

**TENTATIVE RULINGS for CIVIL LAW and MOTION
December 9, 2014**

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 at the entrance to the courtroom and on the Yolo Courts 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 Two: (530) 406-6843

TENTATIVE RULING

Case: **Davis Group v. Moss**
Case No. CV UD 14-1576
Hearing Date: **December 9, 2014** **Department Two** **9:00 a.m.**

Plaintiff Davis Group's request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants Thomas Moss and Mary Moss's request for judicial notice is **DENIED**. (Evid. Code § 453, subd. (b).) Defendants fail to provide any foundation for the document for which they request judicial notice.

Plaintiff's objections to the declaration of attorney Deborah Gettleman are **SUSTAINED**.

Defendants' motion for summary judgment is **DENIED**. (Code Civ. Proc., § 437c, subd. (p)(2).) Defendants fail to establish that that one or more elements of the cause of action cannot be established, or that there is a complete defense.

If no hearing is requested, defendants are directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c(g) and California Rules of Court, rule 3.1312.

TENTATIVE RULING

Case: **Midland Funding LLC v. Wong**
Case No. CV G 14-585
Hearing Date: **December 9, 2014** **Department Two** **9:00 a.m.**

Plaintiff Midland Funding LLC's motion to deem requests for admission admitted is **GRANTED**. (Code Civ. Proc., § 2033.280.) While defendant proffers a tardy response with her opposition, the responses do not comply with Code of Civil Procedure section 2033.220. Unsworn responses are equivalent to "no response at all" and therefore not in "substantial compliance" with § 2033.220. (*Allen-Pacific, Ltd. v. Sup. Ct. (Chan)* (1997) 57 Cal.App.4th 1546, 1551.)

Monetary sanctions are **DENIED**. Proper notice thereof was not provided in the notice of motion. (Code Civ. Proc., § 2023.040.)

The notice of motion erroneously states that the motion will be heard in Room 103. It will be heard in Department 2.

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: Valadez v. Harper
Case No. CV PM 14-435**

Hearing Date: December 9, 2014 Department Two 9:00 a.m.

Plaintiff Junior X. Valadez’s motion to quash the deposition subpoenas for production of business records served on Yolo County District Attorney Jeff Reisig and the County of Yolo Probation Department is **DENIED**. The documents from Yolo County District Attorney Jeff Reisig were timely produced on October 24, 2014, which included reports from the Probation Department of Yolo County. (Code Civ. Proc., §§ 1987.1, 1985.3, subd. (g); Decl. of Peter B. Tiemann in Support of Motion, ¶¶ 4-5; Exhs. A, B; Decl. of Denise J. Serra in Opposition of Motion, ¶ 2, Exh. A.) Plaintiff’s request for monetary sanctions is **DENIED**. (Code Civ. Proc., § 1987.2, subd. (a).)

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.