

## **Tentative Rulings –August 18, 2005**

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.

### **Devai Revocable Trust v. John Kinne, et al.: 05CV3878**

#### ***Motion for Stay of Proceedings and/or Preliminary Injunction***

Defendants Motion for Stay of Proceedings is hereby granted. An injunction shall issue to stay the proceedings in Case No. 05CV3878, pending the determination of Case No. 05CV3846. The injunction is appropriate to prevent a multiplicity of lawsuits. Moreover, irreparable harm will result if the injunction is denied. The injunction shall operate to maintain the status quo pending resolution of 05CV3846. As such, Defendants shall not commence any additional construction or grading projects. In addition, Defendants shall be required to comply with all Amador County Ordinances. In consideration for the stay of proceedings, Defendants shall be required to post a bond. As neither party addressed the issue of the amount of the bond, oral argument is required regarding the same. The parties shall notify the court whether they will be appearing via Courtcall or via personal appearance.

### **Hungerford v. Humphries: 03CV3099**

#### ***Motion to Compel Further Answers to Plaintiff's Interrogatories, Set Two***

Plaintiff's Motion to Compel Further Responses to Special Interrogatories, Set Two is denied. Pursuant to Code of Civil Procedure Section 2030.300, subdivision (c), a Motion to Compel Further Responses must be heard within 45 days of the service of the responses. Failure to comply with this deadline waives the propounding party's right to compel any further responses to the discovery at issue. (Code of Civil Procedure §2030.300, subd. (c).)

Defendant served his responses to Special Interrogatories, Set Two on March 4, 2005. A second copy of the responses was mailed on April 19, 2005 after Plaintiff noted that he did not receive the responses. Plaintiff's Motion was served on July 6, 2005 and filed on July 8, 2005. Even giving Plaintiff the benefit of the April 19, 2005 date, the Motion was served well in excess of the 45-day requirement.

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.

### **Knopf v. Sutter Amador, et al.: 04CV3324**

#### ***Defendant John Ellyson, M.D.'s Motion for Separate Trial***

Defendant John Ellyson's Motion for Separate Trial is denied, without prejudice, as moot. The court has received notice that all parties have been dismissed in the instant action.

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.