

TENTATIVE RULINGS for CIVIL LAW and MOTION May 4, 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. 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: Alizadeh v. Unionbancal Mortgage Corp.
Case No. CV CV 14-1604
Hearing Date: May 4, 2016 Department Eleven 9:00 a.m.

Defendants Unionbancal Mortgage Corporation ("UBC") and MUFG Union Bank, N.A.'s motion to bifurcate is **GRANTED**. (Code Civ. Proc., § 598.)

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: Briseno v. Centex Homes
Case No. CV CV 11-623
Hearing Date: May 4, 2016 Department Eleven 9:00 a.m.

Attorneys Bret Eubank and Cam Lavin's unopposed motion to be relieved as counsel for cross-defendant Midcal Plastering, Inc. dba Quality Plastering Corp. is **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until Mr. Eubank and/or Mr. Lavin files a proof of service with the court showing service of a copy of the signed order on his client. (Cal. Rules of Court, rule 3.1362(e).)

TENTATIVE RULING

Case: Richmond-Luwisch v. Richmond
Case No. CV PT 15-1411
Hearing Date: May 4, 2016 Department Eleven 9:00 a.m.

Respondent Pamela Richmond's unopposed motion for attorneys' fees is **DENIED**. (Code Civ. Proc., § 527.6, subd. (s).) Respondent is seeking reimbursement for approximately 31 hours of attorney time at a rate of \$250/hour. However, respondent's counsel has failed to detail what tasks he performed beyond a general description. (Allen Decl., ¶ 10; *City of Colton v. Singletary* (2012) 206 Cal.App.4th 751, 784 [declaration stating time spent on various activities].) While billing records are not required, counsel purported to attach time records which could have supplemented his declaration, but these records were not attached. (Id., ¶ 5.)

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: **Salazar v. Velasquez**
Case No. CV CV 15-1542
Hearing Date: **May 4, 2016** **Department Eleven** **9:00 a.m.**

Defendants Anthony Velasquez and Sutero Andrade’s motion to strike plaintiffs Daniel Salazar and Melissa Salazar’s claim and prayer for punitive damages is **DENIED**. (Code Civ. Proc., § 436.) Under Civil Code section 3294, “malice” means conduct which is intended by the defendant to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others. “Oppression” means despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights. (Civ. Code, § 3294, subd. (c)(1) & (c)(2).) Plaintiffs have pled that defendants, owners of the subject property, “knew that Plaintiffs were going to be exposed to defective conditions, including but not limited to an illegal septic system in garage cans in the backyard...” (First Amended Complaint (“FAC”), ¶¶ 8, 11.) Plaintiffs allege that they notified defendants of this condition, and defendants refused to remedy it. (FAC, ¶¶ 11-12, 14.) The condition rendered the premises uninhabitable, and plaintiffs suffered physical injuries. (FAC, ¶¶ 11-12.) These allegations sufficiently support an inference of oppression or malice.

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.