

TENTATIVE RULINGS for CIVIL LAW and MOTION
June 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. 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: Northern California Collection Service, Inc. v. Chang
Case No. CV G 15-1557

Hearing Date: June 14, 2016 Department Eleven 9:00 a.m.

Plaintiff Northern California Collection Service, Inc.'s request for judicial notice is **GRANTED** as to Exhibit 38. (Evid. Code, § 452, subd. (d).) Plaintiff's request that the Court take judicial notice of Exhibit 39 is **DENIED** as it is not a filed stamped copy of a court document.

The Court rules on plaintiff's evidentiary objections as follows:

1. Evidentiary objection nos. 1, 4, 5, 7, 8, and 13 are **OVERRULED**.
2. Evidentiary objection no. 2, 3, 12, and 14-24 are **SUSTAINED**.
3. Evidentiary objection no. 6 is **SUSTAINED IN PART**, as to "stating that the file will be placed on temporary hold for the disputed bill and that a response was due by March 20, 2014."
4. Evidentiary objection no. 9 is **SUSTAINED IN PART**, as to "which stated 'revision of the disputed audit is not indicated at this time.'"
5. Evidentiary objection no. 10 is **SUSTAINED IN PART**, as to "which classified the employees as 8740-1 and 8740.2 at a base rate of 4.53 and an interim billing rate of 5.51 effective May 5, 2013 at 12:01 a.m."
6. Evidentiary objection no. 11 is **SUSTAINED IN PART**, as to "which reflects a classification of 9001 at a rate of 19.93 and 9011.1 at a rate of 14.66 respectively."

Plaintiff's motion for summary judgment is **DENIED**. As plaintiff fails to move for summary adjudication in the alternative, plaintiff is required to establish every element necessary for each cause of action plead in its complaint. (Code Civ. Proc., § 437c, subds. (c), (f).) Plaintiff fails to set forth facts establishing every element necessary to entitle plaintiff to a judgment in its favor on its second cause of action for an account stated as alleged in its complaint. (Code of Civ. Proc., §§ 437c, subd. (p)(1), 337(a); *H. Russell Taylor's Fire Prevention Service, Inc. v. Coca Cola Bottling Corp.* (1979) 99 Cal.App.3d 711, 726; Plaintiff's Separate Statement of Undisputed Material Facts, nos. 1-13; Defendants' Separate Statement of Undisputed Material Facts, no. 22; Decl. of Ching-Yin Chang, ¶ 12.) Additionally, plaintiff's separate statement of undisputed material facts fails to separately identify each cause of action as required. (Cal. Rules of Court, rule 3.1350(d).)

If no hearing is requested, plaintiff is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c(g) and California Rule of Court 3.1312.