

NOTICE:

To request limited oral argument on any matter on this calendar, you must call the Court at (916) 874-5487 (Department 47) by 4:00 p.m. the court day before this hearing and advise opposing counsel. If no call is made, the tentative ruling becomes the order of the court. Local Rule 2.02(D).

**Department 47
Superior Court of California
720 Ninth Street
Roland L. Candee, Judge
L. Anderson/P. Banks, Clerk
None, Bailiff**

Wednesday, January 04, 2006, 9:30 AM

Item 1 **03AS06910 DONNA SMITH VS. KRISTINA BREWER**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, defendants' motion to continue settlement conference and trial currently scheduled for January 26 and February 27, 2006, respectively, is GRANTED. This matter shall be placed upon the February 6, 2006 trial setting calendar to be heard at 10:00 a.m. in Department 47. The discovery cut-off date and the expert witness disclosure date shall be calculated based upon the new trial date.

The court finds good cause for a continuance based upon the parties stipulation and defendants' counsel's trial conflict.

Item 2 **03AS07017 KEITH BOAL VS. LUPE HARISS**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, defendants' motion to continue settlement conference and trial currently set for January 25 and February 6, 2006, respectively, is GRANTED. This matter shall be placed upon the February 21, 2006 trial setting calendar to be heard at 10:00 a.m. in Department 47. The expert witness disclosure date and the discovery cut-off date shall be calculated based upon the new trial date.

The court finds good cause to continue in light of the parties stipulation and the fact that both counsel have trial conflicts with the current trial date.

Item 3 **05AS03700 JOSHUA CASEY CARTER, ETAL VS. STATE OF CALIFORNIA, ET AL**

Nature of Proceeding: Motion To Change Venue

Filed By:

Defendants' motion to change venue of this action to the Lassen County Superior Court pursuant to Government Code section 955.2 is GRANTED. Plaintiff's request for a telephonic appearance set forth in his opposition papers is GRANTED. The court shall continue the hearing in this matter to January 11, 2006 to allow plaintiff to appear telephonically. Plaintiff shall call in to Department 47 at 9:30 a.m. on January 11th to set up the telephonic appearance.

Defendants assert that venue of this action alleging inadequate medical care at Duel Vocational Institution in San Joaquin County and in High Desert State Prison in Lassen County is proper in either San Joaquin or Lassen Counties, but not in Sacramento County. Defendants assert that the venue question in this case is controlled by Government Code section 955.2 which provides: "[n]otwithstanding any other provision of law, where the State is named as a defendant in any action...for injury to person...the proper court for trial of the action is the court of competent jurisdiction in the county where the injury occurred...." In this case, the proper court would be either San Joaquin County Superior Court or Lassen County Superior Court where the on-going injury is alleged to have occurred. As plaintiff currently resides in Lassen County, the court finds that is the most appropriate forum to hear this matter.

Plaintiff in pro per opposes transfer under a number of theories. Among them is that venue is appropriate in Sacramento as some decisions effecting plaintiff were allegedly made here and some of the named defendants reside or have their principal place of business here. Plaintiff does not allege that he resided in Sacramento or was injured here. Accordingly, the court finds that venue is not appropriate in Sacramento.