

**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  
S. Jacobs/P. Banks, Clerk  
None, Bailiff**

**Friday, February 09, 2007, 9:30 AM**

Item 1    **03AS05147        JOSEPH ZANELLI VS. SCOTT DRILL, ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, plaintiff's motion to continue trial currently set for April 24, 2007 is GRANTED. This matter shall be placed upon the March 5, 2007 trial setting calendar to be heard in Department 47 at 10:00 a.m. No request having been made to continue the settlement conference, the April 4, 2007 settlement conference date is hereby confirmed.

Defendant U-Haul's request to extend the discovery cut-off date and expert witness disclosure dates raised in their joinder to the motion to continue is DENIED without prejudice to its reassertion before the appropriate law and motion department. Requests to extend discovery should be made by properly noticed motion and not in response to another motion as was the case herein. Moreover, such motions should normally be made in law and motion.

The court finds good cause to continue trial herein given the fact plaintiff's counsel has a trial conflict with the current date.

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Item 2    **03AS05147        JOSEPH ZANELLI VS. SCOTT DRILL, ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

See ruling in item no.1.

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Item 3    **03AS06882        YSIDRO GRADILLAS VS. CALIF. DEPT. OF CORP., ET AL**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Plaintiff's motion to set aside Judge Rodda's order of June 26, 2006 which vacated the earlier trial setting conference herein and assigned this matter to judicial arbitration is DENIED. Such a motion must be made to the Case Management Department Judge who issued the initial order assigning the matter to arbitration, in this instance the

Item 4    **05AS04214        JANE MOOTZ VS. STATE OF CALIFORNIA ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and no opposition having been filed, plaintiff's motion to continue settlement conference and trial currently set for March 27 and April 9, 2007, respectively is GRANTED. This matter shall be placed upon the March 5, 2007 trial setting calendar to be heard at 10:00 a..m. in Department 47. The discovery cut-off date and expert witness disclosure date shall be calculated based upon the new trial date.

The court finds good cause to continue trial and settlement conference and to extend the discovery cut-off date given the absence of opposition, the continuance of the summary judgment date, the need for additional time to conduct discovery to respond to the summary judgment and the need to extend the trial to accomodate the recently continued summary judgment motion.

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Item 5    **05AS04767        KENNETH STANLEY VS. STATE OF CALIFORNIA ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and there being no opposition to a brief trial continuance, defendants' motion to continue trial and settlement conference currently set for February 13, 2007 and February 27, 2007, respectively, is GRANTED. Trial in this matter shall be continued to April 10, 2007 at 8:30 a.m. in Department 47. The settlement conference shall be continued to March 28, 2007 at 8:30 a.m. in Department 59.

Defendants seek to continue trial to a date on or after July 5, 2007 so that they would have additional time to complete discovery and file a summary judgment motion. Defendants assert they need additional time as a new attorney within the Attorney General's Office substituted into the case in mid-November following the departure from the office of prior counsel. New counsel asserts she needs additional time to prepare for trial and file a dispositive motion.

Plaintiff does not oppose a brief continuance of one to three months to allow for additional discovery. Plaintiff asserts that such additional time might put the parties in a better position to conduct settlement discussions. Plaintiff, however, opposes a longer continuance asserting the need to file a summary judgment motion does not constitute good cause to continue and that counsel has a variety of trial conflicts in June and July.

Given the change in defendants' counsel and both parties desire for a brief continuance the court finds that a brief continuance of the settlement conference and trial is appropriate in this case.

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Item 6     **06AS00115**     **U.S. HOME CORP., INC. VS. ROBERT MANUFACTURING COMPANY ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, cross-defendant/cross-complainant D & D Supply Inc.'s motion to continue settlement conference and trial currently set for March 21, 2007 and April 16, 2007, respectively, is GRANTED. This matter shall be placed upon the March 19, 2007 trial setting calendar to be heard at 10:00 a.m. in Department 47.

Moving party seeks a continuance on the ground that it was first named in the action in December of 2006, first appeared in the action in early 2007 and would have only three months after its first appearance to prepare for the April trial. Moving party indicates that this is not sufficient time.

Plaintiff opposes the continuance arguing that it has provided movant with all the discovery in the case to date, that movant will be available for the only deposition in the case and that movant should have sufficient time to prepare the case given the current trial date.

The court finds that movant should be entitled to a brief continuance to afford it more than 3 months to prepare its case for trial. Accordingly, the court finds that a brief continuance is appropriate.

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Item 7     **06AM07864**     **CACV OF COLORADO, LLC VS. FREDERICK S. TOGNOLI**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Fee waiver application. Appearance required.

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