

TENTATIVE RULINGS for LAW and MOTION
January 27, 2026

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 Eleven	(530) 406-6843
Telephone number for the clerk in Department Fourteen	(530) 406-6800

TENTATIVE RULING

Case: **Gavin v. Inn at Park Winters, LLC et al.**
Case No. CV-2025-2565

Hearing Date: **January 27, 2026** **Department Eleven** **9:00 a.m.**

Demurrer

The Court rules on defendants Inn at Park Winters, LLC, Rafael Galiano, and John Martin’s (“defendants”) demurrer to plaintiff Sharon Gavin’s (“plaintiff”) complaint as follows:

- Defendants’ demurrer to the third cause of action for fraudulent misrepresentation is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The Court finds that plaintiff has stated facts sufficient to constitute this cause of action. (*Lazar v. Superior Court* (1996) 12 Cal.4th 631, 638; *Alfaro v. Community Housing Improvement System & Planning Assn., Inc.* (2009) 171 Cal.App.4th 1356, 1384; Complaint ¶¶ 35-45.)
- Defendants’ demurrer to the fourth cause of action for fraudulent concealment is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e); *Aubry v. Tri-City Hospital Dist.* (1992) 2 Cal.4th 962, 967.) The Court finds that plaintiff’s complaint fails to state facts sufficient to constitute this cause of action. (*Rattagan v. Uber Technologies, Inc.* (2024) 17 Cal.5th 1, 40 [the elements for fraudulent concealment are: (1) concealment or suppression of a material fact; (2) by a defendant with a duty to disclose the fact; (3) the defendant intended to defraud the plaintiff by intentionally concealing or suppressing the fact; (4) the plaintiff was unaware of the fact and would have acted differently if the concealed or suppressed fact was known; and (5) the plaintiff sustained damage as a result of the concealment or suppression of the material fact]; see also *Lazar, supra*, 12 Cal.4th at p. 645 [“[i]n California, fraud must be pled specifically; general and conclusory allegations do not suffice”].) Specifically, the Court finds that plaintiff fails to allege facts that defendants had a duty to disclose a material fact and that defendants intended to defraud plaintiff by intentionally concealing or suppressing the fact. (*Rattagan, supra*, 17 Cal.5th at p. 40; Complaint ¶¶ 46-54.)
- Defendants’ demurrer to the fifth cause of action for financial elder abuse is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The Court finds that plaintiff has stated facts sufficient to constitute this cause of action. (Welf. & Inst. Code § 15610.30; *Ring v. Harmon* (2021) 72 Cal.App.5th 844, 853; see also *Bounds v. Superior Court* (2014) 229 Cal.App.4th 468, 478-479; Complaint ¶¶ 55-63.)

Plaintiff may amend her complaint by no later than **February 6, 2026** (10 days after the hearing). (Cal. Rules of Court, rule 3.1320(g).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Motion to strike

Defendants' motion to strike is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., §§ 435, 436.) The notice of motion to strike does not specify the portions of the complaint sought to be stricken but instead refers to the declaration of Thomas W. Barth. (Cal. Rules of Court, rule 3.1322(a); Notice of motion, pp. 1-2.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **State Farm General Insurance Company v. Quenga**
Case No. CV2025-2379

Hearing Date: **January 27, 2026** **Department Eleven** **9:00 a.m.**

On the Court's own motion, defendant Barbara Quenga's demurrer to plaintiff's complaint and motion to strike portions of plaintiff's complaint are **CONTINUED** to **March 5, 2026**, at 9:00 a.m. in Department Eleven.

TENTATIVE RULING

Case: **Veber v. Traverso**
Case No. CV-2024-2606

Hearing Date: **January 27, 2026** **Department Fourteen** **9:00 a.m.**

The Court, in its discretion, considers plaintiffs Yuri Veber and Mila Veber’s untimely opposition. (Code Civ. Proc., § 1005, subd. (b); Cal. Rules of Court, rule 3.1300(d); *Rancho Mirage Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262 [stating that “a trial court has broad discretion to accept or reject late-filed papers”].)

Defendants Norcal Gold, Inc., Murre Traverso, and Suzanne Kimmel’s request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, 453.)

Defendants’ motion for mandatory relief is **DENIED**. (Code Civ. Proc., § 473, subd. (b).) Defendants do not seek to set aside a resulting default, default judgment, or dismissal. (*Ibid.*; Corsaut decl., ¶¶ 2-12.) Defendants have failed to demonstrate that mandatory relief pursuant to section 473(b) is available under the circumstances. (See *English v. IKON Business Solutions, Inc.* (2001) 94 Cal.App.4th 130, 142-149.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.