

TENTATIVE RULINGS for LAW and MOTION
September 9, 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: **Bunfill v. KB Home Sacramento, Inc.**
Case No. CV CV-2017-1609

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

Defendant KB Home Sacramento Inc.’s motion in opposition to Fortifiber Corporation’s application for determination of good faith settlement is **GRANTED**. (Code Civ. Proc., § 877.6; (*Tech-Bilt, Inc. v. Woodward-Clyde & Assocs.* (1985) 38 Cal.3d 488, 499-502.) The Court does not have sufficient information to determine if a settlement that is based on each side bearing their own costs and fees and plaintiffs withdrawal of their motion for protective order is “grossly disproportionate” to what a reasonable person, at the time of settlement, would estimate the settling defendant’s liability to be. (*North Country Contractor’s Assn. v. Touchstone Ins. Services* (1994) 27 Cal.App.4th 1085, 1094.)

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: **California Tomato Growers Assoc. v. The Morning Star Packing Co.**
Case No. CV CV 19-411

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

Defendant The Morning Star Packing Company’s motion to compel plaintiff’s further responses to defendant’s first set of document requests, the production of promised documents, including ESI, and a privilege log is **GRANTED IN PART**. (Code Civ. Proc., § 2031.310.) The Court orders plaintiff to produce all responsive documents to requests for production nos. 1-3, 5-20, 24-37, and 40-79. (*Ibid.*) The Court also orders plaintiff to provide a privilege log as required by its responses to defendant’s request for production, set one. (Code Civ. Proc., § 2031.240, subd. (c).) Plaintiff shall include all redacted documents in its privilege log. (*Ibid.*) Finally, the

Court orders plaintiff to produce responsive documents to request for production nos. 5, 6, 8, and 9, with the non-litigant California Tomato Growers Association member's identifying information redacted. (Code Civ. Proc., § 2031.310.) Defendant has failed to show good cause to compel production of such information. (Code Civ. Proc., § 2031.310, subd. (b)(1).)

Defendant's unopposed motion to seal documents attached as exhibit A to the declaration of Dale C. Campbell is **DENIED**, without prejudice. (Cal. Rules of Court, rule 2.550.) Defendant has failed to provide "a memorandum and a declaration containing facts sufficient to justify the sealing." (Cal. Rules of Court, rule 2.551(b)(1); see also *Overstock.com, Inc. v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 484 [requiring a "good cause" showing "akin to that which supported issuance of the protective order"].) Accordingly, the Court cannot expressly find facts establishing the required findings as stated in California Rule of Court, rule 2.550(d).

Plaintiff shall serve further verified responses, together with a privilege log and any responsive documents, in compliance with this order by no later than **October 9, 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: **Hoots v. City of Davis**
Case No. CV PO 20-542

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

Defendant Aspen Court Partners, LP's demurrer to plaintiff's complaint is **DENIED AS MOOT**. (Code Civ. Proc., § 430.10, subs. (e) & (f).) Plaintiff Rita Hoots filed an amended complaint on August 21, 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.