

TENTATIVE RULINGS for CIVIL LAW and MOTION November 3, 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: Juarez v. City of West Sacramento
Case No. CV PM 15-484**

Hearing Date: November 3, 2016 Department Eleven 9:00 a.m.

Defendant Monika Ram's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant City of West Sacramento ("City")'s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

The Court need not reach defendant Ram's evidentiary objections to defendant City's evidence. (Code Civ. Proc., § 437c, subd. (q).)

Defendant City's evidentiary objections to plaintiff Monica Juarez's evidence are **SUSTAINED**. (Evid. Code, §§ 403, 801, 1400, & 1401.)

The Court need not reach defendant City's evidentiary objections to defendant Monika Ram's evidence. (Code Civ. Proc., § 437c, subd. (q).)

The Court does not consider evidentiary objections made by plaintiff only in her response to defendant City's separate statement. They are not formatted as required by California Rule of Court 3.1354.

Defendant City's motion for summary judgment is **DENIED**. (Code Civ. Proc., § 437c, subd. (p)(2).) Defendant has included 160 undisputed material facts in its separate statement. In so doing, it has conceded the materiality of each of these facts. If a triable issue is raised as to any of these facts, the motion must be denied. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243, 252.) Triable issue of one or more material facts exists as to plaintiff's cause of action for a dangerous condition of property. (UMF 149, 150.)

If no hearing is requested, defendant is 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.