

**TENTATIVE RULINGS for CIVIL LAW and MOTION  
September 29, 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: Gutierrez v. The Morning Star Trucking Co.  
Case No. CV UD 16-883**

**Hearing Date: September 29, 2016 Department Eleven 9:00 a.m.**

Defendant The Morning Star Trucking Co.'s ("TMST") request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (c) & (d).)

TMST's demurrer to plaintiff Miguel Gutierrez's complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff alleges no facts to indicate that the conduct alleged is excepted from the exclusive remedy rule of the Worker's Compensation Law. (Lab. Code, § 3600, subd. (a).)

Defendant Tuff Boy, Inc.'s motion to strike is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 436.) Plaintiff has not pled sufficient facts to establish that this defendant acted with oppression, fraud, or malice. (Civ. Code, § 3294, subd. (a).)

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: Scaccia v. Scaccia  
Case No. CV CV 14-1820**

**Hearing Date: September 29, 2016 Department Eleven 9:00 a.m.**

Plaintiff Brian Scaccia's motion for an order compelling compliance with a deposition subpoena is **DROPPED FROM CALENDAR**. Plaintiff has not served the motion on the deposition deponent, Yolo County Adult Protective Services. (Code Civ. Proc., § 2025.480, subd. (c).)