

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, March 15, 2007, 9:30 AM

Item 1 **06AS00100 RANDALL MORIOKA ET AL VS. RAYMON EUGENE DEVADER ET AL**

Nature of Proceeding: Motion To Consolidate

Filed By:

Good cause appearing defendant, cross-complainant and cross-defendant Helmet House Inc.'s motion to consolidate Morioka v. Devader, No. 06AS00100 with Devader v. Cortech Engineering, Inc., No. 06AS03207 for all purposes including trial is GRANTED. Devader v. Cortech Engineering, No. 06AS03207 shall be the lead case.

Movant seeks to consolidate the two actions on the ground that they arose from the same motorcycle accident, that they involve many common parties, facts and law. Plaintiff Morioka opposes consolidation on the ground that it was not raised in timely fashion, that not all parties are common to both actions, that there will be different issues in the two actions and that consolidation could confuse the jury.

The Morioka action is a wrongful death action brought by the two surviving sons of Kelly Faye Morioka, a passenger on a motorcycle operated by Raymond Devader. The Devader action is a personal injury action brought by the motorcycle operator. The Morioka action has a number of defendants not present in the Devader action, including the operator of the motorcycle Mr. Devader and a helmet manufacturer. There are also some different cross-parties in the different actions

While the cases are not identical, the court is satisfied that because they arise from the same accident, involve many common facts, similar theories of liability and many common parties and witnesses that a joint trial would be more economical and efficient than two separate proceedings. The court does not find that a common trial would be either confusing to the trier of fact or prejudicial to any party. The court is confident that based on what has been presented to date the trial judge would be able to protect the interests of all parties.

Item 2 **06AS03207 RAYMON EUGENE DEVADER VS. CORTECH ENGINEERING, ET AL**

Nature of Proceeding: Motion To Consolidate

Filed By:

See ruling in item no. 2.

Item 3 **06AS03813 DEAN FRANCIS PACE VS. AEROBOTICS INC.**

Nature of Proceeding: Motion To Consolidate

Filed By:

Defendants' motion to consolidate Pace v. Aerobotics, Inc. No. 06AS03813, Pace v. Aerobotics, No. 06AS03814, Pace v. Aerobotics, Froom and Kurjanowicz, No. 06AS04467, Pace v. Aerobotics, Froom and Kurjanowicz, No. 06AS04468 and Pace v. Aerobotics, No. 06AS04485 for all purposes including trial is GRANTED. Pace v. Aerobotics, No. 06AS04485 shall be the lead case.

These five lawsuits were filed by plaintiff against defendant Aerobotics Inc. and in two instances defendants Douglas A. Froom and Edward I. Kurjanowicz. between September 7 and October 18, 2006. Each lawsuit involves claims resulting from plaintiff's alleged prior relationship with the corporation as an employee, shareholder and creditor or claims regarding corporate governance: the election of directors and the scheduling of shareholder meetings.

Plaintiff asserts that the lawsuits are different in character, that different defendants are named in the suits and that a joint trial will delay the immediate relief required under some of the causes.

In light of the fact that all of the suits involve substantial commonality of parties, that all arise from plaintiff's prior dealings with Aerobotics Inc and that all the suits were filed within a six week period, the court finds that consolidation of the various actions would lead to a more efficient and economical trial of these matters, would avoid duplication of time and effort and would lessen the possibility of inconsistent verdicts.

Item 4 **06AS03814 DEAN FRANCIS PACE VS. AEROBOTICS INC.**

Nature of Proceeding: Motion To Consolidate

Filed By:

See ruling in item 3.

Item 5 **06AS04467 DEAN FRANCIS PACE VS. AEROBOTICS INC., ETAL**

Nature of Proceeding: Motion To Consolidate

Filed By:

See ruling in item 3.

Item 6 **06AS04468 DEAN FRANCIS PACE VS. AEROBOTICS INC., ETAL**

Nature of Proceeding: Motion To Consolidate

Filed By:

See ruling in item 3.

Item 7 **06AS04485** **DEAN FRANCIS PACE VS. AEROBOTICS INC.**

Nature of Proceeding: Motion To Consolidate

Filed By:

See ruling in item 3.
