

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**August 1, 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](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 Four: (530) 406-6942

**TENTATIVE RULING**

**Case:** **American Express Bank, FSB v. Chan**  
**Case No. CV G 16-961**

**Hearing Date:** **August 1, 2017** **Department Four** **9:00 a.m.**

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Defendant Simon Chan dba Simon's Bar & Café's motion to set aside the default and default judgment pursuant to Code of Civil Procedure sections 473(b) and 473.5 is **DENIED**. Moving party fail to show that his mistake, inadvertence, or neglect was of the excusable variety. (*Ford v. Herndon* (1976) 62 Cal.App.3d 492, 496.) Relief under section 473.5 is also barred when an alleged lack of actual notice is not caused by excusable neglect. (*Tunis v. Barrow* (1986) 184 Cal.App.3d 1069, 1077-78; *Trackman v. Kenney* (2010) 187 Cal.App.4<sup>th</sup> 175, 180.)

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:** **Berti v. Raley's**  
**Case No. CV PO 14-1212**

**Hearing Date:** **August 1, 2017** **Department Four** **9:00 a.m.**

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Defendant Aceites Toledo, S.A.'s motion to bifurcate trial on its twelfth affirmative defense is **GRANTED**. (Code Civ. Proc., § 597.)

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.