

**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, April 26, 2007, 9:30 AM**

Item 1    **01AS04462        LAWRENCE H. CHEEK VS. GRIFFIN AND REED EYE CARE**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and no opposition having been filed, defendant's motion to continue settlement conference and trial currently scheduled for June 5, 2007 and July 10, 2007, respectively, 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 trial based upon the absence of opposition, defendant Reed's unavailability on the scheduled trial date and defendant's counsel's trial conflicts. In light of the age of this case, owing in large part to an appeal, the court is placing this matter on the next available trial setting calendar.

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Item 2    **05AS03937        MARK FREDERICK ET AL VS. JAMES WEST 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 currently set for May 21, 2007 is GRANTED. This matter shall be placed upon the July 2, 2007 trial setting calendar to be heard at 10:00 a.m. in Department 47. The parties having requested that the settlement conference date not be disturbed, the April 26, 2007 settlement conference date is hereby confirmed.

The court finds good cause to continue the trial given the stipulation of the parties and plaintiff's expert's unavailability.

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Item 3    **06AS01183        JUDY GUERRO VS. STATE OF CALIFORNIA DEPT OF FORESTRY ET AL**

Nature of Proceeding: Motion To Continue Trial

Filed By:

Good cause appearing, and no opposition having been received defendant's motion to continue trial currently set for June 25, 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. No request having been made to continue the settlement conference, the May 23, 2007 settlement conference date is hereby confirmed.

The court finds good cause to continue trial based upon the absence of opposition and the fact that defendant's counsel continued discovery on various occasions in order to allow plaintiff the opportunity to secure counsel, plaintiff has yet to secure counsel and additional time is required to complete discovery and file potentially dispositive motions.

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Item 4     **06AS03364**     **DENISE BLAIR, ET AL. VS. REGIS HOMES OF NO. CALIF., INC.**

Nature of Proceeding: Motion To Consolidate

Filed By:

Good cause appearing, and the parties having stipulated thereto, defendant Regis Contractors of California's motion to consolidate Blair v. Regis, No. 06AS03364 with Johnson v. Regis, No. 06AS04675 for all purposes including trial is GRANTED. In accordance with the court's normal practice, Johnson v. Regis, No. 06AS04675 shall be the lead case. Defendant's request that there be just one judgment for the consolidated cases is DENIED without prejudice to its reassertion before the trial judge, the court finds that the trial judge will be in the best position to determine the manner in which the trial is conducted.

The court finds good cause to consolidate the two cases as they involve similar legal and factual allegations and involve many of the same parties. Both cases involve claims of construction defects arising from the same housing project. Both cases involve the same defendant and are expected to share many additional common parties. Consolidation should result in a more efficient and economical trial of the case for both the parties and the court.

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Item 5     **06AS04675**     **DAWN JOHNSON, ETAL., VS. REGIS HOMES OF NORTHERN CA**

Nature of Proceeding: Motion To Consolidate

Filed By:

See ruling in item no. 4.

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Item 6     **07AM02390**     **TARGET NATIONAL BANK VS. MICHELLE LUBNER**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Fee waiver application. Appearance required.

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