

**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**

**Friday, April 20, 2007, 9:30 AM**

Item 1    **02AS06873        HOANG LE NGUYEN VS. MAGDALENA C. BIRABENT, ET AL**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Good cause appearing, and no opposition having been received, plaintiff's motion to direct the court clerk to sign various escrow documents and a deed in lieu of defendant Lopez is GRANTED. The clerk is directed to execute the deed to the subject property noted below and deposit it in escrow with instructions to deliver it upon payment of the sum of \$83,500.

If the seller fails to convey real property to the buyer, the court clerk may be appointed to effect the conveyance on the defaulting buyer's behalf. (See Dennis v. Overholter (1961) 191 Cal. App. 2d 791, 797-98). In this instant case, the Court of Appeal upheld the trial court's judgment for specific performance of a contract to purchase the real property known as 3156 4th Avenue, Sacramento, California. Defendant has failed to cooperate with plaintiff to accomplish the transfer directed by the court. Accordingly, the court directs the clerk of the court or his designee to execute the documents described above.

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Item 2    **02AS06873        HOANG LE NGUYEN VS. MAGDALENA C. BIRABENT, ET AL**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Plaintiff's motion for attorney fees on appeal is continued to May 15, 2007 on the court's own motion. Plaintiff shall provide more detailed billing records for its attorneys and staff and more information on the level of experience of its attorneys and staff on or before May 1, 2007. Thereafter defendant may file any objections it has to these submissions on or before May 11.

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Item 3    **05AS03051        CHRISTOPHER A. BOUCHER VS. RYDER TRUCK RENTAL, INC. ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, plaintiff's motion to continue trial currently set for April 30, 2007

is GRANTED. This matter shall be placed upon the December 3, 2007 trial setting calendar to be heard at 10:00 a.m. in Department 47.

Plaintiff seeks a continuance in this personal injury action arising from a motorcycle accident on the ground that he is in a rehabilitation facility and will not be able to assist council in preparation for trial or participate in the trial. Defendants object on the ground that plaintiff has not met his burden of explaining the nature of his rehabilitation placement and why he would not be available for trial.

In reply, plaintiff explains that he was convicted of several offenses in the Placer County Superior Court and that as a condition of probation was required to complete an 18 month rehabilitation program under SB38. The program selected for plaintiff is called Teen Challenge Monterey Bay and is located in Watsonville, California. Plaintiff began the program on March 12. The program is 13 months in length with a blackout period for the first 30-60 days during which participants are to have no outside contact.

Given that plaintiff has been placed in a court ordered treatment program for the next 12 months and apparently is in that phase of the program when outside contact is not permitted, the court finds that a continuance is appropriate. The court notes that defendants have not pointed to any prejudice which would result from a trial continuance. Accordingly this matter shall be placed upon the December 3, 2007 trial setting calendar.

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Item 4    **05AS03138        EDWARD KEMPER VS. SUNRISE MALL ASSOCIATES, ET AL**

Nature of Proceeding:    Motion To Continue Trial

Filed By:

Good cause appearing, and defendants have filed a statement of non-opposition thereto, plaintiff's motion to continue trial currently set for May 8, 2007 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 given the absence of opposition, the fact that plaintiff has amended his complaint to add a new defendant the City of Citrus Heights and that plaintiff's counsel has a trial conflict.

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Item 5    **07AS00412        RICHARD JOY ET AL VS. ALEXSANDER ERYOMENKO ET AL**

Nature of Proceeding:    Miscellaneous Motion

Filed By:

This matter is continued to April 27.

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