

Tentative Rulings – May 6, 2004

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.

People v. Moore – 02CV2538 – Defendant's Motion to Determine Larger Parcel

The defendants' motion for a determination of a larger parcel is denied. In order to establish an entitlement to severance damages, the defendants must show the following: (1) unity of title; (2) physical contiguity of the parcels; and (3) unity of use. (City of San Diego v. Neumann (1993) 6 Cal.4th 738, 745.)

There is no evidence presented in support of the defendants' motion to establish these required elements. Accordingly, the court is unable to determine whether there is a larger parcel and defendants' entitlement to severance damages.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.

Vigil v. Kimes – 03CV2659– Plaintiff's Motion for Commission and Letters Rogatory

The plaintiff's motion for issuance of a commission and letters rogatory for the out of state deposition of Wade Ricks is granted. The clerk of the court is authorized to issue a commission and letters rogatory to Patterson Reporting and Video, to take the deposition of Wade Ricks.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.

County of Amador v. Gardner – 03CV3150 – Cross-Defendants' Demurrer to Cross-Complaint

On the court's own motion, the hearing on this matter is continued to June 3, 2004, at 3:15 p.m. A tentative ruling will be issued both telephonically and on the court's website www.amadorcourt.org. Please refer to Local Rule 4.03 for more information. If either party wants oral argument, compliance with the court's tentative ruling procedures is required.

County of Amador v. Gardner – 03CV3150 – County of Amador’s Motion for Judgment on the Pleadings.

On the court’s own motion, the hearing on this matter is continued to June 3, 2004, at 3:15 p.m. A tentative ruling will be issued both telephonically and on the court’s website www.amadorcourt.org. Please refer to Local Rule 4.03 for more information. If either party wants oral argument, compliance with the court’s tentative ruling procedures is required.