

TENTATIVE RULINGS for CIVIL LAW and MOTION
June 4, 2015

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 at the entrance to the courtroom and on the Yolo Courts 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 Two: (530) 406-6843

TENTATIVE RULING

Case: Discover Bank v. Paredes-Del Toro
Case No. CV G 14-1765

Hearing Date: June 4, 2015 Department Two 9:00 a.m.

Plaintiff Discover Bank's unopposed motion for an order that matters in its request for admissions, set one, be deemed admitted is **GRANTED**. (Code Civ. Proc., § 2033.280.)

Plaintiff's request for sanctions is **DENIED**. Plaintiff's notice of motion fails to identify the person, party, and/or attorney against whom the monetary sanctions are sought. (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: In re Keister
Case No. CV PT 15-382

Hearing Date: June 4, 2015 Department Two 9:00 a.m.

CBC Settlement Funding, LLC's petition for approval of transfer of structured settlement payment rights is **GRANTED**. (Ins. Code, § 10134 et seq.)

The notice of motion does not provide notice of the 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).

TENTATIVE RULING

Case: **Navarro v. Pacific Basin Milling, LLC**
Case No. CV PO 10-1331

Hearing Date: **June 4, 2015** **Department Two** **9:00 a.m.**

Defendant Oxbow, LLC's motion for sanctions against plaintiff Gilberto Navarro, and his attorney, the Veen Law Firm is **DENIED**. (Code Civ. Proc., §§ 128.7, 128.5.) Defendant failed to comply with the safe harbor provisions provided for in Code of Civil Procedure section 128.7. Defendant also failed to submit evidence to support a finding that plaintiff, or plaintiff's counsel, acted in bad faith. (Code Civ. Proc., § 128.5; *Gemini Aluminum Corp. v. California Custom Shapes, Inc.* (2002) 95 Cal.App.4th 1249, 1262; *Dolan v. Buena Engineers, Inc.* (1994) 24 Cal.App.4th 1500, 1506; Decl. of Robert F. Whitworth, ¶¶ 2-7, Exhs. A-E; Decl. of Matthew Kracht, ¶¶ 1-4, Exhs. 1-3.)

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: **Woodland-Davis Clean Water Agency v. Lillard Family L.P.**
Case No. CV CV 15-350

Hearing Date: **June 4, 2015** **Department Two** **9:00 a.m.**

Plaintiff Woodland-Davis Clean Water Agency's motion for an order for possession is **DENIED**. Plaintiff fails to establish that notice was published in the Davis Enterprise and Woodland Daily Democrat, as ordered by the Court, on May 14, 2015.

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.