

TENTATIVE RULINGS for CIVIL LAW and MOTION **January 19, 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. 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
Telephone number for the clerk in Department Four: (530) 406-6942

TENTATIVE RULING

Case: **Greenwald v. Yolo County District Attorney's Office**
Case No. CV PT 15-1014

Hearing Date: **January 19, 2016** **Department Four** **9:00 a.m.**

Respondent Yolo County District Attorney's Office's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (c); *Friends of Shingle Springs Interchange, Inc. v. City of El Dorado* (2011) 200 Cal.App.4th 1470, 1483-1484.)

Respondent's unopposed demurrer to petitioners David Greenwald and the People's Vanguard of Davis's ("Vanguard") verified amended petition is **SUSTAINED WITHOUT LEAVE TO AMEND** as to Vanguard only. (Code Civ. Proc., § 430.10, subd. (b).) The Vanguard lacks standing to participate in the current litigation as it is a suspended corporation. (Respondent's Request for Judicial Notice, Exhs. A-B; *Leasequip, Inc. v. Dapeer* (2002) 103 Cal.App.4th 394, 402; *Palm Valley Homeowners Ass'n, Inc. v. Design MTC* (2000) 85 Cal.App.4th 553.)

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: **Kent v. Ocwen Loan Servicing, LLC**
Case No. CV CV 14-2050

Hearing Date: **January 19, 2016** **Department Eleven** **9:00 a.m.**

Defendant Ocwen Loan Servicing, LLC's request that the Court take judicial notice of Exhibit B is **GRANTED**. (Evid. Code, § 452, subds. (c).) Defendant's request that the Court take judicial notice of Exhibit A is **DENIED**. Defendant fails to cite legal authority which authorizes the Court to take judicial notice of personal correspondence.

Defendant's demurrer to plaintiffs Stephen B. Kent and Rebecca B. Kent's third amended complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. Plaintiffs fail to plead facts sufficient to state a cause of action for quiet title. (Code Civ. Proc., §§ 430.10, subd. (e), 761.020; *Miller v. Provost* (1994) 26 Cal.App.4th 1703, 1707; *Mix v. Sodd* (1981) 126 Cal.App.3d 386, 390.)

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: **Kishiyama v. Zahid**
Case No. CV PM 15-1641
Hearing Date: **January 19, 2016** **Department Eleven** **9:00 a.m.**

The petition for approval of the minor's compromise of disputed claim is **DENIED**. The attorney declaration attached as Attachment 14a is not verified. (Petition, ¶ 14(a); Cal Rules of Court, rule 7.955.)

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.