

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**August 16, 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](http://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:** **Allied Property and Casualty Insurance Company v. Ramirez**  
**Case No. CV G 15-1247**

**Hearing Date:** **August 16, 2016** **Department Eleven** **9:00 a.m.**

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Plaintiff Allied Property and Casualty Insurance Company's unopposed motions to strike defendants Maria Ramirez's and Jose Ramirez's answers are **DENIED**. Terminating sanctions are premature given the record shown of defendants' disobedience of court orders. (Code Civ. Proc., § 2023.030; *Liberty Mut. Fire Ins. Co. v. LcL Administrators, Inc.* (2008) 163 Cal.App.4th 1093; *Electronic Funds Solutions v. Murphy* (2005) 134 Cal.App.4th 1161, 1183; Decl. of Jay W. Smith, ¶¶ 1-7.) However, in accordance with the Court's prior order dated March 29, 2016, defendants shall serve verified answers to plaintiff's form interrogatories, without objections, by August 30, 2016. Defendant's failure to comply with this Court's order may constitute a ground for imposing terminating sanctions.

Plaintiff's request for monetary sanctions is **DENIED**. (Code Civ. Proc., § 2023.040.) Plaintiff's notices of motion fail to state that monetary sanctions were being requested.

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:** **Center City Automotive, Inc. v. Watt**  
**Case No. CV CV 15-1131**

**Hearing Date:** **August 16, 2016** **Department Eleven** **9:00 a.m.**

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Defendant Clifford Watt's personal representative's motion to void the default entered by plaintiff against defendant Susan Watt is **DENIED**. The moving party fails to establish that he has standing to bring the current motion for Susan Watt, a deceased co-defendant. (Code Civ. Proc., § 473, subd. (b).)

On the Court's own motion, the default entered against Susan Watt on January 25, 2016, is **STRICKEN**. (Code Civ. Proc., § 436, subd. (b).) Plaintiff concedes that Susan Watt died in early September of 2015, and that no probate proceeding has been opened on her behalf. (Plaintiff's Opposition, p.2.) Where a defendant dies and no personal representative is appointed, the court is deprived of its jurisdiction to proceed with the action against the deceased defendant. (Code Civ. Proc., § 377.41; *Watts v. Crawford* (1995) 10 Cal.4th 743, 758; *Herring v. Peterson* (1981) 116 Cal. App. 3d 608, 611-12; *Wills v. Williams* (1975) 47 Cal.App.3d 941, 946; *Polony v. White* (1974) 43 Cal.App.3d 44, 48.) Here, the Court lacked jurisdiction to enter default against Susan Watt on January 25, 2016.

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:**                                **Petition of Dirkx**  
   **Case No. CV PT 16-986**

**Hearing Date:**                **August 16, 2016**                                **Department Eleven**                **9:00 a.m.**

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The notice requirements of Code of Civil Procedure section 1277(a)(1) to grant the petition without a hearing have not been satisfied. Therefore, all interested persons in this matter shall appear before this Court at the hearing to show cause, if any, why the petition should not be granted. If no objections are made at the hearing, it is recommended to **GRANT** the petition.