

**Tentative Rulings – October 14, 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.

**Ide v. Bowman – 04CV3280 – Defendant's Motion to Strike**

The defendant's motion to strike is denied. The defendant fails to establish that the complaint is based on irrelevant, false or improper matter. (Code of Civil Procedure Section 436.) Rather, the defendant relies on his declaration and attempts to establish that he did not own an interest in the property at the time the plaintiff allegedly paid the property taxes. The court may not consider the defendant's declaration in ruling on a motion to strike. (Code of Civil Procedure Section 437.) The alleged defects do not appear on the face of the complaint or from evidence of which the court may take judicial notice.

The issues raised by the defendant require the presentation of evidence and are more properly subject to a motion for summary judgment.

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.

**Hungerford v. Humphries – 03CV3099 – Plaintiff's Motion to Compel Further Responses to Interrogatories.**

There is not tentative ruling in this matter.

**Stewart v. Vargas – 03CV3118 - Defendant's Demurrer to Complaint**

Due to unavailability of counsel and a judge that is not disqualified from hearing this matter. The hearing on the defendant's demurrer is continued to October 21, 2004, at 3:15 p.m. A tentative ruling will be issued pursuant to Local Rule 4.03.

**F. E. Cintas v. Flanders –03CV3161 – Plaintiff's Motion for Terminating Sanctions**

There is not tentative ruling in this matter.

**Lewis v. City of Jackson – 04CV3380 – Motion to Consolidate**

This matter has been taken off-calendar at the request of the moving party.