

## **TENTATIVE RULINGS for LAW and MOTION**

### **April 4, 2025**

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 Two

(530) 406-6733

## TENTATIVE RULING

**Case:** Bear HV LLC v. Mendoza  
Case No. CV-2025-0448

**Hearing Date:** April 4, 2025 **Department Two** **1:30 p.m.**

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Defendants Jaydie Mendoza, Leroy Craig, Christopher Johnson, Latrese Johnson, and Anaiya Johnson's demurrer to plaintiff Bear HV LLC's complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) In reviewing a demurrer, the Court only considers matters on the face of the complaint or judicially noticeable. (*Donabedian v. Mercury Ins. Co.* (2004) 116 Cal.App.4th 968, 994; *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) The face of the complaint includes the three-day notice to pay rent or quit, which must strictly comply with Code of Civil Procedure section 1161(2). (*Frantz v. Blackwell* (1987) 189 Cal.App.3d 91, 94; see also *Kwok v. Bergren* (1982) 130 Cal.App.3d 596, 600; Complaint, ¶ 9(a)(1), (e), Exhibit 1.)

Code of Civil Procedure section 1161(2) provides: "When the tenant continues in possession, in person or by subtenant, without the permission of the landlord, or the successor in estate of the landlord, if applicable, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, excluding Saturdays and Sundays and other judicial holidays, in writing, requiring its payment, stating the amount that is due, the name, telephone number, and address of the person to whom the rent payment shall be made, and, if payment may be made personally, the usual days and hours that person will be available to receive the payment (provided that, if the address does not allow for personal delivery, then it shall be conclusively presumed that upon the mailing of any rent or notice to the owner by the tenant to the name and address provided, the notice or rent is deemed received by the owner on the date posted, if the tenant can show proof of mailing to the name and address provided by the owner), or the number of an account in a financial institution into which the rental payment may be made, and the name and street address of the institution (provided that the institution is located within five miles of the rental property), or if an electronic funds transfer procedure has been previously established, that payment may be made pursuant to that procedure, or possession of the property, shall have been served upon the tenant and if there is a subtenant in actual occupation of the premises, also upon the subtenant." (Emphasis added.)

Defendants argue that plaintiff's notice is defective, pursuant to Code of Civil Procedure section 1161(2). The Court finds that defendants are correct. Specifically, the three-day notice to pay rent or quit does not: (1) state that Saturdays and Sundays and other judicial holidays were excluded from defendants' three-day deadline to either pay rent or surrender possession of the premises; and (2) provide "the name, telephone number, and address of the person to whom the rent payment shall be made." (Code Civ. Proc., § 1161, subd. (2); Complaint, ¶ 9(a)(1), (e), Exhibit 1.) As plaintiff did not strictly comply with these statutory requirements, it cannot maintain the unlawful detainer action against defendants. (*Kwok, supra*, 130 Cal.App.3d at pp. 599–600.)

The Court does not reach defendants' first and second grounds for the demurrer because defendants' third basis is meritorious. (See Defendants' Demurrer, p. 2.)

The notice of demurrer does not provide notice of this Court's tentative ruling system as required by Local Rule 11.2(b). Counsel for demurring party, or the demurring 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 Rules of Court, rule 3.1312 or further notice is required.