

## **TENTATIVE RULINGS for LAW and MOTION**

### **July 31, 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

**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:** **Boulett v. Sutter Health Foundation**  
**Case No. CVPO 18-640**

**Hearing Date:** **July 31, 2020** **Department Nine** **9:00 a.m.**

Defendants Sutter Medical Foundation's, Sutter Health's, and Ft. Sutter Surgery Center's unopposed motion for summary judgment is **GRANTED**. (Code of Civ. Proc., § 437c, subd. (p)(2).) Sutter defendants have established a complete defense to plaintiffs Mary Boulett's and John Boulett's second amended complaint. (*Ibid.*) Sutter defendants have established that the one year statute of limitations began to run by October 19, 2016 when plaintiff Ms. Boulett discovered her injury and suspected the injury was caused by wrongdoing. (*Sanchez v. South Hoover Hospital* (1976) 18 Cal.3d 93, 102; *Drexler v. Petersen* (2016) 4 Cal.App.5th 1181, 1190; Sutter Defendants UMFs 11-19 .) Even with a 90 day extension, there is no material issue of disputed fact that the statute of limitations to bring plaintiff's action expired before plaintiffs filed their complaint on April 12, 2018. (Code Civ. Proc., §§ 340.5, 364; Sutter Defendants UMFs 11-19.)

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.

Defendant Ian J. Logan, M.D.,'s unopposed motion for summary judgment is **GRANTED**. (Code of Civ. Proc., § 437c, subd. (p)(2).) Defendant has established a complete defense to the plaintiffs' second amended complaint. (Code of Civ. Proc., § 437c, subd. (p)(2).) Defendant Dr. Logan has established that the one year statute of limitations began to run by October 19, 2016 and even with a 90 day extension, expired before plaintiffs filed their complaint on April 12, 2018. (Code Civ. Proc., §§ 340.5, 364; *Sanchez v. South Hoover Hospital* (1976) 18 Cal.3d 93, 102; *Drexler v. Petersen* (2016) 4 Cal.App.5th 1181, 1190; Defendant Dr. Logan's UMF's 1-6.)

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:** **Castellanos v. State Farm Mutual Automobile Association**  
**Case No. CV PM 20-785**

**Hearing Date:** **July 31, 2020** **Department Nine** **9:00 a.m.**

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Defendant State Farm Mutual Automobile Association's unopposed motion to compel Xitaly Castellanos's deposition, answers to form interrogatories, set one, and responses to production of documents, set one is **GRANTED**. (Code Civ. Proc., §§ 2025.450, subd. (a), 2030.290 subds. (a), (b); 2031.300, subds. (a), (b).) Plaintiff shall serve verified answers to form interrogatories, set one, and verified responses to demand for production, set one, without objections, within 20 days of the date of this hearing. Plaintiff shall contact defendant's attorney to set a date for and to complete her deposition within 30 days of the date of this hearing.

Defendant's request for sanctions is **GRANTED** in the amount of \$787.50. (Dec. of McDowell, ¶ 10; Code Civ. Proc., §§ 2023.030, subd. (a), 2025.450, subd. (g)(1), 2030.290, subd., (c), 2031.300, subd. (c); Cal. Rules of Court, rule 3.1348.) Plaintiff shall pay the sanctions to defendant within 20 days of the date of this hearing.

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.