

**TENTATIVE RULINGS for LAW and MOTION**  
**September 22, 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 Ten (530) 406-6816  
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:** Capital One Bank v. Tse  
Case No. CV G 18-2351  
**Hearing Date:** September 22, 2020 Department Nine 9:00 a.m.

Plaintiff Capital One Bank (USA), N.A.’s motion to set aside default and vacate default judgment and dismiss action without prejudice is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., § 473, subd. (d).) Plaintiff has failed to establish that plaintiff is entitled to the relief requested pursuant to Code of Civil Procedure section 473(d). (*Ibid.*; Phun-Huy decl., ¶¶ 6-7.) Nonetheless, recognizing there is certain merit in the relief requested, the Court is denying without prejudice to allow plaintiff the opportunity to provide additional authority to the Court justifying the relief.

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:** Reyes v. Yolo County Housing  
Case No. CV CV 17-1347  
**Hearing Date:** September 22, 2020 Department Nine 9:00 a.m.

Plaintiff Anthony Reyes, a minor, by and through his guardian ad litem, Maria Cristina Reyes Diaz’s motion for order approving and establishing Anthony Reyes Special Needs Trust and

authorizing interim trustee fees is **GRANTED IN PART**. (Prob. Code, §§ 3600-3605.) The Court approves and orders the establishment of the Anthony Reyes Special Needs Trust. (Prob. Code, § 3604; Cal. Rules of Court, rule 7.903; Poli decl., ¶ 6, Exhibit 2.) However, plaintiff has failed to adhere to the requirements of Probate Code sections 2643 and 2643.1 regarding the authorization of a monthly stipend for services not yet rendered and therefore, the Court denies that portion of plaintiff's motion without prejudice. (Prob. Code, §§ 2643, 2643.1; Cal. Rules of Court, rule 7.903(c)(8); Poli decl., ¶ 12.)

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:** **Scaccia v. Scaccia**  
**Case No. CV CV 14-1820**  
**Hearing Date:** **September 22, 2020** **Department Ten** **9:00 a.m.**

1. Plaintiff Brian Scaccia's motion to compel further responses to requests for admissions set four directed to Sutter Health Sacramento Sierra Region and monetary sanctions filed on August 24, 2020

Plaintiff Brian Scaccia's motion to compel further responses to requests for admissions set four from defendant Sutter Health Sacramento Sierra Region, to deem certain records admitted, administer issue, evidence, and monetary sanctions filed on August 24, 2020 is **GRANTED IN PART**. (Code Civ. Proc. §§2033.210 et seq..) Defendant must submit further verified responses to the following requests, 404-414, 415-446, 448-452, 456-459, 464, 469-481, 483-489, 493, 496, 499, 503-513, 515-529, by October 2, 2020.

Plaintiff Brian Scaccia's request for sanctions is **GRANTED**. (Code Civ. Proc., §§ 2023,010, subd. (h), 2033.290, subd. (d).) Defendant shall pay the sanctions to plaintiff in the amount of \$263.64 by October 2, 2020.

2. Plaintiff's motion to strike objections and to compel further responses from defendant Dr. Kennedy to request for admissions, set five and form interrogatories, set two and for monetary sanctions filed on August 24, 2020

Plaintiff Brian Scaccia's motion to strike objections and to compel further responses from defendant Dr. Kennedy to request for admissions, set five and form interrogatories, set two is **DENIED**. (Code Civ. Proc., §§ 2030.210 et seq., 2033.220 et seq; *Holguin v. Superior Court* (1972) 22 Cal.App.3d 812, 820-822.) Defendant's responses to the request for admissions, set

five are code compliant. In his opposition, defendant stated that he was preparing further responses to form interrogatories, set two based upon his amended responses to the request for admissions. The Court does not have a copy of the amended form interrogatories, set two, from Dr. Kennedy, therefore, the Court is unable to determine at this time, if further responses are required.

3. Plaintiff's motion to compel further responses from defendant Sutter Health Sacramento Sierra Region to special interrogatories, set six and for issue, evidence, and monetary sanctions filed on August 24, 2020

Plaintiff's motion to compel further responses from defendant Sutter Health Sacramento Sierra Region to special interrogatories, set six, issue, evidence, and monetary sanctions filed on August 24, 2020 is **GRANTED IN PART**. (Code Civ. Proc. §§ 2030.210 et seq.) Defendant must submit further verified responses to special interrogatory numbers 94-186 by October 2, 2020.

Plaintiff Brian Scaccia's request for sanctions is **GRANTED**. (Code Civ. Proc., §§ 2023.010, subd. (h), 2030.300, subd. (d).) Defendant shall pay the sanctions to plaintiff in the amount of \$176.94 by October 2, 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.