

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, March 27, 2007, 9:30 AM

Item 1 **04AS03508 DIANE RHODES, ET AL VS. SAC REGIONAL TRANSIT DISTRICT, ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, plaintiff's motion to continue trial and settlement conference currently set for April 16, 2007 and March 29, 2007, respectively, is GRANTED. This matter shall be placed upon the May 21, 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 stipulation of the parties, plaintiff's need for additional time to navigate the worker's compensation system and the parties' desire to pursue mediation.

Item 2 **05AS01106 EDUARDO OCHOA, ET AL VS. HUY HUNG HO, ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Dropped case settled

Item 3 **06AS00253 DAVID GREEN ET AL VS. JOHN KING DOOLITTLE, M.D.**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and the parties having stipulated thereto, plaintiffs' motion to continue trial and settlement conference currently set for May 8, 2007 and April 12, 2007, respectively, is GRANTED. This matter shall be placed upon the July 16, 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 stipulation of the parties, plaintiffs' counsel's health condition which precludes him from continuing to practice law, and plaintiffs' need for additional time to secure new counsel.

Item 4 **06AS00800 HOWARD NORDBERG, ET AL VS. OAKPOINT BUILDING**

Nature of Proceeding: Motion To Sever

Filed By:

See ruling in item no. 5.

Item 5 **06AS00800 HOWARD NORDBERG, ET AL VS. OAKPOINT BUILDING**

Nature of Proceeding: Motion To Sever

Filed By:

Cross-defendant Wells Fargo Home Mortgage's motion to sever the cross-action for equitable indemnity brought by defendant/cross-complainant Oak Point Building LLC is DENIED.

Movant seeks severance on the ground that defendant/cross-complainant delayed in filing the cross-action, that the cross-action raises issues not in the underlying case and that movant will require more time than would otherwise be available in the underlying case to conduct its discovery and file potentially dispositive motions. Plaintiff joins in the motion to sever.

Defendant/cross-complainant opposes the motion on the ground that issues in the case are transactionally related and commonly heard together, that trial of the cross-action would not delay trial of the underlying action as no trial date has been set in the case and that the actions are sufficiently related that it would be more economical and efficient to try them jointly.

The court notes that the personal injury action was filed in February 24, 2006, the cross-action for indemnity was filed November 3, 2006 and answered on February 1, 2007. While there was delay in filing the amended cross-complaint, there was also considerable delay in filing the answer thereto. Given the fact that no trial date has even been set herein, the court is not persuaded that either party's delay supports severance. While the cross-action raises some new issues, the court finds that the actions involve common parties and facts and that a single trial would be more efficient and economical for the court and the parties. Finally, the court does not find that any party would be prejudiced by a common trial.
