

TENTATIVE RULINGS for CIVIL LAW and MOTION
April 26, 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: **Davis Industrial Group v. Sudwerk Restaurant and Brewery, Inc.**
Case No. CV CV 16-405
Hearing Date: **April 26, 2016** **Department Eleven** **9:00 a.m.**

Defendant Sudwerk Restaurant and Brewery, Inc.'s motion for summary judgment is **GRANTED**. (Code Civ. Proc., § 437c, subd. (p)(2).) The undisputed facts establish that plaintiff Davis Industrial Group failed to give the relevant notices in accordance with the lease. (UMF 6-11; *Culver Ctr. Partners E. #1, LP v. Baja Fresh Westlake Village, Inc.* (2010) 185 Cal.App.4th 744.) The Court does not consider plaintiff's responses to these undisputed material facts because the responses do not comply with the format requirements of California Rule of Court 3.1350.

Defendant is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.

TENTATIVE RULING

Case: **Holmberg v. Baber**
Case No. CV UD 16-463
Hearing Date: **April 26, 2016** **Department Eleven** **9:00 a.m.**

Defendant Rick Baber's unopposed demurrer to plaintiff Craig Holmberg's complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) Plaintiff has not pleaded what standing he possesses to bring the instant action. (Code Civ. Proc., § 367; Complaint, ¶ 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: **Sanchez v. Adams Grain Co.**
Case No. CV PO 14-446

Hearing Date: **April 26, 2016** **Department Eleven** **9:00 a.m.**

Defendants Adams Grain Co. and Adams Group, Inc.'s unopposed motion to bifurcate plaintiff's punitive damages claim and to exclude evidence of defendants' financial condition during the liability phase of trial is **GRANTED**.

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).