

## **TENTATIVE RULINGS—APRIL 4, 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.**

### **Lubenko v. Crocker: 04CV3377**

#### ***Plaintiff's Motion to Enforce Settlement Agreement***

There is no tentative ruling in this matter. On October 26, 2007, the Court ordered Plaintiff's counsel to provide the Court and opposing counsel 10 days notice of any intent to argue the instant motion. Plaintiff has not provided such notice.

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.

### **Jackson v. Norton: 07CV4907**

#### ***Motion to File First Amended Complaint***

Plaintiff's unopposed motion to file a first amended complaint is hereby granted. Plaintiff is to file the amended complaint within 20 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.

### **Yelinek v. Lane: 07CV4694**

#### ***Defendant's Motion Requesting Arbitration and to Appoint Neutral Arbitrator***

Defendant's motion requesting arbitration and to appoint neutral arbitrator is hereby denied.

This matter is set for trial on May 6, 2008. The Court finds that referring this matter to arbitration at such a late date would be contrary to the policies behind judicial arbitration. (CRC 3.811.) Significant discovery has occurred and expert witnesses have been retained. Therefore, it is unlikely arbitration would significantly reduce the time and expense necessary to resolve the litigation. (CRC 3.811.)

Moreover, referral to arbitration at this juncture would require the continuance of the trial date. Such a continuance would interfere with the policies behind the Delay Reduction Act. (see CRC, Standards of Judicial Administration, §2.2; Amador County Local Rule 8.03.)

Finally, the defendant waited a substantial amount of time before filing the instant motion. Defendant does not explain the delay or present facts demonstrating he made efforts to facilitate the mediation of this matter. Defendant's substantial delay in submitting this motion and his failure to attempt to advance mediation and/or arbitration at an earlier date constitutes a waiver of the right to now seek arbitration.

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.