

TENTATIVE RULINGS for LAW and MOTION
August 15, 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: Brendle v. State of California
Case No. CV G 17-1311
Hearing Date: August 15, 2019 Department Twelve 9:00 a.m.

The petitioner, Bridgette Brendle, and the minors Tyler Brendle, Aceson Brendle, and Kaylee Brendle, are directed to appear. (Cal. Rules of Court, rule 7.952.) If the parties fail to appear at the hearing and the Court has not excused their personal appearance, the petition will be denied without prejudice. No request for a hearing is required.

TENTATIVE RULING

Case: The People of the State of Calif. v. Seecon Financial and Construction Co., Inc.
Case No. CV CV 18-1228
Hearing Date: August 15, 2019 Department Eight 9:00 a.m.

Defendants Seecon Financial and Construction, Inc., Discovery Builders, Inc., Albert D. Seeno Construction Co., and A-S Pipelines, Inc.'s motion to compel further responses to special interrogatories from the People of the State of California is **GRANTED**, as to the following interrogatories:

1. Special Interrogatory Nos. 1, 12, 16, and 20. (Code Civ. Proc., § 2030.300, subd. (a).) The interrogatories request information about plaintiff's "specific knowledge." To the extent the People possess such information, they shall provide further responses that include such information. If the People lack further information in this regard, they shall so state that.
2. Special Interrogatory Nos. 3, 4, 14, 15, 18, 19, 22, 23, and 34. (Code Civ. Proc., § 2030.300, subd. (a).) The People did not timely assert their right to refer to writings in the responses to these interrogatories. (Code Civ. Proc., § 2030.230.) The People shall provide further responses that provide any responsive information from the identified documents.
3. Special Interrogatory No. 38. (Code Civ. Proc., § 2030.300, subd. (a).) The People have

not provided sufficient information regarding the number of violations and days on which defendants committed the alleged violations.

The People shall provide further responses to these interrogatories by no later than September 13, 2019.

Defendants' motion to compel further responses is **DENIED**, as to the following interrogatories:

1. Special Interrogatory Nos. 2, 5, 6, 9, 13, 17, 21, 27. (Code Civ. Proc., § 2030.300, subd. (a).) It does not appear that the People have withheld information that they presently possess from their responses.
2. Special Interrogatory No. 31. (Code Civ. Proc., § 2030.300, subd. (a).) This interrogatory is compound. (Code Civ. Proc., § 2030.060.)

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: **The People of the State of Calif. v. Wang Brothers Investments LLC**
Case No. CV CV 17-1989

Hearing Date: **August 15, 2019** **Department Twelve** **9:00 a.m.**

Defendants Wang Brothers Investments, LLC and Mark Wang's evidentiary objections nos. 2-43 to the declaration of Matthew Maclear are **SUSTAINED**. The remainder of the objections are **OVERRULED**.

Plaintiff the People of the State of California's motion to continue trial and trial related dates is **DENIED**. (Cal. Rules of Court, rule 3.1332.) At the time of plaintiff's first motion to continue trial, plaintiff was aware of the staffing challenges that plaintiff now argues warrant a further continuance. (Cal. Rules of Court, rule 3.1332, subd. (c)(4).) Further, plaintiff has not shown what specific "essential testimony, documents, or other material evidence" plaintiff has been unable obtain, despite diligent efforts. (Cal. Rules of Court, rule 3.1332, subd. (c)(6).) Finally, the California Rule of Court 3.1332(d) factors weigh in favor of denying plaintiff's motion to continue trial.

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: River's Side at Washington Square v. Third & C Street, LLC
Case No. CV CV 18-300
Hearing Date: August 15, 2019 Department Eight 9:00 a.m.

The Court does not consider the untimely reply filed on August 9, 2019, by defendant River's Side, LLC. Defendant's reply was due at least five court days before the hearing, or by August 8, 2019. (Code Civ. Proc., § 1005, subd. (b).)

Defendant River's Side, LLC's motion to deny class certification is **DENIED**. Defendant cites no legal authority which authorizes a preemptive motion to deny class certification. (California Rules of Court, rule 3.764(a); *In re BCBG Overtime Cases* (2008) 163 Cal.App.4th 1293, 1299.)

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: Wells Fargo Bank, N.A. v. Arevalo
Case No. CV G 17-1311
Hearing Date: August 15, 2019 Department Twelve 9:00 a.m.

Plaintiff Wells Fargo Bank, N.A.'s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Plaintiff's unopposed motion for summary judgment in favor of plaintiff against defendants Dario Arevalo and Rosa Diaz De Sanchez is **GRANTED**. (Code Civ. Proc., § 437c, subd. (a)(1).) Plaintiff has established that defendants were issued credit cards, and incurred charges for which they have not paid. (UMF 1-6.)

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.