

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

**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:** American Express National Bank v. Dudensing  
Case No. CV CV 19-788  
**Hearing Date:** June 18, 2020 Department Ten **9:00 a.m.**

Plaintiff American Express National Bank's request for the Court to take judicial notice of 15 U.S.C. § 1666 and 12 C.F.R. § 202.12 is **GRANTED**. (Evid. Code, § 452, subd. (b), 453.)

Plaintiff American Express National Bank's motion for summary judgment or in the alternative summary adjudication is **GRANTED**. (Code Civ. Proc., § 437c, subd. (p)(1).) Plaintiff has established all required elements for both causes of action against defendant. The evidence shows that there is no triable issue of material fact and plaintiff is entitled to judgment as a matter of law. (Code Civ. Proc., § 337a; *Trafton v. Youngblood* (1968) 69 Cal.2d 17, 25; UMF 1-18.)

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:** Capital One Bank (USA), N.A. v. Smith  
Case No. CV G 19-2598  
**Hearing Date:** June 18, 2020 Department Ten **9:00 a.m.**

Plaintiff Capital One Bank (USA), N.A.'s motion for judgment on the pleadings is **DENIED**. (Code Civ. Proc., § 438.) On February 4, 2020, the Court, on its own motion ordered that defendant's answer is deemed void and ineffective for failure to pay the first appearance fee.

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:** **Bennett v. Aquila Corporation**  
**Case No. CV PO 16-941**

**Hearing Date:** **June 18, 2020** **Department** **Nine** **9:00 a.m.**

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On the Court's own motion, this matter is **CONTINUED** to July 2, 2020 at 1:15 in Department Ten.