

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**

Tuesday, February 13, 2007, 9:30 AM

Item 1 **03AS01651 SARA GRANDA VS. ROGER DREYER, ET AL**

Nature of Proceeding: Miscellaneous Motion

Filed By:

This matter is dropped from calendar. (Per moving party)

Item 2 **03AS05518 SONJA DAWSON, ET AL VS. HACKARD, HOLT & HELLER, ET AL**

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 February 21, 2007 and March 27, 2007, respectively, is GRANTED. This matter shall be placed upon the April 2, 2007 trial setting calendar to be heard at 10:00 a.m. in Department 47.

The court finds good cause to continue trial based upon the parties stipulation and the fact that newly discovered evidence from Bank Hoffman in Switzerland will require the parties to do additional discovery in order to prepare the case for trial.

Item 3 **04AS00681 SARA KATE DICKERSON VS. GARRAHAN ELECTRIC, INC.**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, defendant Garrahan Electric, Inc.'s motion to continue trial currently set for March 13, 2007 is DENIED.

Defendant seeks a continuance on the ground that counsel has a preplanned vacation scheduled for March 13th to celebrate his 50th birthday. Plaintiff opposes the motion on the ground that the trial has been continued repeatedly, the case is more than three years old and that defendant has not established good cause for another continuance. Plaintiff asserts that defendant scheduled the vacation after the current trial date was set and therefore there is no basis for a continuance. Defendant in reply asserts that the vacation is actually a surprise birthday party scheduled by his wife, that it is to take place in New York with various friends and that it cannot be reset.

While the court is sympathetic to defense counsel's desire to enjoy a birthday celebration during his vacation, the court does not find that a vacation scheduled after the trial date has been set in a case constitutes good cause to continue the trial. Accordingly, the court must deny defendant's request for a continuance.

The court notes, however, that in the event the parties can come to a stipulation regarding a brief continuance, the court can offer March 20, 2007 as an alternative trial date. That date is one of the few in the coming months in which the trial schedule is not too heavy.

Item 4 **04AS03988 NICOLE LARKINS VS. MICHAEL STICKLES**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Defendants' motion to continue trial currently set for February 26, 2007 is GRANTED. This matter shall be placed upon the February 20, 2007 trial setting calendar to be heard in Department 47 at 9:00 a.m. No request having been made to continue the settlement conference, the February 15, 2007 settlement conference date is hereby confirmed.

Defendants seek to continue trial on the ground that plaintiff set three significant motions for hearing on February 9 in law and motion just 17 days before the scheduled trial date herein, that the need to respond to these motions and the uncertainty they introduce into the conduct of trial at this late date warrants a continuance. The motions result from the alleged unauthorized disclosure of certain medical information to defendants' counsel and experts from the Veterans Administration through defendants' copy service. These motions include a request to disqualify defense counsel, a request to disqualify certain defense experts who may have received the unauthorized records and a motion for a protective order.

Plaintiff asserts that no continuance is necessary unless the court grants her motion to disqualify counsel. Otherwise defense counsel should be able to deal with the pace of litigation and be ready for trial.

In her ruling, Judge Chang denied the motions to disqualify counsel and the defense experts, but granted plaintiff's motion for a protective order in part. In so ruling Judge Chang directed that defendants return all documents to the Veterans Administration, that the VA review the documents and then return those which are not privileged to the defense. Given the uncertainty surrounding this procedure and the need for additional time to isolate and then disclose the proper documents, the court finds that a brief continuance of the trial is appropriate.

Item 5 **05AS02607 DINO TRIAS, ET AL VS. ELAIN B FURLOW, ET AL.**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Defendant/cross-complainant Elain B. Furlow's motion to sever the cross-complaint to quiet title from the complaint in this action is DENIED.

Cross-complainant Furlow argues that because she was dismissed as a defendant in this action her cross-action to quiet title to the subject property should be severed and set for trial. Cross-complainant alleges that plaintiff's moved into the subject property more than three years ago pursuant to a purchase agreement, that escrow on the sale never closed, title was never transferred and that she has been making payments on the property ever since in order to avoid default.

Plaintiffs argue that they took all actions required to close the sale and transfer the property but that cross-complainant Furlow and her then husband refused to execute the sales documents preventing a transfer of title. Plaintiffs contend that the Furlows conduct including interspousal transfers amount to fraud and have prevented a transfer of the property. Plaintiffs acknowledge that Elain Furlow has now been dismissed from the case in chief, but argue that her former husband Ricky Y. Furlow remains in the case and that the action involving him and the cross-action brought by her involve the same property, many of the same parties and the same underlying transaction and should not be severed.

The court is satisfied that severance is not appropriate in these circumstances. The court is persuaded that both actions involve the same property, related transactions involving that property and many of the same parties. Accordingly, the court finds no basis for severance.

Item 6 **05AS04095** **DIANE PINNEY VS. ALLSTATE INSURANCE COMPANY, INC., ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and no opposition having been received, defendant Allstate Insurance Company's motion to continue settlement conference and trial currently set for May 7, 2007 and May 21, 2007, respectively, is GRANTED. This matter shall be placed upon the April 2, 2007 trial setting calendar.

No opposition having been received, defendant's motion to extend the discovery cut-off date and the expert witness disclosure dates is also GRANTED. These dates shall be calculated based upon the new trial date.

Defendant's request to extend the time for hearing motions including dispositive motions is DENIED. Such a request should be made to the appropriate law and motion department.

The court finds good cause to continue trial and settlement conference and to extend the discovery cut-off date and expert witness disclosure dates based upon the absence of opposition and the fact that additional time is necessary to complete discovery in light of the fact that various parties and individuals did not appear for their scheduled depositions.

The court finds that any extension of time to hear law and motion should be heard in the appropriate law and motion department.
