

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**August 8, 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 Five: (530) 406-6819

**TENTATIVE RULING**

**Case:** Cody v. Sibley  
Case No. CV CV 16-112  
**Hearing Date:** August 8, 2017 Department Five 9:00 a.m.

Plaintiff Andrew Cody's motion to compel the deposition of defendant Perice Sibley is **DENIED**. (Code Civ. Proc., § 2025.450, subd. (b)(2).) The declaration of David S. Barrett, filed in support of the motion, fails to state facts showing that a reasonable and good faith attempt at an informal resolution was made prior to filing the current motion. (Code Civ. Proc., §§ 2016.040, 2025.450, subd. (b)(2); *Clement v. Alegre* (2009) 177 Cal.App.4th 1277; *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431; Decl. of David S. Barrett, ¶¶ 15-17, Exh. 14.)

Plaintiff's request for monetary sanctions is **DENIED**.

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:** Eldridge v. Eldridge  
Case No. CV CV 16-987  
**Hearing Date:** August 8, 2017 Department Five 9:00 a.m.

Plaintiff Dennis Eldridge's motion for leave to file a second amended complaint is **GRANTED**. (Code Civ. Proc., § 473, subd. (a).) Defendants Sean Eldridge and Michael Eldridge fail to establish that they will suffer any prejudice if plaintiff is allowed to file the second amended complaint. (*Kittredge Sports Co. v. Superior Court* (1989) 213 Cal.App.3d 1045, 1048.)

Plaintiff shall file and serve his second amended complaint by August 15, 2017.

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.