

Tentative Rulings – April 17, 2003

To request a hearing on any matter on this calendar, you must call the Court at (209) 223-6360 by 4:30 p.m. today. 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 becomes the order of the court.

Neco v. State of California – 02CV2354 – Plaintiffs' Motion to Compel Further Discovery Responses

Plaintiffs' motion to compel further discovery is continued to May 1, 2003, at 3:15 p.m., in Department 2, subject to this court's tentative ruling procedures. The court reviewed the reports submitted pursuant to the April 3, 2003 order. The court finds the parties have not complied with the previous order to meet and confer. The attorneys of record for the plaintiff and the State of California are again ordered to meet and confer, either in person or telephonically, in an attempt to informally resolve the issues raised in the motion. The parties are ordered to file with the court, either jointly or individually, a report summarizing the results of the meet and confer discussion and listing those items to which the parties were unable to reach agreement. These written reports shall be filed within 5 days of the date of the date of the continued hearing.

Notice is hereby given to both parties that any further violation of the court's order to meet and confer in good faith may result in the imposition of sanctions pursuant to Code of Civil Procedure Section 177.5

CSE Insurance Company v. B&G Mechanical – 01CV1276 – Motion of Pat Murphy Plumbing for Determination of Good Faith Settlement

This court's tentative ruling of March 6, 2003, is confirmed. Pat Murphy's Plumbing unopposed motion for good faith determination is granted. Pursuant to Code of Civil Procedure Section 877.6 the court finds the settlement between plaintiff and Pat Murphy to be in good faith. The court further orders any cross-complaints failed against Pat Murphy or Pat Murphy Plumbing based on equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault shall be dismissed with prejudice. (Norco Delivery Service v. Owens Corning (1986) 64 Cal.App.4th 955.)

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed. Moving party to provide notice of this ruling.