

TENTATIVE RULINGS for CIVIL LAW and MOTION September 23, 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: Gerard v. Rivera
Case No. CV CV 13-801
Hearing Date: September 23, 2016 Department Eleven 9:00 a.m.

The Court does not consider any of the evidentiary objections made in defendants' evidentiary objections. They are not formatted as required in California Rule of Court 3.1354.

Plaintiffs Jasmin Suhart Gerard, Jeff Gerard, Brandon Gerard, Natalie Gerard, and Salina Gerard's request for judicial notice is **DENIED**. Items 1 through 5, excerpts of the Woodland Municipal Code, and Item 9, are not relevant to the determination of this motion. Plaintiffs have not pleaded a theory of negligence per se. Plaintiffs have not cited valid legal authority to support their request for judicial notice of Items 6-8.

Defendants Eusebio and Luz Rivera's motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c, subd. (p)(2).) Defendants have shown that one or more elements of each cause of action cannot be established. Plaintiffs fail to show that a triable issue of one or more material facts exists as to each cause of action. (UMF 7, 8.) Plaintiffs have not pled a negligence per se theory in their complaint.

The motion for summary adjudication is **DENIED**. The notice of motion and separate statement do not comply with the rules applicable to summary adjudication. (Cal. Rules of Court, rule 3.1350(b) & (d).)

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