

TENTATIVE RULINGS-AUGUST 10,2007

To request a hearing on any matter on this calendar, you must call the Court at (209) 257-2692 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.

Lee v. Ollig: 06CV4395

Defendants' Motion to Set Aside Entry of Default Judgment and Judgment, Pursuant to C.C.P. §473:

Defendants' Motion to Set Aside Entry of Default Judgment and Judgment is hereby denied.

Plaintiff's objection to the declaration submitted in support of the motion to set aside is sustained. The declaration is a joint declaration of Jay Ollig and Helen Ollig. There is no authority for the same.

Plaintiff's objection to the Inspection Report, attached to the Memorandum of Points and Authorities as Exhibit "A" is also sustained.

As to the plaintiff's objection to the memorandum of points and authorities in support of the motion, it is not evidence, in and of itself, and, therefore, the objection is overruled. However, the court notes that, as the declaration in support of the motion is improper, the memorandum of points and authorities is not supported by any admissible evidence.

As the declaration in support of the motion is deficient, there is no evidence to support the plaintiffs' motion. Therefore, the motion is denied.

Oneto v. Pacific Gas & Electric, et al.: 05CV3987

Defendants' Motion for Evidentiary Sanctions and/or to Compel Further Responses

Due to the recusal of Judge Susan C. Harlan, this motion will be heard by Judge Don F. Howard at 10:00 a.m. in Department 3. There will be no tentative ruling in this matter.