

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 23, 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: **Burton v. City of Davis**
Case No. CV CV 14-1170
Hearing Date: **August 23, 2016** **Department Eleven** **9:00 a.m.**

Defendant City of Davis's motion for summary judgment, or in the alternative, summary adjudication:

Plaintiffs Thomas Burton and Norma Burton's evidentiary objection nos. 1, 2, 5-7, 9, 10, 13, 19, 23, 24, 26-29, 34-39, 41, 42, 45, and 49-50 (not properly formatted as required by California Rule of Court 3.1354(b)(3)) are **OVERRULED**. The remainder of the objections are **SUSTAINED**.

Defendant City of Davis's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subs. (c), (d), and (h).)

Defendant's evidentiary objection nos. 1-8, 17, 18, 20, 29, 31, 35-38, 41-43, 47-49, 52, 54, 55, 57, 58, 61, 62, 65, 67, 68, 70, 76-79, 83, 84, 91-95, 98-102, 104, 105-107, 109-111, 113-115, 117-18, 124-134, 138, 156, 157, 161, 162, and 164-167 are **OVERRULED**. The remainder of the objections are **SUSTAINED**.

Defendant's motion for summary judgment, or in the alternative, summary adjudication, is **DENIED**. (Code Civ. Proc., § 437c, subd. (p)(2).) Defendant has failed to meet its burden of showing that the causes of action asserted against it have no merit. Plaintiffs have shown that triable issues of material fact exists as to these causes of action pled against defendant. (UMF 71, 73; PSS 80, 88-91, 109-112, 116-121.)

If no hearing is requested, 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 Rules of Court, rule 3.1312.

Defendant County of Yolo's motion for summary judgment, or in the alternative, summary adjudication:

Defendant County of Yolo's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subs. (c), (d), and (h).)

Plaintiffs' evidentiary objection nos. 1, 2, 5-7, 9, 10, 13, 19, 23, 24, 26-29, 34-39, 41, 42, 45, and 49-50 (not properly formatted as required by California Rule of Court 3.1354(b)(3)) are **OVERRULED**. The remainder of the objections are **SUSTAINED**.

Defendant's evidentiary objection nos. 1-8, 17, 18, 20, 29, 31, 35-38, 41-43, 47-49, 52, 54, 55, 57, 58, 61, 62, 65, 67, 68, 70, 76-79, 83, 84, 91-95, 98-102, 104, 105-107, 109-111, 113-115, 117-18, 124-134, 138, 156, 157, 161, 162, and 164-167 are **OVERRULED**. The remainder of the objections are **SUSTAINED**.

Defendant's motion for summary judgment, or in the alternative, summary adjudication, is **DENIED**. (Code Civ. Proc., § 437c, subd. (p)(2).) Defendant has failed to meet its burden of showing that the causes of action asserted against it have no merit. Plaintiffs have shown that triable issues of material fact exists as to these causes of action pled against defendant. (UMF 37, 59; PSS 198-202.)

If no hearing is requested, 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 Rules of Court, rule 3.1312.

TENTATIVE RULING

Case: **Peric v. Portal**
Case No. CV PM 15-166
Hearing Date: **August 23, 2016** **Department Eleven** **9:00 a.m.**

Dustin J. Dyer's motion to be relieved as counsel is **DENIED WITHOUT PREJUDICE**. A proposed order was not lodged with the Court with the moving papers and was not served on Rosa Peric as required. (Cal. Rules of Court, rule 3.1362(d) & (e).)

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: **Petition of Randolph**
Case No. CV PT 16-1084
Hearing Date: **August 23, 2016** **Department Eleven** **9:00 a.m.**

The notice requirements of Code of Civil Procedure section 1277(a)(1) to grant the petition without a hearing have not been satisfied. Therefore, all interested persons in this matter shall appear before this Court at the hearing to show cause, if any, why the petition should not be granted. If no objections are made at the hearing, it is recommended to **GRANT** the petition.