

**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 27, 2007, 9:30 AM**

Item 1    **05AS01834        EDWARD LEE HENDERSON VS. CHARLES HICKS, ET AL.**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Plaintiff's motion to continue settlement conference and trial currently set for February 27, 2007 and March 20, 2007 is DENIED for the reasons set forth below.

Plaintiff's grounds for continuance have shifted as the hearing date on the motion approaches. In his initial motion plaintiff sought a continuance as he had recently commenced treatment with a new physician, Dr. Jerome Shofferman, was undergoing additional tests and as a consequence Dr. Shofferman might not be in a position to definitively opine on plaintiff's medical condition and future course of treatment absent a continuance. In a reply paper filed February 22, counsel Kreeger indicated that a continuance was required as Dr. Shofferman had referred plaintiff to another doctor who may perform surgery on plaintiff within four to six weeks. Also on February 22, a document was filed by attorney Lockshin on behalf of plaintiff indicating that Mr. Lockshin had agreed to substitute in as counsel for plaintiff on condition that the March trial date was continued. In his declaration Mr. Lockshin indicated that he could not specify the reasons for the conditional substitution.

Defendants oppose the continuance on the ground that the case is almost two years old and was previously continued in late 2006 by this court in order to allow plaintiff additional time to have his condition evaluated by medical personnel. Defendants assert that plaintiff has now had an opportunity to do this and should not receive a second continuance. At the time their opposition was filed, defendants were not aware of plaintiff's additional grounds for a continuance raised for the first time in his reply.

The court finds that plaintiff is not entitled to a further continuance. Plaintiff was already granted one continuance by this court to permit further medical evaluation of his condition. The possibility that plaintiff may be scheduled for surgery on a date in the near future is at this point to speculative to warrant a continuance of the trial date. Finally, the fact that new counsel has substituted into the case on condition that the trial date be continued is not in and of itself grounds for a continuance. Appearance recommended.

---

Item 2    **05AS03147        PATRICIA HILLMAN, ET AL VS. OVERNITE TRANSPORTATION CO.,ETAL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, defendant Willie Patterson's motion to continue trial currently set for March 27, 2007 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. Defendant's request to extend the discovery cut-off date, expert witness disclosure dates and law and motion cut-off dates is also GRANTED. Such dates shall be calculated based upon the new trial date. No request having been made to continue the settlement conference, the March 13, 2007 settlement conference date is hereby confirmed.

---

Item 3    **06AS00276**    **DEBRA C. ROY VS. ALBERTSON'S, INC. ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

This matter is continued to March 8, 2006 at 9:30 a.m in Department 47. The parties are directed to contact the clerk in Department 47, phone 874-5488, to arrange to fax and or deliver their papers to the court.

---