

**TENTATIVE RULINGS for LAW and MOTION**  
**February 18, 2020**

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 Nine (530) 406-6819  
Telephone number for the clerk in Department Ten (530) 406-6816

**TENTATIVE RULING**

**Case:** Bates v. Singh  
Case No. CV CV 18-317  
**Hearing Date:** February 18, 2020 Department Nine 9:00 a.m.

Intervenor ACCO Engineered Systems, Inc.'s unopposed motion for leave to intervene in this action is **GRANTED**. (Code Civ. Proc., § 387, subd. (b); Lab. Code, §§ 3852, 3853.)

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:** Beebe v. FCA US LLC  
Case No. CV CV 18-559  
**Hearing Date:** February 18, 2020 Department Nine 9:00 a.m.

Plaintiffs Lowell Beebe's and Patricia Ann Beebe's motion for attorney's fees, costs and expenses is **CONTINUED** on the Court's own motion to March 5, 2020 at 9:00 a.m. in Department 9.

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:** Emerson v. Mitchell  
Case No. CV PT 18-696  
**Hearing Date:** February 18, 2020 Department Ten 9:00 a.m.

Plaintiff Kathleen Mitchell's unopposed motion for attorneys' fees is **GRANTED**. The amount of an award of attorney's fees is at the discretion of the court. (Code Civ. Proc., §§ 527.6, subd. (s); 1033.5, subd. (a)(10)(A), (B),(C); *Leydon v. Alexander* (1989) 212 Cal.App.3d 1, 5; *PLCM Groups Inc. v. Drexler* (2000) 22 cal.4<sup>th</sup> 1084, 1095-1096.) Defendant Krista Mitchell shall pay attorney's fees in the amount of \$27,615 to Mr. Phillips and \$28,627.50 to Sagaria Law, PC.

Defendant Krista Mitchell shall pay costs in the amount of \$5,437.40. (Code Civ. Proc., § 1033.5.)

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:** **Hernandez v. Clark Pacific Corp.**  
**Case No. CV CV 19-1053**

**Hearing Date:** **February 28, 2020** **Department Ten** **9:00 a.m.**

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Defendant Clark Pacific Corporation's request for judicial notice numbers 1-3 and 5-10 are **GRANTED** and number 4 is **DENIED**. (Evid. Code, § 452; Code Civ. Proc., § 430.30, subd. (a).)

Plaintiff Richard Hernandez's objections to defendant's evidence exhibits numbers C-H in support of demurrer or alternatively motion to consolidate are **DENIED**. (Evid. Code, § 452; Code Civ. Proc., § 430.30, subd. (a).)

Defendant Clark Pacific Corporation's demurrer or alternatively, motion to consolidate is **OVERRULED** as to the demurrer and **GRANTED** as to the motion to consolidate. (Code Civ. Proc., §§ 430.10, subd. (e), 1048.) The lead case will be CV CV 19-644. A demurrer can be used only to challenge defects that appear on the face of the pleading under attack; or from matters outside the pleading that are *judicially noticeable*. (*Id.*; ) *Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) No other extrinsic evidence can be considered. (*Ion Equip. Corp. v. Nelson* (1980) 110 Cal.App.3d 868, 881.) Defendant argues that the complaint fails to state sufficient facts to state a cause of action because it is exempt from PAGA by Labor Code section 2699.6. Plaintiff argues that the collective bargaining agreement ("CBA") does not meet all of the requirements of Labor Code section 2699.6. The court cannot determine this issue on a demurrer because, the CBA attached to the Declaration of Scott Maddox is extrinsic evidence that cannot be considered by the Court on a demurrer.

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.