

TENTATIVE RULINGS—JANUARY 25, 2008

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.

Peach v. CDCR: 07CV4833

Demurrer to First Amended Complaint

The demurrer to the first amended complaint is sustained.

The first amended complaint fails to state a cause of action under FEHA for discrimination. Plaintiff failed to plead a discriminatory motive in connection with the defendant's conduct. As it possible for the plaintiff to amend the complaint to state a cause of action for discrimination, the plaintiff is granted 20 days leave to amend.

Plaintiff failed to address the retaliation claim. Therefore, the demurrer is sustained without leave to amend as to the retaliation claim.

Finally, Plaintiff fails to state a cause of action for sexual harassment under FEHA. However, as it is possible for the plaintiff to amend his complaint to state a cause of action for sexual harassment under Title VII, the plaintiff is granted 20 days leave to amend.

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.

Perano v. Topping: 03CV2932

Plaintiff's Motion to Substitute Defendants as to the Third Cause of Action

The plaintiff's motion to substitute defendants as to the third cause of action is hereby granted. Plaintiff is to file a request for dismissal of the first through third causes of action and request to vacate the trial date within 10 days of the date of this order.

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.

Scott v. Martinez: 07CV4661

Defendants' Demurrer to Complaint

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