

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**November 3, 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.

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:** **Daveris v. Metro-Place**  
**Case No. CV CV 13-1502**  
**Hearing Date:** **November 3, 2015** **Department Eleven** **9:00 a.m.**

Defendant Regis Homes of Northern California, Inc.'s motion to compel the depositions of plaintiffs Jennifer Daveris, Shane Geremia, Tom Riggs, and Susan How is **GRANTED IN PART**. Based on the papers filed with the Court, Ms. Daveris, Mr. Geremia, and defendant have each agreed that they are available to appear for the taking of depositions on November 12 and 13, 2015. (Decl. of Mark S. Sandberg ISO Reply, Exh. B; Decl. of Gerald B. Malanga, ISO Opposition, ¶ 7, Exh. B.)

Ms. Daveris is ordered to comply with the document request included in the "Re-Notice of Deposition" served on August 20, 2015, and to appear for the taking of her deposition on November 12, 2015, at 9:30 a.m. in Concord, California. (Decl. of Mark S. Sandberg ISO Motion, Exh. H.)

Mr. Geremia is ordered to comply with the document request included in the "Re-Notice of Deposition" served on August 20, 2015, and to appear for the taking of his deposition on November 13, 2015, at 9:30 a.m. in Concord, California. (Decl. of Mark S. Sandberg ISO Motion, Exh. I.)

Defendant's motion to compel the depositions of Mr. Riggs and Ms. How is **DENIED**. (Code Civ. Proc., § 2025.450, subd. (b)(2).) The declaration of Mark S. Sandberg, filed in support of the motion, fails to state facts showing that a reasonable and good faith attempt at an informal resolution was made prior to filing the current motion. (Code Civ. Proc., § 2016.040; *Clement v. Alegre* (2009) 177 Cal.App.4th 1277; *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431; Decl. of Sandberg ISO Motion, Exhs. J, K, M, N; Decl. of Malanga ISO Opposition, Exh. C.)

Defendant's requests to have plaintiffs' complaint stricken and for monetary sanctions are **DENIED**. (Code Civ. Proc., § 2025.450, subd. (g)(1).)

Plaintiffs' motion for leave to file a first amended complaint is **GRANTED**. (Cal. Civ. Proc. Code, § 473, subd. (a); Cal. Rules of Court, rule 3.1324.) Plaintiffs are directed to file their first amended complaint by November 10, 2015.

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:** **Mokrushin v. Bianchi**  
**Case No. CV UD 15-1426**

**Hearing Date:** **November 3, 2015** **Department Eleven** **9:00 a.m.**

The motion to quash service of summons and complaint is **DROPPED FROM CALENDAR** for failure to file a proper proof of service. (Code Civ. Proc., § 1013a(3).) The proof of service filed with the Court is incomplete. (Defendants' Proof of Service filed 10/27/15, ¶ 4.)