

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
Michael G. Virga, Judge
S. Jacobs/P. Banks, Clerk
None, Bailiff**

Friday, January 13, 2006, 9:30 AM

Item 1 **02AS02141 JAMES A. BIRT VS. RONALD LEE WOOD**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, plaintiff's motion to continue trial and settlement conference currently set for January 23 and 10, 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 court finds good cause to continue as plaintiff has not been able to schedule defendant's deposition. While plaintiff bears some responsibility for this difficulty, waiting until the last day to schedule the deposition, he did act within the statutory period and was entitled to notice the deposition. Plaintiff has scheduled a motion to compel in Department 53 for January 17. Accordingly, the court finds that a brief continuance is appropriate in order to resolve the discovery dispute herein.

Item 2 **03AS05318 VARTAN GILIAN, ET AL VS. NOE ANDRADE, ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, defendant Rose Engineering's motion to continue trial currently set for January 23, 2006 is GRANTED. This matter shall be placed upon the April 17, 2006 trial setting calendar to be heard at 10:00 a.m. in Department 47,

The court finds good cause to continue based upon the stipulation of the parties and the need for additional time to conduct discovery.

Item 3 **03AS05789 JOHN R. ROBINO VS. GLOD RIVER COMMUNITY ASSOCIATION, ET AL**

Nature of Proceeding: Motion To Sever

Filed By:

Dropped by the moving party.

Item 4 **04AS01526 DIANA HARRIS, ET AL VS. MCGHEE, JEREMY**

Nature of Proceeding: Motion For Leave To Intervene

Filed By:

Proposed intervenor Fireman's Fund Insurance Company's motion to intervene as a party plaintiff is DENIED. This court's order of December 23, 2006 granting intervention is hereby vacated.

At the initial hearing regarding intervention held on December 20, defendant appeared through counsel and indicated that the case had already been dismissed. Counsel indicated that plaintiffs' requests for dismissal had been entered on November 9 and 10 respectively. Accordingly, the case had already been dismissed before the motion to intervene was filed with the court on November 30. At the December 20 hearing, the court vacated its tentative ruling granting what had appeared to be an unopposed motion to intervene and directed defendant's counsel to brief the matter.

After reviewing the briefs in the case, the court determines that the motion to intervene should be denied. Intervenor may still pursue its claims through a separate action if it deems it appropriate.

Item 5 **03AM05783 EFFIE GANT VS. TERESA JANE GILMORE, ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and no opposition having been filed, defendants' motion to continue trial and settlement conference currently set for February 6 and January 23, 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 court finds good cause to continue as defendants' counsel has a trial conflict with the current trial date.