

TENTATIVE RULINGS for CIVIL LAW and MOTION August 17, 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 Ten: (530) 406-6722

TENTATIVE RULING

Case: Singh v. Sangha
Case No. CV CV 15-1143
Hearing Date: August 17, 2016 Department Ten 9:00 a.m.

Defendant Amarjit Singh Sangha's order to show cause re contempt against plaintiff Gurdev Singh.

The parties are **DIRECTED TO APPEAR**.

Plaintiff Gurdev Singh's motion for sanctions and a finding of contempt against defendant Amarjit Singh Sangha.

The motion is **DROPPED FROM CALENDAR**.

Plaintiff alleges acts of indirect contempt. In such cases, due process requires a more elaborate procedure to notify the person so charged and to allow him or her an opportunity to be heard. (Code Civ. Proc., §§ 1211-1218.) "[A]n affidavit must be presented to the court stating the facts constituting the contempt, an order to show cause must be issued, and hearing on the facts must be held by the judge." (*Arthur v. Superior Court* (1965) 62 Cal.2d 404, 407; see Code Civ. Proc., § 1211.) Upon receipt of the affidavit, the court may issue an order to show cause (OSC) why the person should not be held in contempt. (Code Civ. Proc., § 1212.) A party must be personally served with an OSC. Otherwise, the Court has no jurisdiction to proceed. (*Cedars-Sinai Imaging Medical Group v. Superior Court* (2000) 83 Cal.App.4th 1281, 1286-88.)

Plaintiff did not submit an affidavit to this Court on which the Court issued an order to show cause, and plaintiff did not personally serve defendant with an OSC. This Court has no jurisdiction to proceed on the motion.

Defendants' motion for a preliminary injunction.

The parties are **DIRECTED TO APPEAR**.

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: **Turtle Hill Properties, LLC v. Douglas & Douglas, Inc.**

Case No. CV CV 12-2451

Hearing Date: **August 17, 2016** **Department Ten** **9:00 a.m.**

Judson H. Henry's unopposed motion to be relieved as counsel for Daniel J. Cioci is **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until Mr. Henry files a proof of service with the court showing service of a copy of the signed order on his client. (Cal. Rules of Court, rule 3.1362(e).)

TENTATIVE RULING

Case: **Vargas v. VSS International, Inc.**

Case No. CV CV 16-23

Hearing Date: **August 17, 2016** **Department Ten** **9:00 a.m.**

Plaintiff Marissa Vargas's motion for to compel further discovery responses is **DROPPED FROM CALENDAR**. On August 1, 2016, the Court granted defendant VSS International, Inc.'s renewed motion to compel arbitration and stay the current action.