

**TENTATIVE RULINGS for LAW and MOTION**  
**October 16, 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](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 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](http://www.yolo.courts.ca.gov).

**TENTATIVE RULING**

**Case:** Covell Properties v. We Housing, Inc.  
Case No. CV 2019-863

**Hearing Date:** October 16, 2020 Department Nine 9:00 a.m.

Plaintiff Covell Properties’ motion to compel responses to request for production and for sanctions is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., §§ 2031.300, 708.030.) A discovery motion in an unlawful detainer action may be made upon giving five days’ notice. (Code Civ. Proc., § 1170.8.) However, inspection demands served pursuant to Code of Civil Procedure section 708.030 “may be enforced...in the same manner as inspection demands in a civil action.” Therefore, plaintiff’s moving and supporting papers must “be served and filed at least 16 court days before the hearing.” (Code Civ. Proc., § 1005, subd. (b).)

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:** Iqbal v. Iqbal  
Case No. CV 2020-1093

**Hearing Date:** October 16, 2020 Department Nine 9:00 a.m.

Defendants Shazia Jabeen and Mohammad Mohsan Iqbal’s motion to quash service of summons is **DENIED**. (Code Civ. Proc., § 418.10.) On September 14, 2020, the Court ordered that plaintiff Nazia Jabeen Iqbal could effectuate service of the summons on defendants by posting. (Code Civ. Proc., § 415.45.) On September 14, 2020, copies of the summons and complaint were served on defendants by posting and mailing, pursuant to Code of Civil Procedure section 415.45.

Defendants Shazia Jabeen and Mohammad Mohsan Iqbal shall file their responses to plaintiff's complaint by no later than five days after service upon them of the written notice of entry of this order. (Code Civ. Proc., § 1167.4, subd. (b).)

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:** **Shelton v. Boyd**  
**Case No. CV 2020-911**

**Hearing Date:** **October 16, 2020** **Department Nine** **9:00 a.m.**

Defendant Simeon Boyd's demurrer to complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subs. (e), (f).) In the first cause of action, plaintiffs Robert Shelton and Adrian Shelton alleged that defendant breached "the single-family only and residential restrictions" in the covenants, conditions and restrictions. (Complaint, ¶ 17.) As plaintiffs have not alleged a breach of paragraph 11, plaintiffs do not need to allege compliance with any condition precedent within paragraph 11. (Complaint, ¶ 6, Exhibit A.) Further, plaintiffs' first and second causes of action are explicitly separated into two causes of action. Therefore, plaintiffs' second cause of action is not so uncertain that defendant cannot reasonably respond. (See *The Swahn Group, Inc. v. Segal* (2010) 183 Cal.App.4th 831, 852; *Khoury v. Maly's of California, Inc.* (1993) 14 Cal.App.4th 612, 616.)

Defendant's motion to strike is **DENIED**. (Code Civ. Proc., §§ 435, 436.) Defendant has failed to establish that the identified paragraphs contain irrelevant, false, or improper matters. (Code Civ. Proc., § 436, subd. (a); Complaint, ¶ 17-18, 21.) The subject allegations are relevant to plaintiffs' second cause of action. (Complaint, ¶ 26.)

Defendant Simeon Boyd has 10 days from the hearing date, by no later than October 26, 2020, to answer or otherwise plead to plaintiffs' complaint. (Cal. Rules of Court, rule 3.1320(j); Code Civ. Proc., § 472a, subd. (d).)

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.