

TENTATIVE RULINGS for LAW and MOTION
May 6, 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. 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 Ten (530) 406-6816

TENTATIVE RULING

Case: Capay Valley Floriculture v. Byrd
Case No. CV CV 18-243
Hearing Date: May 6, 2020 Department Ten 9:00 a.m.

Defendant Justin Byrd's motion for order setting trial date:

Defendant Justin Byrd's unopposed motion for order setting trial date is **DENIED**. (Corp. Code, § 709, subd. (b).) Defendant has failed to cite legal authority permitting the Court to set an expedited trial on the entire matter under Corporations Code section 709(b).

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.

Trevor E. Carson's motions to be relieved as counsel:

Trevor E. Carson of Carson & Kyung's unopposed motions to be relieved as counsel for plaintiffs Eric Parise, Casey Boosalis, Mara Getz, and Capay Valley Floriculture are **GRANTED**. (Cal. Rules of Court, rule 3.1362.) This order is not effective until Mr. Carson files a proof of service with the Court showing service of a copy of the signed order on his clients. (Cal. Rules of Court, rule 3.1362(e).)

TENTATIVE RULING

Case: Edwards-Lohse v. Konz, et al.
Case No. CV CV 19-2347
Hearing Date: May 6, 2020 Department Nine 9:00 a.m.

Defendant Pioneer Congregational Church's motion to strike is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 436.) Defendant shows that the requested relief is not supported by the allegations of the complaint and is improper. (Code Civ. Proc., § 1021, Civ. Code, § 3294.)

Defendant Pioneer Congregational Church's demurrer to the fourth, fifth, and sixth causes of action is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 431.10, subd. (e).)

Plaintiff fails to state sufficient facts to state a cause of action for declaratory relief, breach of fiduciary duty, or negligence against defendant. (*Nally v. Grace Community Church* (1988) 47 Cal.3d 278, 293; Code Civ. Proc., § 1060; *Lockheed Corp. v. Continental Ins. Co.* (2005) 134 Cal.App.4th 187, 221.)

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: **Le v. CSAA Insurance Exchange**
Case No. CV PM 19-2502

Hearing Date: **May 6, 2020** **Department Ten** **9:00 a.m.**

Respondent CSAA Insurance Exchange's motion to compel claimants' answers to supplemental form interrogatories, supplemental special interrogatories and supplemental requests for production of documents is **DENIED** as **MOOT**. (Code Civ. Proc., §§ 2030.290, 2031.300.) Counsel for respondent advised the Court at the hearing on January 15, 2020, that claimants had served verified responses via email on January 14, 2020.

Respondent's request for sanctions is **GRANTED** in the amount of \$420.00. (Dec. of Bates, ¶ 7; Code Civ. Proc., § 2023.030, subd. (a); Cal. Rules of Court, rule 3.1348.) Claimants shall pay the sanctions to respondent CSAA Insurance Exchange by April 20, 2020.

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.