

TENTATIVE RULINGS-DECEMBER 21,2007

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.

Fallon v. Yanes: 07CV4829

Defendant's Demurrer

This matter is continued to January 11, 2008 at 10:00 a.m. in Department 2.

State Farm Mutual Insurance v. Guill: 07CV4641

Defendant's Motion to Stay

This matter is continued to January 4, 2008 at 10:00 a.m. in Department 2.

Brown v. City of Amador: 05CV4012

Defendants' Motion for Protective Order

Preliminarily, there is no indication the exhibits to the declaration of Gayle Tonan (exhibits C-F) were served on the plaintiff. Moreover, the records were not properly authenticated. Therefore, Exhibits C through F are inadmissible.

In addition, the records contained in Exhibit E have slight relevance, at best, to the determination of this matter. Exhibit E contains the plaintiff's medical records, which may be privileged and, therefore, should not become a part of the Court's file. As the plaintiff may not have been served with said exhibits, she may not have had any opportunity to object to the presence of said records in the declaration. Therefore, Exhibit E is ordered excised from the declaration in question. Defendants are to pick up the documents contained in Exhibit E no later than December 31, 2007 at 3:00 p.m. or the Court will destroy said records.

Defendants' motion for protective order is denied. Plaintiff is awarded sanctions in the amount of \$1,000.00.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 3.1312 is needed, nor is further notice of this ruling required.