

TENTATIVE RULINGS for LAW and MOTION
August 14, 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: California Tomato Growers Assoc. v. The Morning Star Packing Co.
Case No. CV CV 19-411
Hearing Date: August 14, 2019 Department Twelve 9:00 a.m.

Defendant The Morning Star Packing Company's request for judicial notice is **GRANTED**. (*StorMedia, Inc. v. Superior Court* (1999) 20 Cal.4th 449, 464; *Marina Tenants Association v. Deauville Marina Development Co.* (1986) 181 Cal.App.3d 122, 130.)

Defendant demurs to the first amended complaint on three grounds: (1) plaintiff fails to attach copies of the alleged agreements or specify their terms in the complaint; (2) plaintiff fails to establish the existence of an open-price contract upon which the Court can grant declaratory relief; and (3) plaintiff lacks standing because it is neither a party nor an interested party to the subject agreements. As the Court sustains the demurrer **WITHOUT LEAVE TO AMEND** on the third ground, the Court need not reach the preceding two grounds. (Code Civ. Proc., § 430.10, subd. (e) Plaintiff fails to establish the third requirement for associational standing, that neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. (*Hunt v. Washington State Apple Advertising Comm'n* (1997) 432 U.S. 333, 343.)

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: Cox v. 3PL Worx
Case No. CV CV 18-100
Hearing Date: August 14, 2019 Department Eight 9:00 a.m.

Plaintiffs Kenneth Cox's unopposed motion for preliminary approval of class action settlement is **GRANTED**. (Cal. Rules of Court, rule 3.769(c).) The Court will sign the proposed order submitted by plaintiff.

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

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.

TENTATIVE RULING

Case: **FORA Financial West, Inc. v. American-Asian International Trading LLC**
Case No. CV CV 18-883
Hearing Date: **August 14, 2019** **Department Twelve** **9:00 a.m.**

Plaintiff FORA Financial West, Inc.'s unopposed motion for sanctions against defendant Baoming Wang based on his failure to appear for an examination on June 28, 2019, is **GRANTED**, in the amount of \$1,620.00. (Code Civ. Proc., § 708.170, subd. (a)(2); Booska Decl., ¶ 3.)

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: **In re Estrella Navarrete**
Case No. CV P2 19-168
Hearing Date: **August 14, 2019** **Department Eight** **9:00 a.m.**

Petitioner Maria Heredia petition for minor's compromise is **DENIED**. (Cal. Rules of Court, rule 7.950 et seq.) Attorney Stephen Mason has not filed a declaration regarding attorneys' fees. (Cal. Rules of Court, rule 7.955(c).) Petitioner has not submitted evidence sufficient for the Court to determine whether she can compromise the claim. (Prob. Code, § 3500, subd. (a) ["the following persons have the right to compromise... the claim... (1) Either parent if the parents of the minor are not living separate and apart [or] (2) The parent having the care, custody, or control of the minor if the parents of the minor are living separate and apart."].)

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: Uribe v. Judicial Council of Calif.
Case No. CV PO 17-1529**

Hearing Date: August 14, 2019 Department Twelve 9:00 a.m.

Defendant Judicial Council of California's unopposed motion to compel the deposition of third party witness, Tray James, is **GRANTED**. (Code Civ. Proc., § 2025.450, subd. (a).) Mr. James is directed to appear for deposition by no later than August 23, 2019.

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.