

## **JUNE 15, 2009 CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS**

**TO REQUEST A HEARING ON ANY MATTER ON THIS CALENDAR, YOU MUST CALL THE COURT AT (209) 257-2692 BY 4:00 P.M. ON THE DAY PRECEDING THE HEARING. NOTICE OF THE INTENTION TO APPEAR MUST ALSO BE GIVEN TO ALL OTHER PARTIES.**

**IF THE CLERK IS NOT NOTIFIED OF A PARTY'S INTENTION TO APPEAR, THERE WILL BE NO HEARING AND THE TENTATIVE RULING WILL BECOME THE ORDER OF THE COURT. NO FURTHER NOTICE OF THE COURT'S RULING WILL BE PROVIDED.**

### **AMERICAN EXPRESS Co. v. JENNINGS: 08CV5695**

This matter is set for a ½ day Court trial on September 15, 2009 at 9:00 a.m. in Department 2. This matter is set for a mandatory settlement conference on August 14, 2009 at 8:30 a.m. in Department 2.

### **ARROW FINANCIAL SERVICES V. FALCONER: 09CV5836**

This matter is continued to August 17, 2009 at 9:00 a.m. in Department 3. If Plaintiff has not served defendant or obtained an order for service by publication prior to the next hearing, this matter will be set for an order to show cause and sanctions may be imposed. Plaintiff is to provide notice of the continued hearing at the time of service.

### **BLANCO V. MOEUN: 08CV5752**

This matter is continued to August 24, 2009 at 1:30 p.m. in Department 3. Plaintiff is to provide notice to Defendant Yonn Moeun if he appears.

New case management conference statements, in compliance with Rule 8.05, are required.

### **CALLEN V. STEWART: 09CV5838**

This matter is continued to August 24, 2009 at 1:30 p.m. in Department 3. The parties are to be prepared to discuss ADR options and set a trial date at that time.

New case management conference statements, in compliance with Rule 8.05, are required.

### **CAMELOT CARPET MILLS V. DAVIS: 08CV5720**

This matter is continued to July 13, 2009 at 1:30 p.m. in Department 3. Plaintiff is to provide notice to the defendant if she appears.

New case management conference statements, in compliance with Rule 8.05, are required.

### **CAPITOL ONE BANK V. ESCHEN: 09CV5884**

This matter is continued to August 17, 2009 at 10:00 a.m. in Department 3. If Plaintiff has not served defendant or obtained an order for service by publication prior to the next hearing, this matter will be set for an order to show cause and

sanctions may be imposed. Plaintiff is to provide notice of the continued hearing at the time of service.

New case management conference statements, in compliance with Rule 8.05, are required.

**CARSON OIL CO. V. SMITH: 08CV5734**

Plaintiff failed to comply with CRC 3.740 (e). Therefore, this matter is set for an order to show cause and further case management conference on July 24, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.

**CENTENO V. BRIGHTWELL: 08CV5746**

This matter is designated Track III.

None of the parties complied with Local Rule 8.05. As this is the second violation of Rule 8.05, this matter is set for an order to show cause and further case management conference on July 24, 2009 at 10:00 a.m. in Department 3. The Court will provide notice of the hearing.

**CREDITOR'S ADJUSTMENT BUREAU V. HARPER: 08CV5778**

This matter is hereby referred to arbitration. Discovery will remain open until 30 days before trial.

This matter is set for a ½ day Court trial, commencing on December 8, 2009 at 9:00 a.m. in Department 2. This matter is set for a mandatory settlement conference on November 6, 2009 at 8:30 a.m. in Department 2.

**DEPARTMENT STORES NATIONAL BANK V. CLIFTON: 09CV5868**

Neither party complied with Local Rule 8.05. Should there be any further violations of Rule 8.05, this matter will be set for an order to show cause and sanctions may be imposed.

This matter is continued to August 24, 2009 at 1:30 p.m. in Department 3. The parties should be prepared to discuss ADR options and set a trial date at that time.

New case management conference statements, in compliance with Rule 8.05, are required.

**DIAZ & ASSOCIATES V. KIRKWOOD: 09CV5837**

This matter is continued to August 17, 2009 at 10:00 a.m. in Department 3. If Plaintiff has not served defendant or obtained an order for service by publication prior to the next hearing, this matter will be set for an order to show cause and sanctions may be imposed. Plaintiff is to provide notice of the continued hearing at the time of service.

**FRIDDLE V. CAMPBELL: 07CV4901**

Plaintiff has failed to serve the defendant in the time required by CRC 3.110. Therefore, this matter is set for an order to show cause, pursuant to CRC 3.110 (f),

and further case management conference on July 24, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.

**HOUSEHOLD FINANCE CORP. V. LAMARRA: 09CV5870**

This matter is continued to March 8, 2010 at 1:30 p.m. in Department 3. If the plaintiff has not obtained a default judgment by said date, this matter will be set for an order to show cause and sanctions may be imposed. (CRC 3.740 (f).)

New case management conference statements, in compliance with Rule 8.05, are required.

**JACKSON RANCHERIA BAND OF MIWUK INDIANS V. SMITH: 08CV5691**

This matter is continued to August 10, 2009 at 1:30 p.m. in Department 3. The parties are to update the Court on the status of the bankruptcy stay at that time.

New case management conference statements, in compliance with Rule 8.05, are required.

**LAMBARD ENTERPRISES, INC. V. HBH CONSTRUCTION, INC.: 08CV5725**

Neither party complied with Local Rule 8.05. Should there be any further violations of Rule 8.05, this matter will be set for an order to show cause and sanctions may be imposed.

This matter is continued to August 17, 2009 at 10:00 a.m. in Department 3. Plaintiff is to provide notice to Defendant Hartford Fire Insurance Company if an appearance is made.

New case management conference statements, in compliance with Rule 8.05, are required.

**MORENO V. TOYOTA MOTOR SALES: 08CV5689**

This matter is hereby referred to mediation, pursuant to Local Rule 8.14. The parties are to complete mediation within 60 days of the date of this referral. The parties may stipulate to the use of a mediator from the court-approved panel or use a non-panel mediator at their own cost. Parties must notify the court of their selection within 10 days by using the Stipulation to Mediator Form (see [www.amadorcourt.org](http://www.amadorcourt.org)). If the court is not notified of the selected mediator within 10 days, the court will appoint a panel mediator.

This matter is set for a 5-day jury trial, commencing on November 17, 2009 at 9:00 a.m. in Department 2. This matter is set for a mandatory settlement conference on October 16, 2009 at 8:30 a.m. in Department 2.

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS V. FATINE: 08CV5617**

Neither party complied with Local Rule 8.05. Should there be any further violations of Rule 8.05, this matter will be set for an order to show cause and sanctions may be imposed.

Plaintiff has failed to file a request for entry of default within the time allowed by CRC 3.110 (g). Therefore, this matter is set for an order to show cause and further case management conference on July 24, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.

**NCO PORTFOLIO MANAGEMENT V. FARRELL: 08CV5425**

Plaintiff failed to comply with CRC 3.740 (f). Therefore, this matter is set for an order to show cause and further case management conference on July 24, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.

**PIONEER RESORT V. CHAND: 08CV5693**

Plaintiff failed to comply with Local Rule 8.05. Should there be any further violations of Rule 8.05, this matter will be set for an order to show cause and sanctions may be imposed.

It is unclear whether all parties agree to mediation. The parties are to meet and confer on this issue. If the parties agree to mediation, they are to execute a stipulation regarding mediation to the court. (see [www.amadorcourt.org](http://www.amadorcourt.org))

This matter is set for a further case management conference on July 13, 2009 at 1:30 p.m. in Department 3. If a stipulation to mediation is filed prior to said hearing, the court will order the matter to mediation, pursuant to the stipulation, and issue a tentative ruling setting trial and mandatory settlement conference dates. If the parties do not agree to mediation, the parties should be prepared to discuss further ADR options and set a trial date at said hearing.

New case management conference statements, in compliance with Rule 8.05, are required.

**SINAI V. TOWERS: 07CV4955**

Cross-defendant failed to comply with Local Rule 8.05. Should there be any further violations of Rule 8.05, this matter will be set for an order to show cause and sanctions may be imposed.

This matter is continued to August 17, 2009 at 9:00 a.m. in Department 3. The parties shall be prepared to set a trial date at that time.

New case management conference statements, in compliance with Rule 8.05, are required.

**STATE COMPENSATION INSURANCE FUND V. LACOSTE: 09CV5833**

Plaintiff failed to comply with Local Rule 8.05. Should there be any further violations of Rule 8.05, this matter will be set for an order to show cause and sanctions may be imposed.

This matter is continued to August 17, 2009 at 10:00 a.m. in Department 3. Plaintiff is to provide notice of the continued hearing at the time of service.

New case management conference statements, in compliance with Rule 8.05, are required.

**UNITED RENTALS, INC. V. CHRISTMAN ENTERPRISES: 08CV5445**

Plaintiff failed to comply with CRC 3.740 (f). Therefore, this matter is set for an order to show cause and further case management conference on July 24, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.

**WEATHERBY REYNOLDS CONSULTING ENGINEERS V. WESTERN HEALTHCARE: 09CV5845**

This matter is continued to August 17, 2009 at 10:00 a.m. in Department 3. The parties should be prepared to discuss ADR options and set a trial date at that time.

New case management conference statements, in compliance with Rule 8.05, are required.

**BROEKHOVEN V. COUNTY OF AMADOR: 08CV5599**

This matter is designated Track III.

This matter is continued to August 24, 2009 at 1:30 p.m. in Department 3. The parties should be prepared to discuss ADR options and set a trial date at that time.

New case management conference statements, in compliance with Rule 8.05, are required.

**LVNV FUNDING V. LEMLEY: 08CV5754**

Plaintiff failed to comply with CRC 3.740 (e). Therefore, this matter is set for an order to show cause and further case management conference on July 31, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.

**MAYNARD V. RULLHAUSEN: 07CV5110**

This matter is hereby referred to arbitration. Discovery will remain open until 30 days before trial.

This matter is set for a 4-day jury trial, commencing on November 17, 2009 at 9:00 a.m. in Department 2. This matter is set for a mandatory settlement conference on October 9, 2009 at 8:30 a.m. in Department 2.

**SAMMONS V. FINE: 08CV5738**

It is unclear whether all parties agree to mediation. The parties are to meet and confer on this issue. If the parties agree to mediation, they are to execute a stipulation regarding mediation to the court. (see [www.amadorcourt.org](http://www.amadorcourt.org))

This matter is set for a further case management conference on July 20, 2009 at 10:00 a.m. in Department 3. If a stipulation to mediation is filed prior to said hearing, the court will order the matter to mediation, pursuant to the stipulation, and issue a tentative ruling setting trial and mandatory settlement conference dates. If

the parties do not agree to mediation, the parties should be prepared to discuss further ADR options and set a trial date at said hearing.

New case management conference statements, in compliance with Rule 8.05, are required.

**TARGET NATIONAL BANK V. WIGGINS: 08CV5721**

Plaintiff failed to comply with CRC 3.740 (e). Therefore, this matter is set for an order to show cause and further case management conference on July 31, 2009 at 10:00 a.m. in Department 2. The court will provide notice of the hearing.