

TENTATIVE RULINGS for LAW and MOTION
October 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 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: **The Regents of the Univ. of Calif. v. Thermacor Process, Inc. et al**
Case No. CV 2012-1852
Hearing Date: **October 8, 2020** **Department Nine** **9:00 a.m.**

Defendant Thermacor Process, Inc.’s motion to sever is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., § 1048, subd. (b).) Defendant Rudolph and Sletten, Inc.’s notice of joinder in motion to sever is **DENIED WITHOUT PREJUDICE**. The Court cannot sever the action, it can only order separate trials under Code of Civil Procedure section 1048, subdivision (b). (*Morehart v. City of Santa Barbara* (1994) 7 Cal.4th 725, 738.) Additionally, the Court does not have sufficient information at this time to determine if ordering separate trials as requested would be conducive to the expedition and judicial economy of this case.

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: **Scaccia v. Scaccia**
Case No. CV 2014-1820
Hearing Date: **October 8, 2020** **Department Ten** **9:00 a.m.**

Defendant John Scaccia’s motion to declare plaintiff a vexatious litigant and for order requiring plaintiff to furnish security and/or dismissal of the case and/or requiring prefiling consent is **DENIED**. (Code Civ. Proc., § 391 et seq.) Defendant fails to show that plaintiff is a vexatious litigant. Defendant has not shown, and the record does not support, that plaintiff repeatedly filed unmeritorious motions, pleadings, or other papers, or conducted unnecessary discovery, or engaged in other tactics that are frivolous or solely intended to cause unnecessary delay. Additionally, defendant fails to demonstrate that “there is not a reasonable probability that Brian

will prevail in the litigation against John. Recently, defendant filed a motion for partial summary judgment, leaving causes of action left unchallenged for the jury to decide. Finally, defendant fails to show that the causes of action remaining in this case, were finally determined against plaintiff in the Ohio cases. (Code of Civ. Proc., § 391, 391.1.)

No determination made by the court in determining or ruling upon this motion shall be or be deemed to be a determination of any issue in the litigation or of the merits thereof. (Code Civ. Proc., § 391.2.)

Pursuant to Code of Civil Procedure section 391.1 the defendant may move the court, upon proper notice and hearing, at any time until final judgment is entered, for an order requiring the plaintiff to furnish security. The defendant must demonstrate that plaintiff is a vexatious litigant and “that there is not a reasonably probability that he will prevail in the litigation against the moving defendant.”

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.