

## **TENTATIVE RULINGS—AUGUST 24, 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.

**Clark v. Woodford: 07CV4870**

### ***Defendant Burruel's Demurrer to Complaint***

There is no tentative ruling in this matter, pursuant to Local Rule 4.03 (F).

**HT Litigation Trust v. Dove Street Capitol Lenders: 07CV4725**

### ***Defendant's Demurrer to Complaint***

Defendant's Demurrer is hereby continued, on the court's own motion, to September 14, 2007 at 10:00 a.m. in Department 2. Defendant's Notice of Motion fails to comply with Local Rule 4.03. Defendant is to file and serve an amended notice, in compliance with Rule 4.03, no later than September 3, 2007.

The parties may appear telephonically for the continued hearing.

**Hunt v. Herrick: 06CV4520**

### ***Defendant's Motion to Compel Compliance with Deposition Subpoena for Personal Appearance and Production of Documents and Things and Plaintiff's Motion for Protective Order***

Defendant's Motion to Compel is granted in part and denied in part. The motion for protective order is granted in part and denied in part.

The motion to compel is denied as to request number 1, 2, 3. The motion for protective order is granted as to said requests.

The motion to compel is granted in part as to request number 4. Plaintiff does not object to the production of payroll records, except to the extent said records contain W-2s, which have not previously been produced, and contain the plaintiff's social security number. Therefore, the motion is denied as to any W-2s that have not been produced already by the plaintiff. All other requested payroll records are ordered produced, subject to the redaction of the plaintiff's social security number from said documents.

The motion to compel is granted as to request 5, 6, and 7, as the plaintiff does not object to said requests.

The motion to compel is granted as to request number 8, subject to the limitation agreed to by the defendant, i.e. only those records related to the parts of the body in controversy in this matter must be produced. The motion for protective order is granted only as to those attendance records related to records not related to the parts of body in controversy in this matter.

The motion to compel is denied as to request number 9. The motion for protective order is granted as to request number 9.

As to request number 10, the plaintiff waived the taxpayer privilege for W-2s from certain years. However, waiver as to some years does not constitute a waiver for all years. Therefore, the motion to compel is denied. The motion for protective order is granted in part. The motion for protective order is denied as to those W-2s already produced by the plaintiff.

Defendant is to prepare an order in compliance with Rule 3.1312.