

TENTATIVE RULINGS– NOVEMBER 14, 2008

To request a hearing on any matter on this calendar, you must call the Court at (209) 257-2692 by 4:30 p.m. today. Notice of the intention to appear must also be given to all other parties. If the clerk is not notified of a party's intention to appear, there will be no hearing and the tentative ruling becomes the order of the court.

CAPITOL ONE BANK V. RANDOLPH: 08CV5492

Plaintiff's Motion for Judgment on the Pleadings

Plaintiff's motion is hereby granted.

Unless a hearing is requested, the Court will execute the order submitted by the plaintiff in conjunction with the moving papers.

MEDRANO V. HOSPICE OF AMADOR: 08CV5458

Demurrer to First Amended Complaint

Defendant's demurrer to the first amended complaint is sustained in part and overruled in part.

Plaintiff concedes she did not make a report to a government agency and, therefore, Labor Code section 1102.5 does not apply. Accordingly, the demurrer is sustained without leave to amend as to the first cause of action.

The demurrer is overruled as to the second cause of action. Plaintiff has pled a cause of action for wrongful termination in violation of public policy sufficient to withstand a demurrer. However, the Court notes the second cause of action references Labor Code section 1102.5. The Court grants the plaintiff 20 days leave to amend the second cause of action to omit said references in accordance with the ruling on the first cause of action.

The memorandum of points and authorities does not address the third cause of action. Accordingly, any demurrer to said cause of action is overruled.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 3.1312 is needed, nor is further notice of this ruling required.

Motion to Strike Portions of First Amended Complaint

The first amended complaint fails to plead facts sufficient to support a prayer for punitive damages. Therefore, the motion to strike is granted with 20 days leave to amend.

The first amended complaint fails to specify the authority for awarding attorney fees. Accordingly, the motion to strike is granted with 20 days leave to amend.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 3.1312 is needed, nor is further notice of this ruling required.

URBAN PARK CONCESSIONAIRES V. COLEMAN: 08CV5631

Motion to Quash

Unlawful detainer matters are not subject to the tentative ruling procedure. Therefore, there is no tentative ruling in this matter.