

TENTATIVE RULINGS for LAW and MOTION
August 12, 2019

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.

Telephone number for the clerk in Department Eight (530) 406-6927
Telephone number for the clerk in Department Twelve (530) 406-6888

TENTATIVE RULING

Case: **First Centaur Management Co., LLC v. Byrd**
Case No. CV CV 18-1444
Hearing Date: **August 12, 2019** **Department Twelve** **9:00 a.m.**

Defendant Justin Byrd is reminded to abide by the page limits as set forth in California Rule of Court 3.1113(d), or the Court may not consider the excess pages in the future.

Defendant's motion to disqualify attorney Raymond Buddie from representing plaintiff First Centaur Management Co., LLC, strike plaintiff's complaint, and strike the writ of attachment is **DENIED**. Defendant fails to establish the formation of an attorney-client relationship between him and Raymond Buddie based on the totality of the circumstances. (*Responsible Citizens v. Superior Court* (1993) 16 Cal.App.4th 1717.) Furthermore, defendant fails to establish that the factors set forth in *William H. Raley Co., Inc. v. Sup. Ct. (Carroll)* (1983) 149 Cal.App.3d 1042, favor disqualification.

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: **Zeller v. Woodland Senior High School**
Case No. CV PO 18-2440
Hearing Date: **August 12, 2019** **Department Eight** **9:00 a.m.**

The Court does not consider the untimely opposition filed on August 2, 2019 by plaintiff Rhapsody Zeller. Plaintiff's opposition was due at least nine court days before the hearing, or by July 30, 2019. (Code Civ. Proc., § 1005, subd. (b).)

Defendants City of Woodland and County of Yolo's request for judicial notice is **GRANTED**. (*Gong v. City of Rosemead* (2014) 226 Cal.App.4th 363, 369, fn. 1; Evid. Code, §§ 452, 453.)

Defendants' demurrer to plaintiff Rhapsody Zeller's first cause of action for premises liability is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Pro., § 430.10, subd. (e).) Plaintiff's claims, submitted to defendants pursuant Government Code section 905, do not contain allegations to support a premises liability cause of action under Government Code section 835 because the claims do not allege a physical deficiency in the property itself. (*Cerna v. City of Oakland* (2008) 161 Cal.App.4th 1340, 1347; *Fall River Joint Unified School Dist. v. Superior Court* (1988) 206 Cal.App.3d 431, 434.)

Defendants' demurrer to plaintiff Rhapsody Zeller's second cause of action for negligence is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Pro., § 430.10, subd. (e).) Common law negligence is not a valid cause of action against a public entity, and plaintiff fails to sufficiently allege a statutory basis for her negligence cause of action against defendants. (Gov. Code, § 815.)

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.