

**TENTATIVE RULINGS for CIVIL LAW and MOTION
October 12, 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: Scaccia v. Scaccia
Case No. CV CV 14-1820
Hearing Date: October 12, 2016 Department Eleven 9:00 a.m.

Plaintiff's motion for leave to file a second amended complaint is **GRANTED**. (Code Civ. Proc., § 473, subd. (a).) Defendants have not adequately demonstrated that they will suffer any prejudice from amendment. (*Higgins v. Del Faro* (1981) 123 Cal.App.3d 558, 564-65.) Plaintiff shall file his second amended complaint by no later than October 14, 2016.

Defendant Sutter Health Sierra Region dba Sutter Davis Hospital's motion for summary judgment, or in the alternative, summary adjudication and defendants Daniel J. Kennedy, M.D. and Sutter Medical Foundation's motions for summary judgment are **DROPPED FROM CALENDAR**. As there is but one complaint in a civil action, the filing of an amended complaint moots all motions directed to the prior complaint. (*State Comp. Ins. Fund v. Superior Court* (2010) 184 Cal.App.4th 1124, 1130-1131; *Hejmadi v. Amfac, Inc.* (1988) 202 Cal.App.3d 525, 536; *Perry v. Atkinson* (1987) 195 Cal.App.3d 14, 18; *Ford v. Superior Court* (1973) 34 Cal.App.3d 338, 343.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.