

TENTATIVE RULINGS—MAY 30, 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.

U.S. BANK V. SURGINER: 08CV5329

Plaintiff's Motion for Summary Judgment

This matter is hereby continued, on the court's own motion, to June 20, 2008 at 10:00 a.m. in Department 2. Plaintiff's Notice of Motion fails to comply with Local Rule 4.03. Plaintiff is to file and serve an Amended Notice of Motion by June 10, 2008.

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.

GALLEGOS V. HUBBARD: 07CV4830

Defendants Maria Calub & Joy Development's Motion to Strike Third Amended Complaint

All requests for judicial notice are granted.

The defendants' Motion to Strike is hereby denied. The amendments contained within the third amended complaint are within the scope of the leave to amend granted to the plaintiffs in the court's order granting the defendants' motion to strike portions of the second amended complaint. The case cited by the defendants, People ex rel. Dept. of Public Works v. Clausen (1967) 248 Cal.App.2d 770, is distinguishable. In that case, the cross-complainant added additional parties after the court sustained a demurrer with leave to amend. Such an amendment would not typically be within the scope of leave allowed following the sustaining of a demurrer. In this case, no new parties were added. The amendment was appropriate.

The defendants' request for sanctions is denied. In addition, the plaintiffs' request for sanctions is denied without prejudice.

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.