

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 31, 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 Four: (530) 406-6843

TENTATIVE RULING

Case: Davis Royal Oak, LLC v. Krug
Case No. CV UD 16-1078

Hearing Date: August 31, 2016 Department Four 9:00 a.m.

Defendant Elizabeth Krug's demurrer to plaintiff Davis Royal Oak, LLC's complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subds. (e), (f).) Defendant is ordered to file an answer to the complaint by no later than September 6, 2016. (Cal. Rules of Court, rule 3.1320(g).)

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: In re Keister
Case No. CV PT 16-1198

Hearing Date: August 31, 2016 Department Four 9:00 a.m.

CBC Settlement Funding, LLC's petition for approval of transfer of structured settlement payment rights is **GRANTED**. (Ins. Code, § 10134 et seq.)

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: Scaccia v. Scaccia
Case No. CV CV 14-1820

Hearing Date: August 31, 2016 Department Four 9:00 a.m.

The following documents filed by plaintiff Brian Scaccia on August 1, 2016 are stricken for violation of this Court's July 15, 2016 order:

1. Plaintiff's joint declaration filed on August 1, 2016. The Court ordered plaintiff file an integrated single declaration of plaintiff. Plaintiff has filed a declaration which is not numbered serially, and refers to other declarations of Brian Scaccia. The Court will not consider any additional declaration of Brian Scaccia that is cross-referenced within a single declaration. If plaintiff fails to comply with the Court's order a second time, the Court may decline to consider plaintiff's evidence.
2. Plaintiff's responses to defendant's separate statements. The responses improperly reiterate objections to evidence in the right hand columns. Plaintiff shall comply with California Rule of Court 3.1354(b). The revised separate statement shall cite to a single declaration of plaintiff.

As ordered on July 15, 2016, plaintiff shall submit a single declaration of plaintiff and revised responses to separate statements that strictly comply with California Rules of Court 3.1350 and 3.1354, by no later than September 16, 2016. All exhibits referenced in the declaration shall be resubmitted with the declaration. The Court will not consider late papers. Plaintiff may submit no other documents. Plaintiff shall re-serve all defendants with all opposition papers, including the above-referenced revised documents, as defendants' reply papers indicated they did not receive plaintiff's opposition brief.

Defendants shall submit revised objections to plaintiff's evidence by no later than September 30, 2016, and may submit revised reply briefs.

This matter is **CONTINUED** to be heard on October 14, 2016, in Department 11 at 9:00 a.m.

Plaintiff Brian Scaccia's motion to allow the late filing of his opposition is **DENIED AS MOOT**.

TENTATIVE RULING

Case: **Singh v. Smith**
Case No. CV UD 16-1127

Hearing Date: **August 31, 2016** **Department Four** **9:00 a.m.**

Defendants David Smith and Melissa Salyers's unopposed demurrer to plaintiff Sukhdev Singh's complaint for unlawful detainer is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., §430.10, subd. (e).) Plaintiff fails to state facts sufficient to state a cause of action. The three-day notice to pay rent or quit fails to state the correct amount of rent due, based on the allegations contained in the complaint. (Code Civ. Proc., § 1161(2).) The complaint states that the oral lease was entered into by the parties on July 5, 2016. (Complaint, ¶ 6(a).) However, the three-day notice attached to the complaint states that defendants owe rent for five months prior to the lease being entered into. (*Id.* at Exhs. 2A, 2B [February 1, 2016 through July 31, 2016.]) Further, the 3-day notice fails include the usual days and hours someone would be available to collect the rent. (*Ibid*; Code Civ. Proc., §1161(2).)

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.