

TENTATIVE RULINGS for LAW and MOTION
September 8, 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: **Cardenas v. Gonzalez**
Case No. CV PM 18-1879
Hearing Date: September 8, 2020 Department Nine 9:00 a.m.

Petitioner Arnoldo Cardenas, Jr.’s petition for approval of the minor’s compromise of disputed claim is **DENIED**. Petitioner failed to attach an attorney declaration explaining the basis for the request for attorney’s fees as required. (Cal. Rules of Court, rule 7.955(c), Petition, ¶ 14(a).)

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: **Fellows v. Rodriguez**
Case No. CV PO 18-1457
Hearing Date: September 8, 2020 Department Nine 9:00 a.m.

Plaintiff Thomas Fellows’ unopposed motion to set aside dismissal as to Benjamin Garcia is **GRANTED**. (Code Civ. Proc., § 473, subd. (b); *Martin Potts & Associates, Inc. v. Corsair, LLC* (2016) 244 Cal.App.4th 432, 440.)

Plaintiff shall re-submit the default prove-up package as to defendant Benjamin Garcia for the Court’s consideration within 60 days.

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: **Gonzales v. Sandeno**
Case No. CV PO 17-1517
Hearing Date: **September 8, 2020** **Department Ten** **9:00 a.m.**

Plaintiff Henry Gonzales’ motion to compel completion of the deposition of the person most qualified from defendant Kanit & Kate, Inc. and production of requested documents is **GRANTED IN PART**. (Code Civ. Proc., § 2025.450.) Defendant Kanit & Kate, Inc.’s person most qualified, Mr. Dahal, has failed to proceed with the second session of his deposition. (*Ibid.*) The deposition shall be scheduled and completed by no later than **October 8, 2020**. In all other respects, plaintiff’s motion is denied. The motion does not “set forth specific facts showing good cause justifying the production” of the requested documents. (Code Civ. Proc., § 2025.450, subd. (b)(1).) Further, plaintiff failed to submit a separate statement with the motion, regarding his request to compel answers at a deposition. (Cal. Rules of Court, rule 3.1345(a).)

Plaintiff’s request for monetary sanctions against defendant Kanit & Kate, Inc. is **GRANTED**, in the amount of \$495.00. (Code Civ. Proc., § 2025.450, subd. (g)(1); Nicolette decl., ¶ 7.) Sanctions are only awarded for Alan K. Nicolette’s time because Ali L. Nicolette has not filed declarations substantiating their time. Alan K. Nicolette’s statements about Ali L. Nicolette’s time spent on the motion are hearsay. (Evid. Code, § 1200.) The sanctions shall be paid by no later than **October 8, 2020**.

Defendant Kanit & Kate, Inc.’s request for monetary sanctions is **DENIED**. (Code Civ. Proc., §§ 2016.040, 2023.020, 2025.450; Nicolette decl., ¶ 6.) Plaintiff adequately met and confer on each issue presented by the motion. (Code Civ. Proc., § 2016.040.)

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.