

TENTATIVE RULINGS for CIVIL LAW and MOTION
March 16, 2016

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. 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: **Champ Systems, Inc. v. Scoggins**
Case No. CV CV 13-1485
Hearing Date: **March 16, 2016** **Department Eleven** **9:00 a.m.**

Plaintiff Champ Systems, Inc.'s unopposed motion to set aside the dismissal of the entire complaint entered on January 19, 2016, is **GRANTED**. (Code Civ. Proc., § 473, subd. (b)(2); Decl. of Timothy E. Hodgson, ¶¶ 10-20, 22-26.) The parties are directed to appear at a case management conference on Monday, April 18, 2016, in Department Six at 9:00 a.m. to discuss mediation issues and the status of defendant Jason P. Scoggins's bankruptcy.

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: **Western Progressive, LLC v. Bermudez**
Case No. CV CV 14-970
Hearing Date: **March 16, 2016** **Department Eleven** **9:00 a.m.**

Defendant First Northern Bank of Dixon's ("First Northern") request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (c), (d).)

First Northern's motion for an order dismissing with prejudice co-defendants Woodland Tractor and Equipment, Jeffrey Huckins, and Charles Stanley is **DENIED**. (Code Civ. Proc., § 581, subd. (b)(2).) First Northern submits evidence to establish that co-defendants have consented in writing to being dismissed from the action in exchange for a settlement payment. (Decl. of Kevin G. Howard, ¶¶ 5-7.) However, First Northern fails to establish that co-defendants consented to being dismissed *with prejudice*. (*Ibid.*)

First Northern's motion for an order dismissing with prejudice, or entering default judgment against, co-defendant Petra Bermudez is **DENIED**. First Northern fails to submit legal authority which authorizes the Court to dismiss Ms. Bermudez with prejudice, or to enter a court judgment against her.

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: **Vargas v. VSS International, Inc.**
Case No. CV CV 16-23

Hearing Date: **March 16, 2016** **Department Eleven** **9:00 a.m.**

Defendant VSS International, Inc.'s motion to compel arbitration and stay trial proceedings is **CONTINUED** on the Court's own motion to Friday March 18, 2016, so that the Court may more thoroughly consider the motion.