

**TENTATIVE RULINGS for CIVIL LAW and MOTION
November 30, 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.

Please take note that Yolo Superior Court is now located at 1000 Main Street, in Woodland.

Telephone number for the clerk in Department Eleven: (530) 406-6843

TENTATIVE RULING

Case: Pacific Gas and Electric Company v. Schneider
Case No. CV CV 15-1273
Hearing Date: November 30, 2015 Department Eleven 9:00 a.m.

Pacific Gas and Electric Company's unopposed motion for a pre-judgment order of possession is **GRANTED**. (Code Civ. Proc., § 1255.410, 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.

TENTATIVE RULING

Case: Scaccia v. Scaccia
Case No. CV CV 14-1820
Hearing Date: November 30, 2015 Department Eleven 9:00 a.m.

Plaintiff Brian Scaccia's motion to stay depository [sic] motions and depositions is **DENIED**. The motion cites no legal authority to support the request.

Plaintiff's motion to excuse late filings, filed on November 16, 2015, is **DROPPED FROM CALENDAR**. It is untimely filed. (Code Civ. Proc., § 1005.) **Plaintiff is admonished to comply with Code of Civil Procedure section 1005's filing rules. Plaintiff has repeatedly filed motions which violate this statute.**

Defendants Daniel Kennedy and Sutter Medical Foundation's motion to compel plaintiff to respond to requests for production, set one, and request for monetary sanctions, is **GRANTED IN PART**. As plaintiff asserts he has now responded to the requests, the motion is **DENIED** as to compelling responses. However, because defendants were required to file a motion to procure plaintiff's compliance, the Court awards \$660.00 in monetary sanctions against plaintiff Brian Scaccia. (Code Civ. Proc., § 2031.300, subd. (c); Cal. Rules of Court, rule 3.1348(a).) Plaintiff shall pay defendants the sanctions by no later than December 18, 2015.

Defendants Daniel Kennedy and Sutter Medical Foundation's motion to dismiss causes of action in plaintiff's complaint subject to demurrer is **GRANTED**. (Code Civ. Proc., § 581, subd (f)(2).) Plaintiff has not shown good cause for failing to file an amended complaint.

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: **Sousa v. Ley**
Case No. CV UD 15-1307
Hearing Date: **November 30, 2015** **Department Eleven** **9:00 a.m.**

Defendant Sarah Ley's motion to set aside the default judgment is **DENIED**. (Code Civ. Proc., § 473, subd. (b).) Defendant fails to establish that her failure to timely file an answer was due to her mistake, inadvertence, surprise, or excusable neglect. (Decl. of Sarah Elizabeth Ley, p 1:8-2:15.)

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.