

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**January 4, 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 at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://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:** In re Olivas  
Case No. CV PT 15-1447  
**Hearing Date:** January 4, 2016 Department Eleven 9:00 a.m.

J.G. Wentworth Originations, LLC's petition for approval of transfer of structured settlement payment rights is **DENIED**. (Ins. Code, § 10134 et seq.) Petitioner fails to submit sufficient information to establish that the transfer is fair, reasonable, and in the payee's best interest. (Ins. Code, § 10139.5, subd. (b); Petition, ¶ 11(A); Decl. of Lisa Olivas, ¶¶ 1-11.) More specifically, petitioner fails to include the purpose of the transfer, payee's financial and economic situation, and whether the payee was satisfied with her previous transaction. Further, petitioner fails to include the payee's address and age as required. (Ins. Code, § 10139.5, subd. (c)(1).)

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:** Estate of Ringkamp  
Case No. CV PB 14-179  
**Hearing Date:** January 4, 2016 Department Eleven 9:00 a.m.

Brian Scaccia's motion for reconsideration is **DENIED**. Mr. Scaccia failed to satisfy the requirements of Code of Civil Procedure section 1008(a). The motion fails to identify any new or different facts, circumstances, or law to support his motion as required pursuant to Code of Civil Procedure section 1008(a). Additionally, the motion does not include the affidavit required by Code of Civil Procedure section 1008.

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:** **Harden v. Specialized Loan Servicing, LLC**  
**Case No. CV CV 15-1345**

**Hearing Date:** **January 4, 2015** **Department Eleven** **9:00 a.m.**

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Defendants Specialized Loan Servicing, LLC (“SLS”) and Mortgage Electronic Registration System aka MERS’s (“MERS”) request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (c), (d).)

Defendants’ demurrer to the second cause of action for injunctive relief, third cause of action for violation of Civil Code section 1572, fourth cause of action for fraud, and fifth cause of action for intentional misrepresentation in plaintiffs Stephen J. Harden and Phyllis J. Harden’s complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs fail to state facts sufficient to support each cause of action. (*Kan v. Guild Mortgage Co.* (2014) 230 Cal.App.4th 736, 741-742; *Jenkins v. JP Morgan Chase Bank, N.A.* (2013) 216 Cal.App.4th 497, 511; *Lazar v. Superior Court of Los Angeles County* (1996) 12 Cal.4th 631, 645; Plaintiffs’ Complaint, ¶¶ 1-100; Defendants’ Request for Judicial Notice (“RJN”), Exhs. 1-4.)

As to MERS, defendants’ demurrer to the first cause of action for violation of Business and Professions Code section 17200 and sixth cause of action for violation of Civil Code sections 2923.5 and 2924 is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs fail to state facts sufficient to support each cause of action. (*Herrera v. Federal National Mortgage Assn.* (2012) 205 Cal.App.4th 1495, 1509; *Berryman v. Merit Prop. Mgmt., Inc.* (2007) 152 Cal.App.4th 1544, 1554; *Lazar v. Hertz Corp.* (1999) 69 Cal.App.4th 1494, 1505; Defendants’ RJN, Exh. 2.)

As to SLS, defendants’ demurrer to the first cause of action for violation of Business and Professions Code section 17200 and sixth cause of action for violation of Civil Code sections 2923.5 and 2924 is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The purported declaration attached to the Notice of Default recorded on July 15, 2014, fails to recite that it is certified or declared to be true under penalty of perjury as required. (Civ. Proc. Code, § 2015.5; Civ. Code, § 2923.5; *Berryman v. Merit Prop. Mgmt., Inc.*, *supra*, 152 Cal.App.4th at 1554; *Lazar v. Hertz Corp.*, *supra*, 69 Cal.App.4th at 1505; Defendants’ RJN, Exh. 4.)

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.