

TENTATIVE RULINGS for LAW and MOTION
May 26, 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 Nine (530) 406-6819
Telephone number for the clerk in Department Ten (530) 406-6816

NOTICE: Effective May 4, 2020, all court appearances are by Zoom or Conference call. Yolo Superior Court Virtual Courtroom and conference call information is posted on the Yolo Court’s Website at www.yolo.courts.ca.gov.

TENTATIVE RULING

Case: **Breda v. Dignity Health**
Case No. CV PO 19-2145
Hearing Date: **May 26, 2020** **Department Nine** **9:00 a.m.**

Defendant Dignity Community Care’s request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, subd. (d), 453.)

Defendant Dignity Community Care’s unopposed demurrer is **OVERRULED** as to plaintiff Mary Breda’s first, second, third, and fourth causes of action. (Code of Civ. Proc., § 430.10.) The demurrer admits the truth of all material facts properly pleaded. (*Aubry v. Tri-City Hosp. Dist.* (1992) 2 Cal.4th 962, 966-967; *Serrano v. Priest* (1971) 5 Cal.3d 584, 591.) Plaintiff has pleaded sufficiently the elements required for professional medical negligence. (*Lattimore v. Dickey* (2015) 239 Cal.App.4th 959, 968; Complaint, ¶¶ 24, 27, 29, and 30.) Plaintiff has alleged multiple breaches of duty by defendants, sufficiently pleading elements to establish negligence and premises liability. (Complaint, ¶¶ 1-43.) Plaintiff has sufficiently pleaded elements to establish negligent training of employees. (Complaint, ¶¶ 26, 27.) Identification of specific employees involved in negligent selection, hiring, evaluation, training, supervision is not required at the demurrer stage of proceedings. (See *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861, 872.)

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: **Lamy v. Thai et al.**
Case No. CV CV 17-1712
Hearing Date: **May 26, 2020** **Department Ten** **9:00 a.m.**

Plaintiffs Russell Lamy's and Nichole Amberg's unopposed motion for leave to file a first amended complaint is **GRANTED**. (Code Civ. Proc., § 473, subd. (a)(1), Cal. Rules of Court, rule 3.1324.)

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: **Martinez v. Turner**
Case No. CV CV 19-2083
Hearing Date: **May 26, 2020** **Department Nine** **9:00 a.m.**

Defendant George Turner's petition to compel arbitration and impose a stay is **GRANTED**. (Code Civ. Proc., §§ 1281.2 & 1281.4.)

Defendant Alice Svenpaldsen's petition to compel arbitration and impose a stay is **GRANTED**. (Code Civ. Proc., §§ 1281.2 & 1281.4.)

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: **RCP Construction, Inc. v. D&J Beneficial Holdings, LLC et al.**
Case No. CV CV 19-1446
Hearing Date: **May 26, 2020** **Department Ten** **9:00 a.m.**

Plaintiff RCP Construction Inc.'s unopposed motion to compel responses from defendant D&J Beneficial Holdings, LLC to form interrogatories, set one and special interrogatories, set one is **GRANTED**. (Code Civ. Proc., § 2030.290, subd. (b).) Defendant shall serve verified responses by June 26, 2020.

Plaintiff RCP Construction Inc.'s unopposed motion to compel responses from defendant D&J Beneficial Holdings, LLC to request for production of documents, set one is **GRANTED**. (Code Civ. Proc., § 2031.300, subd. (b).) Defendant shall serve verified responses and all documents responsive to the requests by June 26, 2020.

Plaintiff's unopposed requests for sanctions are **GRANTED** in the amount of \$960.00. (Dec. of Boze, ¶¶ 6, 7; Code Civ. Proc., § 2023.030, subd. (a); Cal. Rules of Court, rule 3.1348.) Defendant D&J Beneficial Holdings, LLC shall pay the sanctions to plaintiff RCP Construction Inc. by June 26, 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.

TENTATIVE RULING

Case: **Remarck Partners, LLC v. Gibson Center, LP, et al.**
Case No. CV CV 17-1747

Hearing Date: **May 26, 2020** **Department Nine** **9:00 a.m.**

David A. Frenznick's unopposed motions to be relieved as counsel for defendants California Wellness Council, LLC and Kenneth Degenhardt are **DENIED WITHOUT PREJUDICE**. (Cal. Rules of Court, rule 3.1362.) The declarations filed in support of the motions state that service of the motions on defendants was by mail. The proofs of service attached to the motions state that the motions were served via email. (Cal. Rules of Court, rule 3.1362(d).)

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.