.* (2008) 165 Cal.App.4th 455, 490; Decl. of Laura McHugh, ¶¶ 20-45; Decl. of Susana P. Solano, ¶ 6.) Defendant further establishes that the parties entered into a valid and enforceable arbitration agreement on April 13, 2015. (*Serafin v. Balco Properties Ltd., LLC* (2015) 235 Cal.App.4th 165, 176-177; Decl. of Solano, Exh. C, Decl. of Nicole Carlson, ¶¶ 1-7, Exh. A.) Plaintiff fails to demonstrate that the arbitration agreement is procedurally or substantively unconscionable. (Code Civ. Proc., § 1280 et seq.; *Armendariz v. Foundation Health Psychcare Services, Inc.* (2000) 24 Cal. 4th 83, 104-106, 113; *Serafin, supra*, 235 Cal.App.4th at 174-175; Decl. of Solano, Exh. C, Decl. of Carlson, ¶ 7, Exh. A.)

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.