

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - July 12, 2018

EVENT DATE: 07/13/2018

EVENT TIME: 09:00:00 AM

DEPT.: C-73

JUDICIAL OFFICER: Joel R. Wohlfeil

CASE NO.: 37-2017-00010073-CU-BC-CTL

CASE TITLE: LARRY GERACI VS DARRYL COTTON [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion for Judgment on the Pleadings, 06/20/2018

The Motion (ROA # 247) of Defendant / Cross-Complainant DARRYL COTTON ("Defendant") for entry of a judgment in this case on the Complaint of Plaintiff LARRY GERACI ("Plaintiff"), is DENIED.

Defendant's Request (ROA # 246) for judicial notice is GRANTED IN PART and DENIED IN PART. The Court takes judicial notice of Exh's "1 - limited to the date on which Plaintiff's Complaint was filed, 3 and 4," and the Court declines to take judicial notice of the balance of the Request.

Even assuming judicial notice of the facts stated within Plaintiff's previous declaration (ROA # 180) is permissible (see, e.g., Arce v. Kaiser Foundation Health Plan, Inc. (2010) 181 Cal. App. 4th 471, 485), these facts do not necessarily negate all four of the causes of action set forth within the Complain. Resolution of this matter is dependent on extrinsic facts that cannot be determined via this Motion.