

TENTATIVE RULINGS for CIVIL LAW and MOTION
May 18, 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: California Property Owner I, LLC v. Budhathoki
Case No. CV CV 15-60
Hearing Date: May 18, 2016 Department Eleven 9:00 a.m.

Plaintiff California Property Owner I, LLC's unopposed motion for leave to file a first amended complaint is **GRANTED**. (Code Civ. Proc., § 473, subd. (a)(1).)

The notice of motion does not provide notice of this 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: Eggers v. Smallwood
Case No. CV UD 16-585
Hearing Date: May 18, 2016 Department Eleven 9:00 a.m.

Defendant Denise Smallwood's unopposed demurrer to the complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) The notice to pay rent or quit attached to the complaint asks for an amount of \$107.50 in addition to unpaid rent. A three-day notice that overstates the amount due as rent is invalid. (See e.g., *Nourafchan v. Miner* (1985) 169 Cal.App.3d 746, 753.)

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.