

**TENTATIVE RULINGS for CIVIL LAW and MOTION
September 20, 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: Petition of Figueroa
Case No. CV P2 16-129
Hearing Date: September 20, 2016 Department Eleven 9:00 a.m.

The petitioner, Isela Figueroa, and the minor, Rodrigo Estevan Melendrez, 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: Duran v. Meritage Homes of California, Inc.
Case No. CV CV 12-1805
Hearing Date: September 20, 2016 Department Eleven 9:00 a.m.

Cross-defendant Lamps Plus-Centennial, Inc.'s unopposed motion for determination of good faith settlement is **GRANTED**. (Code Civ. Proc., § 877.6.)

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: Heritage Oaks, LP v. Jaramillo
Case No. CV G 16-851
Hearing Date: September 20, 2016 Department Eleven 9:00 a.m.

Defendant Julio G. Jaramillo's unopposed motion to set aside the default and default judgment entered against him is **GRANTED**. Defendant establishes that his failure to timely file an answer was due to excusable neglect. (Code Civ. Proc., § 473, subd. (b); Declaration Julio G. Jaramillo, ¶¶ 6-15.)

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: **Husted v. Coleman**
Case No. CV CV 14-1889
Hearing Date: **September 20, 2016** **Department Eleven** **9:00 a.m.**

Defendants Mary-Alice Coleman and James Ashworth’s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Plaintiff Kimberly Husted’s motion for leave to file a second amended complaint is **GRANTED**. (Code Civ. Proc., § 473, subd. (a)(1).) Plaintiff shall file the second amended complaint with the Court.

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: **Jang v. Bonilla**
Case No. CV UD 16-372
Hearing Date: **September 20, 2016** **Department Eleven** **9:00 a.m.**

Defendant Antonio Bonilla’s motion to set aside the default entered by the Court on August 5, 2016, is **DENIED**. (Code Civ. Proc., § 473, subd. (b).) Defendant failed to file a copy of his proposed answer, or other responsive pleading, with the moving papers as required. (*Ibid.*)

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: **Ortiz v. Hayes**
Case No. CV UD 16-1210
Hearing Date: **September 20, 2016** **Department Eleven** **9:00 a.m.**

Defendants Ian Hayes and Mrs. Ian Hayes’s unopposed demurrer to the complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) The three-day notice to pay rent attached to the complaint fails to state the telephone number of the person to whom the rent payment shall be made. (Code Civ. Proc., § 1161(2).) The sixty-day notice failed to include the language required by Civil Code section 1946.1(h). Strict compliance with statutory notice requirements is required to support a cause of action in unlawful detainer. (See e.g., *Lamey v. Masciotra* (1969) 273 Cal.App.2d 709, 713.)

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.