

TENTATIVE RULINGS for LAW and MOTION
September 23, 2020

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 Ten (530) 406-6816
Telephone number for the clerk in Department Nine (530) 406-6819

NOTICE: Effective May 4, 2020, all court appearances are by Zoom or Conference call. Yolo Superior Court Virtual Courtroom and conference call information is posted on the Yolo Court’s Website at www.yolo.courts.ca.gov.

TENTATIVE RULING

Case: **Albiso v. Stuck**
Case No. CV PM 19-630
Hearing Date: September 23, 2020 Department Ten 9:00 a.m.

Defendant Matthew James Stuck’s motion to consolidate cases is **DENIED WITHOUT PREJUDICE**. (Code of Civ. Proc., § 1048, subd. (a).) Defendant failed to file the motion’s supporting papers 16 court days before the hearing. (Code Civ. Proc., § 1005, subd. (b).) Further, defendant did not file the motion to consolidate in each case sought to be consolidated. (Cal. Rules of Court, rule 3.350(a)(1)(C).)

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: **Roca v. Lake**
Case No. CV PM 20-813
Hearing Date: September 23, 2020 Department Nine 9:00 a.m.

Defendant EAN Holdings, LLC’s request for judicial notice is **GRANTED**. (Evid. Code, §§ 451, 452.)

Defendant EAN Holdings, LLC’s demurrer to the complaint of plaintiff Blanca Elizabeth Roca as to the first, second, and third causes of action for motor vehicle, general negligence, and negligence per se is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subs. (e) & (f).) Vehicle Code sections 17150 and 17151 do not fall within the Graves Amendment’s saving clause. (49 U.S.C. § 30106, subd. (b); *Goodson v. Perfect Fit Enterprises, Inc.* (1998) 67 Cal.App.4th 508, 514; *Garcia v. Vanguard Car Rental USA, Inc.* (11th Cir. 2008) 540 F.3d 1242, 1249; see also Vehicle Code section 16000 et seq.) Defendant is engaged in the

trade of renting or leasing motor vehicles, and plaintiff has not alleged negligence or criminal wrongdoing by defendant regarding these causes of action. (49 U.S.C. § 30106, subd. (a); Defendant's RJN.) Therefore, defendant is not liable as "the owner of the vehicle...for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease..." (49 U.S.C. § 30106, subd. (a).)

Defendant EAN Holdings, LLC's demurrer to the complaint of plaintiff Blanca Elizabeth Roca as to the fourth cause of action for negligent entrustment of a motor vehicle is **OVERRULED**. (Code Civ. Proc., § 430.10, subds. (e) & (f).) The complaint states facts sufficient to constitute a negligent entrustment cause of action against defendant. (Complaint, p. 7.) A "rental car agency is prohibited from renting a car to an unlicensed driver, and must 'make a reasonable effort' to determine whether the prospective driver possesses a valid driver's license." (*Flores v. Enterprise Rent-A-Car Co.* (2010) 188 Cal.App.4th 1055, 1066; see also Veh. Code, §§ 14604, 14608.) Plaintiff's complaint alleges that defendant knew or should have known that defendant Danielle Lake was "unlicensed...to drive the vehicle." (Complaint, p. 7, ¶ 4.)

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: **Scaccia v. Scaccia**
Case No. CV 14-1820

Hearing Date: **September 23, 2020** **Department Ten** **9:00 a.m.**

Plaintiff's unopposed motion to compel responses from defendant Sutter Health Sacramento Sierra Region to special interrogatories, set five and monetary sanctions filed on August 31, 2020 is **GRANTED**. (Code Civ. Proc. §§ 2030.210 et seq.) Defendant shall serve verified responses without objections to special interrogatories set five, by October 2, 2020.

Plaintiff Brian Scaccia's request for sanctions is **GRANTED**. (Code Civ. Proc., §§ 2023.010, subd. (h), 2030.300, subd. (d).) Defendant shall pay the sanctions to plaintiff in the amount of \$110.34 by October 2, 2020.

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: **White v. Drowty**
 Case No. CV CV 19-933

Hearing Date: **September 23, 2020** **Department Nine** **9:00 a.m.**

Plaintiff Bryon White’s unopposed motions to compel defendant Top Priority Roofing to respond to request for production of documents, set two, and defendant David Drowty to respond to request for production of documents, set three, are **GRANTED**. (Code Civ. Proc., § 2031.300.) Defendants shall serve their respective verified responses, without objections, together with any responsive documents by no later than October 14, 2020.

Plaintiff’s unopposed motions for order deeming requests for admissions, set two, to defendant Top Priority Roofing and requests for admissions, set three, to defendant David Drowty as admitted are **GRANTED**. (Code Civ. Proc., § 2033.280.)

Plaintiff’s requests for monetary sanctions are **GRANTED IN PART** against defendant Top Priority Roofing in the amount of \$360.00 and against defendant David Drowty in the amount of \$360.00. (Code Civ. Proc., §§ 2023.010, 2031.300, 2033.280; Barrett decl., ¶ 4.) Defendants shall pay their respective sanctions by no later than October 23, 2020.

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.