

**TENTATIVE RULINGS for LAW and MOTION**  
**June 1, 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

**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](http://www.yolo.courts.ca.gov).

**TENTATIVE RULING**

**Case:** Johnson v. Thompson  
Case No. CV PM 18-2059  
**Hearing Date:** June 1, 2020 Department Nine 9:00 a.m.

Plaintiff Nathaniel Johnson’s unopposed motion to vacate and set aside the dismissal is **GRANTED**. (Code Civ. Proc., § 473, subd. (b); *Martin Potts & Associates, Inc. v. Corsair, LLC* (2016) 244 Cal.App.4<sup>th</sup> 432, 440.)

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:** Moreno v. Jolley  
Case No. CV 19-1566  
(and related case Jolley v. Moreno  
Case No. CV CV 20-77)  
**Hearing Date:** June 1, 2020 Department Ten 9:00 a.m.

Defendant/plaintiff Stephen Jolley’s and plaintiff Terrie Jolley’s motion to consolidate this case Moreno v. Holley, case number CV CV 19-1566 with related case Jolley v. Moreno, case number CV CV 20-77 is **GRANTED**. (Code Civ. Proc., § 1048.) Moreno v. Jolley, case number CV CV 19-1566 will be the lead case.

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:** Nano Diagnostics, LLC v. Agri-Analysis, LLC  
Case No. CV G 19-2155

**Hearing Date:** June 1, 2020 Department Nine 9:00 a.m.

Plaintiff Nano Diagnostics, LLC's motion to strike defendant Agri-Analysis, LLC's is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 436, subd. (a); *Cld Const., Inc. v. City of San Ramon* (2004) 120 Cal.App.4<sup>th</sup> 1141, 1145-1147.) Defendant shall file an amended answer by June 12, 2020.

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, 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:** Petition of Ding  
Case No. CV P2 20-75

**Hearing Date:** June 1, 2020 Department Nine 9:00 a.m.

The petitioner Ke Ding, and the minor Grace Ding are directed to appear. (Cal. Rules of Court, rule 7.952.) If the parties fail to appear at the hearing and the Court has not excused their personal appearance, the petition will be denied without prejudice. No request for hearing is required.

**TENTATIVE RULING**

**Case:** Rodriguez v. DaVita Inc., et al  
Case No. CV PO 20-126

**Hearing Date:** June 1, 2020 Department Ten 9:00 a.m.

Defendant West Sacramento Dialysis, LLC's dba West Sacramento Dialysis Center, erroneously sued herein as DaVita West Sacramento Dialysis Center motion to strike plaintiff Raul Rodriguez's claim for punitive damages is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 436, subd. (a).)

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:** **Roybal v. Yang**  
**Case No. CV PM 19-735**

**Hearing Date:** **June 1, 2020** **Department Nine** **9:00 a.m.**

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Defendant Giverny Gao Sheng Yang's motion to compel plaintiff Maria Roybal to attend a defense medical examination is **DENIED**. Parties are in agreement that plaintiff will submit to a defense medical examination, to be scheduled. (Decl. of Schneider, p. 4; Decl. of Roybal, p. 1.) The Court declines to grant defendant's request for discretionary monetary sanctions. (Code of Civ. Proc., §§ 2023.010, 2023.030.) The Court also declines to award defendant reimbursement for the claimed no show/cancellation fee, as defendant has failed to provide sufficient legal or factual support for the request. The monetary sanctions requested by plaintiff do not apply to discovery motions. (Code of Civ. Proc., § 128.5, subd. (e).) Finally, the Court declines to impose sanctions against defendant for unsuccessfully bringing a motion to compel compliance, as the Court finds under the circumstances, such a sanction would be unjust. (Code of Civ. Proc., § 2032.240, subd. (c).)

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.