

## **TENTATIVE RULINGS for CIVIL LAW and MOTION July 31, 2015**

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.

Telephone number for the clerk in Department Two: (530) 406-6843

### **TENTATIVE RULING**

**Case:** **Bonilla-Chirinos v. City of West Sacramento**  
**Case No. CV CV 15-273**  
**Hearing Date:** **July 31, 2015** **Department Two** **9:00 a.m.**

Defendant City of West Sacramento's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (h).)

Defendant's demurrer to plaintiff Guillermo Bonilla-Chirinos's complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff fails to state facts sufficient to state a cause against defendant. More specifically, the factual circumstances set forth in the plaintiff's written claim dated March 9, 2014, fail to correspond with facts alleged in the complaint. (Gov. Code, § 905; *Stockett v. Ass'n of California Water Agencies Joint Powers Ins. Auth.* (2004) 34 Cal.4th 441; *Fall River Joint Unified Sch. Dist. v. Superior Court* (1988) 206 Cal.App.3d 431; Defendant's Request for Judicial Notice, Exh. A.)

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:** **Raneses v. Exclusive Realty & Mortgage**  
**Case No. CV PT 15-884**  
**Hearing Date:** **July 31, 2015** **Department Two** **9:00 a.m.**

Petitioner Justin Ranases's unopposed petition to confirm the arbitration award is **GRANTED**. (Code Civ. Proc., § 1285, et seq.)

The notice of motion does not provide notice of the 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:** **R & A Associates, Inc. v. Flores**  
**Case No. CV UD 15-859**

**Hearing Date:** **July 31, 2015** **Department Two** **9:00 a.m.**

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Defendant Teresa Flores's unopposed motion to quash service of the amended summons and complaint is **GRANTED**. (Code Civ. Proc., §§ 418.10; 1167.4; Cal. Rules of Court, rules 3.36(b), 3.1327.) Defendant submits evidence to establish she was not personally served with the amended summons and complaint. (Decl. of Teresa Flores, ¶¶ 1-4; *Bolkiah v. Superior Court* (1999) 74 Cal.App.4th 984, 991.) Papers in the case must be served on both the attorney providing the limited scope representation and the defendant directly. (Cal. Rules of Court, rule 3.36(b).)

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.