

TENTATIVE RULINGS for CIVIL LAW and MOTION
August 9, 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: Portnoy v. Veolia Transportation Management Inc.
Case No. CV CV 16-900

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

Defendants Transdev Services, Inc., formerly known as Veolia Transportation Management Inc., and Carmen Alba's request that the Court take judicial notice of Exhibit A is **GRANTED**. (Evid. Code, § 452, subd. (d).) Defendants' request that the Court take judicial notice of the "documents, records, pleadings and orders" contained in multiple federal cases is **DENIED** as defendants failed to provide the Court with a copy of the material. (Cal. Rules of Court, rule 3.1306(c).)

Defendants' demurrer to plaintiff Sergei Portnoy's complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff's complaint fails to state facts sufficient to state a cause of action as the issues relating to the March 17, 2010 termination of plaintiff's employment have been previously and finally adjudicated in another action. (*DKN Holdings LLC v. Faerber* (2015) 61 Cal.4th 813, 824-827; Defendants' Request for Judicial Notice, Exh. A.)

Defendants' motion to declare plaintiff a vexatious litigant is **GRANTED**. Plaintiff is prohibited from filing any new litigation in the courts of this state against these defendants without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed. Defendants' request that the Court order plaintiff to pay the sanctions issued by the United States District Court for the Eastern District of California is **DENIED**.

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.