

**TENTATIVE RULINGS for LAW and MOTION**  
**August 7, 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](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.

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

**TENTATIVE RULING**

**Case:** **Whitecotton v. University of California, Davis**  
**Case No. CV CV 18-1780**

**Hearing Date:** **August 7, 2019** **Department Eight** **9:00 a.m.**

Defendants The Regents of the University of California (erroneously sued as University of California, Davis), Luci Schmidl, and Letty Quintana's demurrer to the fifth cause of action for intentional interference with prospective economic advantage in plaintiff Carrie Whitecotton's first amended complaint ("FAC") is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) There are issues of fact as to whether the alleged acts engaged in by defendants are personnel actions. (FAC, ¶¶ 21, 22, 31, 36, 38, & 41; *Sheppard v. Freeman* (1998) 67 Cal.App.4th 339, 346.)

Defendants' demurrer to the sixth cause of action for intentional infliction of emotional distress is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) Defendants fail to demonstrate that the conduct alleged is not extreme and outrageous as a matter of law, and there are issues of fact as to whether the alleged acts engaged in by defendants are personnel actions.

Defendants' demurrer to the seventh cause of action for violation of right to privacy is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff does not plead sufficient facts to establish that the information allegedly disclosed is protected under the California Constitution. (*Hernandez v. Hillsides* (2009) 47 Cal.4th 272, 287.) Plaintiff also fails to establish that defendant's monitoring and directing when she could use the restroom is a violation of her right to privacy.

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.