

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**June 17, 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](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 Two: (530) 406-6843

**TENTATIVE RULING**

**Case: Anand v. Chafin**  
**Case No. CV UD 15-635**  
**Hearing Date: June 17, 2015 Department Two 9:00 a.m.**

Defendant Melisa Chafin's motion to set aside the default judgment based on lack of actual notice of the action is **DENIED**. (Code Civ. Proc., § 473.5.) Plaintiff establishes that defendant became aware of the action on May 14, 2015, as she admitted in a text message to the premises' property manager Mike Prasad on May 14, 2015. (Prasad Decl., ¶ 6.) The evidence further establishes that defendant was personally served with process on May 15, 2015. (Loray Decl., ¶ 6.)

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: Rodriguez v. Sutter Health Sacramento Sierra Region**  
**Case No. CV CV 11-817**  
**Hearing Date: June 17, 2015 Department Two 9:00 a.m.**

Plaintiff Eliza Rodriguez's motion to strike/tax defendant Sutter Health Sacramento Sierra Region's costs is **GRANTED**. (Gov. Code, § 12965, subd. (b); *Williams v. Chino Valley Independent Fire District* (2015) 61 Cal.4th 97.) Defendant's costs are stricken in their entirety. Defendant makes no showing that plaintiff's case was objectively without foundation when brought, or the plaintiff continued to litigate after it clearly became so. All of the case authority on which defendant relies pre-dates *Williams*, supra.

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:** **Salazar v. Bank of America, N.A.**  
**Case No. CV CV 13-1158**  
**Hearing Date:** **June 17, 2015** **Department Two** **9:00 a.m.**

Defendant Bank of America, N.A.'s unopposed motion to deem requests for admission admitted is **GRANTED**. (Code Civ. Proc., § 2033.280, subd. (b).)

Defendant's unopposed motion to compel further responses to requests for production, and responses to form interrogatories is **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).) Plaintiff Juan Salazar shall serve responses to the form interrogatories, without objections, and a verification for the responses to the requests for production, by July 2, 2015. Despite counsel Spann's representation that no responses were received to the requests for production, he has attached such responses as Exhibit 6 to his declaration. (Spann Decl., ¶ 9.)

Defendant is awarded monetary sanctions against plaintiff in the amount of \$1,020.00 for the fees incurred to prepare both motions. (Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (c), & 2033.280, subd. (c).) The Court does not award sanctions for fees not yet incurred.

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:** **Torres v. Esparto**  
**Case No. CV PO 15-269**  
**Hearing Date:** **June 17, 2015** **Department Two** **9:00 a.m.**

Defendants Esparto Unified School District and Daniel Alvarez's demurrer to the complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiffs Ramon and Maria Torres fail to cite the statutory enactment(s) authorizing their suit, and the facts establishing causation between defendants' conduct and their son's death. (*Susman v. City of Los Angeles* (1969) 269 Cal.App.2d 803, 809.)

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.