

TENTATIVE RULINGS for LAW and MOTION
October 7, 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 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.

TENTATIVE RULING

Case: **Berman v. Lewis**
Case No. CV 2017-785
Hearing Date: **October 7, 2020** **Department Ten** **9:00 a.m.**

Plaintiff John Berman’s objection to Mr. Schaps’ declaration is **DENIED**.

Plaintiff John Berman’s motion for stay of enforcement of anti-SLAPP order and for relief from undertaking and supplement to corrected first notice of objections is **DENIED**. (Code Civ. Pro., §§ 916, 917.1, 995.240.) Unless plaintiff provides an undertaking, plaintiff’s appeal does not stay the enforcement of the Court’s July 29, 2020 order granting defendant Katherine Lewis’ special motion to strike and for attorney fees and costs. (Code Civ. Proc., § 917.1, subd. (a); *Dowling v. Zimmerman* (2001) 85 Cal.App.4th 1400, 1431-1434.) Plaintiff fails to address the Code of Civil Procedure section 995.240 factors that the Court must consider in exercising its discretion to waive an undertaking. (Code Civ. Proc., § 995.240; *Burkes v. Robertson* (2018) 26 Cal.App.5th 334, 346-347 [“Indigence is only one of several factors...section 995.240 requires the court to consider.”].) Plaintiff provides no legal authority permitting the Court to consider plaintiff’s objections to the ruling on defendant Katherine Lewis’ special motion to strike.

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: **Gonzales v. Sandeno**
Case No. CV 2017-1517
Hearing Date: **October 7, 2020** **Department Ten** **9:00 a.m.**

On the Court’s own motion, this matter is continued to Wednesday, October 14, 2020 at 9:00 a.m. in Department 10. A tentative ruling will issue October 13, 2020. Check the Court website.

TENTATIVE RULING

Case: **Hernandez v. Broward Builders Inc.**
Case No. CV 2018-2032
Hearing Date: **October 7, 2020** **Department Ten** **9:00 a.m.**

The parties are **DIRECTED TO APPEAR** for the final approval hearing on the class action settlement. (Cal. Rules of Court, rule 3.769(g).)

TENTATIVE RULING

Case: **Teague v. Harris**
Case No. CV 2020-984
Hearing Date: **October 7, 2020** **Department Ten** **9:00 a.m.**

Defendant Lindsay Harris’ demurrer is **SUSTAINED WITH LEAVE TO AMEND**. (Code Civ. Proc., § 430.10.) The complaint alleges an oral agreement between plaintiff Richard Teague and defendant that “by its terms is not to be performed within a year from the making thereof.” (Civ. Code, § 1624, subd. (a)(1); Complaint, p. 3.) Such a contract is invalid unless the contract, or some note or memorandum thereof, is in writing and subscribed by defendant or defendant’s agent. (Civ. Code, § 1624, subd. (a); *Ellis v. Klaff* (1950) 96 Cal.App.2d 471, 476-477, disapproved on another ground in *Sterling v. Taylor* (2007) 40 Cal.4th 757; Rest., Contracts, § 207.)

Plaintiff Richard Teague may amend his complaint by no later than October 19, 2020 (10 days after the hearing). (Cal. Rules of Court, rule 3.1320(g).)

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.