

**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**

**Thursday, February 15, 2007, 9:30 AM**

Item 1    **05AS00986        CODY E. MOREHOUSE VS. ALPINE ENGINEERED PRODUCTS, INC.  
   ETAL**

Nature of Proceeding: Motion To Bifurcate

Filed By:

Defendant Clary Corporation has filed a motion to bifurcate its statute of limitations defense and have it heard prior to the other issues at trial. Plaintiff has signed a stipulation agreeing to the bifurcation on condition that if plaintiff prevails on the statute of limitations issue then trial on the merits would not commence for 60 to 90 days thereafter. For the reasons set forth below, defendant Clary Corporation's motion to sever and try first the statute of limitations defense 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 is also in the best position to determine possible related issues: including whether a second jury should be impaneled in the event the statute of limitations defense is unsuccessful and whether a hiatus is appropriate between the different trials in the event two trials are required.

---

Item 2    **05AS01143        CAROL COOPER VS. EVELYN MIRELES**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing and the parties having stipulated thereto, defendant Mireles' motion to continue trial currently set for April 9, 2007 is GRANTED. Trial in this matter shall be continued to July 30, 2007 at 8:30 a.m. in Department 47. No request having been made to continue the settlement conference, the March 20, 2007 settlement conference date is hereby confirmed.

The court finds good cause to continue trial based upon the stipulation of the parties, defendant's expert's unavailability on the current trial date, defense counsel's trial conflicts and defendant's wedding.

---

Item 3    **05AS02005        MARC S. COOPER VS. AIRGAS, INC. RELATED COMPANIES**

Nature of Proceeding: Motion To Consolidate

Filed By:

Defendant and cross-complanant Kamps Propane Inc.'s motion to consolidate Vanmeter v. Airgas-Northern California, No. 05AS02005 with Airgas-Northern California v. Kamps Propane, No. 06AS02999 for all purposes including trial is GRANTED. Airgas-Northern California v. Kamps Propane, No. 06AS02999 shall be the lead case.

The court finds good cause to consolidate these two cases as they arise from the same incident an explosion on the Airgas-Northern California property and they involve many of the same parties. For example Airgas and Kamps Propane are parties in both actions. In addition there is a cross-action brought by Airgas against Kamps in the Vanmeter action. Moreover, absent consolidation there is a possibility of inconsistent verdicts.

The Vanmeter action involves a variety of claims brought by three individual defendants arising from the explosion as well as some other claims which perhaps do not arise directly from the explosion such as nuisance, environmental contaminaiton and closure of the facility. The court finds, however, that these claims are sufficiently related that consolidation of the two actions is appropriate. Moreover, the court is satisfied defendant Airgas will be in a position to raise any issues it has regarding the order in which issues are to be heard at trial before the trial judge. The trial judge can then set the order of issues in any manner he or she deems appropriate in response to the parties arguments.

---

Item 4    **06AS03261**        **GRACE RITCHIE, ET AL VS. STEVEN ALONZO, ET AL**

Nature of Proceeding: Motion To Sever

Filed By:

This matter is continued to 3/2/2007 at 09:30AM in this department.

---

Item 5    **99AS03354**        **FRANCES K. MACKEY, ET AL VS. CA. DEPT. CORRECT., ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, defendant California Department of Corrections' motion to continue trial currently set for March 6, 2007 is GRANTED. This matter shall be placed upon the May 7, 2007 trial setting calendar to be heard at 10:00 a.m. in Department 47.

The court finds good cause to continue based upon the parties stipulation and the parties desire to mediate this complicated employment action remanded by the California Supreme Court.

---

Item 6    **06AM00061**        **UNIGARD INSURANCE COMPANY, ET AL VS. SANDRA MONCAYO**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and no opposition having been received, plaintiff Unigard Insurance Company's motion to continue trial in this short cause matter currently scheduled for February 16, 2007 is GRANTED. Trial in this matter shall be held on March 9, 2007 at 8:30 a.m. in Department 47.

The court finds good cause to continue given the absence of opposition and the fact that a discovery motion is currently set for February 21 in Department 53.

---

Item 7    **05AS04577**    **HANNELORE SHARMER VS. MURPHY RETIREMENT MANAGMENT, INC. ETAL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

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

---

Item 8    **07CM00057**    **JERMAINE JENKINS VS. DIMITRIUS FOSTER, ET AL.**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Hearing on fee waiver. appearance required.

---