

TENTATIVE RULINGS for CIVIL LAW and MOTION
February 10, 2015

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: River City Petroleum, Inc. v. Day & Night Truck Trailer Repair, Inc.
Case No. CV CV 14-1544

Hearing Date: February 10, 2015 Department Two 9:00 a.m.

Defendant Day & Night Truck Trailer Repair, Inc.'s demurrer to the second amended complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) **Defendant's counsel, Robert McCann, is cautioned to abide by his obligations under California Rule of Professional Conduct 5-200.** Defendant's demurrer makes arguments which do not apply given the language of the revised notice to cure or quit attached to the second amended complaint, and amounts to what appears to be an attempt to mislead the Court.

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 is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

TENTATIVE RULING

Case: Sanchez v. Adams Grain Co.
Case No. CV PO 14-446

Hearing Date: February 10, 2015 Department Two 9:00 a.m.

Plaintiff Hector Sanchez's motion for an order to quash defendants Adams Grain Co. and Adams Group, Inc.'s deposition subpoena for the production of business records, issued to PGP International, Inc. on December 5, 2014, is **DENIED**. (Code Civ. Proc., § 1987.1.) Plaintiff's employment records, to the extent that they can prove, or disprove, plaintiff's claim for loss of earning capacity, are directly related to the current litigation. (*Gargir v. B'nei Akiva*, (1998) 66 Cal.App.4th 1269, 1280, 1282; *Connolly v. Pre-Mixed Concrete Co.* (1957) 49 Cal.2d 483; *Hicks v. Ocean Shore R.R.* (1941) 18 Cal.2d 773, 784.)

Plaintiff's motion for an order to quash defendants' deposition subpoena for the production of business records, issued to Tequila Museo Mayahuel on December 5, 2014, is **DENIED**. (Code Civ. Proc., § 1987.1.) Plaintiff's employment records, to the extent that they can prove, or disprove, plaintiff's claim for loss of earning capacity, are directly related to the current litigation. (*Gargir v.*

B'nei Akiva, supra, 66 Cal.App.4th 1280, 1282; *Connolly v. Pre-Mixed Concrete Co., supra*, 49 Cal.2d 483; *Hicks v. Ocean Shore R.R., supra*, 18 Cal.2d 784.)

Defendants' request for sanctions is **DENIED**. (Code Civ. Proc., § 2023.010, subds. (e), (h).)

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.