

TENTATIVE RULINGS for CIVIL LAW and MOTION December 1, 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. 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: **Costa v. Contreras**
Case No. CV CV 14-745
Hearing Date: **December 1, 2015** **Department Eleven** **9:00 a.m.**

Defendant Raymond Webster-Contreras dba Tony's Cocktails's requests for judicial notice are **DENIED**. (Evid. Code, § 452, subd. (d).) Exhibits A and B are not filed stamped copies of court documents.

Plaintiffs Thomas Costa and Gwendolyn Costa's evidentiary objection nos. 2, 3, and 4 to the declaration of Mark Mittelman submitted in support of defendant's motion for a protective order are **SUSTAINED**. (Evid. Code, §§ 702, 800.) Objection no. 1 is **OVERRULED**.

Defendant's motion for a protective order is **DENIED**. Defendant fails to cite legal authority which authorizes the Court to preclude plaintiffs from offering statements at this stage in the litigation. To the extent that defendant seeks a protective order pursuant to Code of Civil Procedure section 2033.080, the motion is also **DENIED**. Defendant fails to establish that a reasonable and good faith attempt at an informal resolution was made prior to filing the motion. (Code Civ. Proc., §§ 2016.040, 2033.080, subd. (a).)

Plaintiffs' evidentiary objection nos. 2, 3, and 4 to the declaration of Mark Mittelman submitted in support of defendant's motion to disqualify plaintiffs' counsel are **SUSTAINED**. (Evid. Code, §§ 702, 800.) Objection no. 1 is **OVERRULED**.

Defendant's motion to disqualify plaintiffs' counsel is **DENIED**. (Code Civ. Proc., § 128 subd. (a)(5).) Defendant has failed to establish that through improper means, there is a reasonable probability that plaintiffs' counsel has obtained information that is likely be used advantageously against an adverse party during the course of litigation. (*Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 308-309.)

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: **Ford v. Salzman**
Case No. CV PM 15-408
Chachere v. Berger Steel Corporation
Case No. CV PM 15-300
Hearing Date: **December 1, 2015** **Department Eleven** **9:00 a.m.**

The motion to consolidate these matters is **DENIED WITHOUT PREJUDICE**. A notice of the motion to consolidate was not filed in Case No. CV PM 15-300. (Cal. Rules of Court, rule 3.350(a)(1)(C).)

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: **Harrington v. City of Davis**
Case No. CV PT 14-461
Hearing Date: **December 1, 2015** **Department Eleven** **9:00 a.m.**

The parties' respective requests for judicial notice are **GRANTED**. (Evid. Code, § 452, subs. (b) & (c).)

Petitioner Michael Harrington's first amended petition for writ of mandate is **DENIED**. (Code Civ. Proc., § 1094.5.) Petitioner fails to demonstrate that respondents acted arbitrarily, capriciously, or without any evidentiary basis. (*Corona-Norco Unified Sch. Dist. v. City of Corona* (1993) 17 Cal.App.4th 985, 992.) However, the Court interprets Davis Municipal Code section 40.25.080(a) to prohibit all off-street parking within the front yard setback line. Accordingly, the parking space previously located therein may not be used for parking.

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: **Singh v. Sangha**
Case No. CV CV 15-1143
Hearing Date: **December 1, 2015** **Department Eleven** **9:00 a.m.**

So the Court may more thoroughly consider the parties' papers, plaintiff Gurdev Singh's motion for a preliminary injunction is **CONTINUED** on the Court's own motion to be heard on December 10, 2015, at 9:00 a.m. in Department 11.