

## **TENTATIVE RULINGS for CIVIL LAW and MOTION March 14, 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 on Yolo Court's 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:** England v. England  
Case No. CV CV 14-1065  
**Hearing Date:** March 14, 2016 Department Eleven 9:00 a.m.

Plaintiffs' unopposed motion to continue the trial set for July 18, 2016, is **GRANTED**. (Cal. Rules of Court, rule 3.1332.)

The trial date of July 18, 2016, and the mandatory settlement conference date of June 6, 2016, are **VACATED**. The parties are directed to appear at a case management conference on Monday, April 4, 2016, in Department 6 at 9:00 a.m. to reset the trial.

Plaintiffs' request to continue the discovery deadlines to correspond with the new trial date is **DENIED**. A continuance of the trial does not work to reopen the applicable discovery deadlines, absent a properly made motion to reopen discovery or a written agreement of the parties. (Code Civ. Proc., §§ 2024.020, subd. (b); 2024.050; 2024.060; 2016.040.)

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:** Scaccia v. Scaccia  
Case No. CV CV 14-1820  
**Hearing Date:** March 14, 2016 Department Eleven 9:00 a.m.

Plaintiff Brian Scaccia's motion to allow separate filing of exhibits 1-7 for his opposition to defendants' motion to furnish security is **DROPPED FROM CALENDAR**. It was not filed the required 16 court days before the hearing. (Code Civ. Proc., § 1005.)

Defendants Daniel J. Kennedy and Sutter Medical Foundation's motion to require plaintiff Brian Scaccia to furnish security is **DENIED**. (Code Civ. Proc., § 391.1.) Defendants provide only a recitation of the procedural history in support of their motion. They provide no analysis to assist the Court in evaluating how these actions support a determination that plaintiff is a vexatious litigant under Code of Civil Procedure section 391, nor do defendants make or attempt to make

any showing that there is not a reasonable probability that the plaintiff will prevail in the litigation against them. (Code Civ. Proc., § 391.1.)

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:** **Virk v. Juchau**  
**Case No. CV CV 11-2634**  
**Hearing Date:** **March 14, 2016** **Department Eleven** **9:00 a.m.**

Plaintiff and cross-defendant Anthony Virk's evidentiary objection nos. 1, 2, and 5 are **SUSTAINED**. (Evid. Code, § 1200.) The remainder of the objections are **OVERRULED**.

The parties' respective requests for judicial notice are **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant and cross-complainant Blaine Juchau's application for a stay of the alternative decree is **DENIED**. (Code Civ. Proc., § 918.) Even if the factors set forth in Code of Civil Procedure section 918.5 applied to the Court's analysis, defendant has not submitted sufficient admissible evidence to show that these factors favor a stay.

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.