

TENTATIVE RULINGS for CIVIL LAW and MOTION
April 17, 2017

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.

Telephone number for the clerk in Department Seven: (530) 406-6848

TENTATIVE RULING

Case: Don v. Working Class Heroes, LLC
Case No. CV PO 16-404
Hearing Date: April 17, 2017 Department Seven 9:00 a.m.

Plaintiff Sylvie Don's opening memorandum is 24 pages. Plaintiff is reminded to comply with the page requirements set forth in California Rule of Court 3.1113(d) in the future, or her papers may not be considered. Moreover, is not helpful to the Court's determination of the motion for a party to merely copy their separate statement in her moving points and authorities.

Plaintiff is also reminded to comply with California Rule of Court 3.1345(c) and its format requirements for separate statements. Plaintiff neglected to provide the definitions for all specially defined terms.

Plaintiff's motion to compel further responses to special interrogatories, set three, from defendants Working Class Heroes, LLC and Working Class Heroes LLC dba Broderick is **GRANTED IN PART**, as to Special Interrogatory Nos. 59-61, 64, 72-75, 94, 99, and 103. (Code Civ. Proc., § 2030.300, subd. (a)(1).) The remainder of the motion is **DENIED**.

Plaintiff's request for sanctions is **DENIED**. She fails to state the type of the sanction sought in her notice of motion. (Code Civ. Proc., § 2023.040.)

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: Federal Home Loan Mortgage Corp. v. Jadubans
Case No. CV UD 16-1939
Hearing Date: April 17, 2017 Department Seven 9:00 a.m.

Plaintiff Federal Home Loan Mortgage Corporation's motion to determine whether the Servicemembers Civil Relief Act applies to defendant Kishore Jadubans is **DENIED**

WITHOUT PREJUDICE. The motion was not filed 16 court days before the hearing. (Code Civ. Proc., § 1005.)

TENTATIVE RULING

Case: **Husted v. Coleman**
Case No. CV CV 14-1889
Hearing Date: **April 17, 2017** **Department Seven** **9:00 a.m.**

Defendants Mary-Alice Coleman and James Ashworth’s demurrer to the third amended complaint (“TAC”):

Plaintiff Kimberly Husted’s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants Mary-Alice Coleman and James Ashworth’s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants’ demurrer to the second cause of action for breach of fiduciary duty is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The grounds for the demurrer to this COA could have been raised in the demurrer to the second amended complaint. (Code Civ. Proc., § 430.41, subd. (b).)

Defendants’ demurrer to the second cause of action for fraud is **OVERRULED**. (Code Civ. Proc., § 430.10, subds. (e), (f).) Plaintiff now pleads sufficient facts supporting her allegations that the representations made by the Law Office of Mary-Alice Coleman were false. (TAC, ¶ 15.) Defendants do not show that this cause of action is uncertain.

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.

Defendants Mary-Alice Coleman and James Ashworth’s motion to strike directed to the TAC:

Plaintiff’s request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants’ request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendants’ motion to strike is **GRANTED IN PART, WITH LEAVE TO AMEND**, as to Item 1, identified in defendants’ notice of motion. The Court does not reach the motion as to items 6 and 7 because the matter to be stricken is not quoted verbatim. These are not causes of action, but different aspects of the same cause of action. In all other respects, the motion is **DENIED**. (Code Civ. Proc., § 436.)

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: Valadez v. Contreras
Case No. CV PO 14-689

Hearing Date: April 17, 2017 Department Seven 9:00 a.m.

Defendant and cross-complainant Romeo Berrettoni Trust's motion to deem requests for admission admitted against defendant Raymond Contreras is **GRANTED**. (Code Civ. Proc., § 2033.280, subd. (b).) The requests for admission were duly served. (Cal. Rules of Court, rule 2.200.) The request for monetary sanctions against defendant is **GRANTED**, in the amount of \$560.00. The Court does not award sanctions for time not yet incurred at the time of the making of the declaration. (Code Civ. Proc., § 2033.280, subd. (c).)

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.