

TENTATIVE RULINGS for CIVIL LAW and MOTION

September 30, 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 Six: (530) 406-6740

TENTATIVE RULING

Case: **Dior v. Yuba Community College District**
Case No. CV CV 16-780

Hearing Date: **September 30, 2016** **Department Six** **11:00 a.m.**

The requests for judicial notice are **GRANTED**. (Evid. Code, § 452, subd. (h); *Medix Ambulance Serv., Inc. v. Superior Court* (2002) 97 Cal.App.4th 109, 113.)

Defendant Yuba Community College District's ("YCCD") demurrer to the first cause of action for discrimination on the basis of ethnicity, second cause of action for discrimination on the basis of disability, fourth cause for discrimination on the basis of sex, fifth cause of action for harassment on the basis of ethnicity, sixth cause of action for retaliation, and seventh cause of action for failure to enter into a good faith interactive process in plaintiff Cynthia Dior's first amended complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff fails to state facts sufficient to support each cause of action. (Gov. Code, § 12940; *Yanowitz v. L'Oreal USA, Inc.* (2005) 36 Cal.4th 21 1028; *Guz v. Bechtel Narional, Inc.* (2000) 24 Cal.4th 317, 353-354; *Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 130-131; *Hanson v. Lucky Stores, Inc.* (1999) 74 Cal.App.4th 215, 229; *Wilson v. County of Orange* (2009) 169 Cal.App.4th 1185, 1195.)

YCCD's demurrer to the third cause of action for discrimination on the basis of age and the eighth cause of action for failure to prevent discrimination is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).)

Defendant Monica Chahal's demurrer to the fifth cause for harassment on the basis of ethnicity is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff fails to state facts sufficient to support this cause of action. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121; *Yanowitz v. L'Oreal USA, Inc.* (2005) 36 Cal.4th 1028.)

Based on the Court's ruling on YCCD and Ms. Chahal's demurrers, defendants' motion to strike is **DENIED as MOOT**.

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.