

TENTATIVE RULINGS for CIVIL LAW and MOTION **August 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: **Young v. Wal-Mart Stores, Inc.**
Case No. CV PO 15-1158

Hearing Date: **August 4, 2016** **Department Eleven** **9:00 a.m.**

Defendant Wal-Mart Stores, Inc.'s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Plaintiff Jason Young's objections included in his response to defendant's separate statement are **OVERRULED**. Plaintiff's objections are not framed as objections to *evidence*, but instead to defendant's individual undisputed material facts. (Cal. Rules of Court, rule 3.1354(b).)

Defendant's motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c.) Defendant submits sufficient evidence to establish that defendant did not have a duty to inspect the subject boot for razor blades. (Code Civ. Proc, § 437c, subd. (o)(1); Defendant's Separate Statement of Undisputed Material Facts ("UMF") 1-11; Decl. of Rene Puentes, ¶¶ 1-7, Exh. A.) The burden therefore shifts to plaintiff to show that a triable issue of material fact exists. (Code Civ. Proc, § 437c, subd. (p)(2).) Plaintiff fails to submit any admissible evidence to support a finding that any prior identical or similar events occurred to trigger a duty to inspect the subject boot, or that defendant should have reasonably anticipated a razor blade being found in the subject boot. (*Ludwig v. City of San Diego* (1998) 65 Cal.App.4th 1105, 1112-1113; *Ladd v. County of San Mateo* (1996) 12 Cal.4th 913, 917; *Ann M. v. Pacific Plaza Shopping Center* (1993) 6 Cal.4th 666; *Becker v. IRM Corp.* (1985) 38 Cal.3d 454, 469.) All papers submitted show that there is no triable issue as to any material fact and therefore defendant is entitled to judgment as a matter of law.

If no hearing is requested, defendant 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.