

**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**

**Tuesday, January 17, 2006, 9:30 AM**

Item 1    **03AS00948        CAROLE M. ARBUCKLE VS. CA BOARD OF CHIROPRACTIC**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Defendant's motion to bifurcate the issue of exhaustion of judicial remedies from the rest of the issues at trial and have it heard first is DENIED without prejudice to its reassertion before the trial judge. The court finds that the trial judge is in the best position to determine the order in which issues are to be heard at trial. The trial judge can set the order of issues at trial on his or her own motion at any time.

Item 2    **03AS05594        BRIAN BUCHANAN VS. CAPITOL RACING ASSOCIATION, INC., ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, defendants Capitol Racing Association, Inc. and Norman Moldvan's motion to continue trial currently set for March 21, 2006 is GRANTED. This matter shall be placed upon the March 20, 2006 trial setting calendar to be heard at 9:00 a.m. in Department 47.

The court finds good cause to continue as additional time is required to complete discovery. Plaintiff did not complete his IME as originally scheduled. As a consequence, defendants had to bring a motion to compel to obtain a date for completion. This delay set back defendants preparation of the case. Moreover, defendants have had difficulty obtaining plaintiff's authorization for release of psychiatric records. This also delayed trial preparation. In light of these delays, the court finds that a brief continuance is appropriate to provide the necessary time for trial preparation.

Item 3    **04AS00749        ANTHONY SMARTT VS. EAGLE GLOBAL LOGISTICS**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, plaintiff's motion to continue trial currently set for January 17, 2006 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 court finds good cause to continue in light of the parties stipulation and the parties desire for additional time to attempt to resolve the case.

Item 4    **05AS03137        THE VOLLMAN COMPANY, INC. VS. UNIVERSAL PLAZA, ET AL**

Nature of Proceeding:    Motion To Consolidate

Filed By:

Good cause appearing, defendants' motion to consolidate Vollman Company, Inc. v. Universal Plaza, LLC, No. 05AS03137 and Mercado v. Universal Plaza, No. 05AS04159 for all purposes including trial is GRANTED. Mercado v. Universal Plaza, No. 05AS04159 shall be the lead case.

The court finds good cause to consolidate in that both cases arise from the same transaction, the proposed lease of retail space, and both cases involve many of the same parties.

Item 5    **05AS05031        DANIEL ROYBAL, ET AL VS. EQUIFAX INFO SVCS, ET AL**

Nature of Proceeding:    Motion To Dismiss

Filed By:

This matter has been re-noticed by the moving party for February 3, 2006 at 2:00 p.m.in Department 53.