

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, May 04, 2007, 9:30 AM

Item 1 **06AS00775 THE ZUMBRUN LAW FIRM VS. CA LEGISLATURE ET AL**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Plaintiff's request that further proceedings in this case be stayed pending appeal is GRANTED. Further proceedings shall be stayed pending resolution of plaintiff's appeal of the Honorable Loren McMaster's November 30, 2006 order denying a request for a permanent injunction. The court sets this matter for a further hearing on July 6, 2007 at 9:30 a.m. in Department 47 to determine the status of the appeal at that time. Each party shall file and serve a statement apprising the court of the progress of the appeal at least five court days before the hearing.

Code of Civil Procedure section 916(a) provides in relevant part: "the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby...." In this case the court is satisfied that the order appealed embraces and affects the merits of the case. Accordingly, the court determines that all further proceedings in the case should be stayed pending the appeal.

Plaintiff correctly notes that an appeal from an order denying a preliminary injunction need not stay the entire case. (Reed v. Superior Court (2001) 92 Cal. App. 4th 448, 454). In this case, however, Judge McMaster explicitly stated in his order vacating his tentative ruling: "the Zumbrun Law Firm's Motion for a permanent injunction pursuant to the May 4, 2006 Order to Show Cause is denied in all respects". Thus, the instant appeal is taken from the denial of a permanent injunction, not a preliminary injunction.

Item 2 **07CS00377 IN RE: ANGELIQUE KEYS**

Nature of Proceeding: Miscellaneous Motion

Filed By:

Fee waiver application. Appearance required.
