

TENTATIVE RULINGS—MARCH 20, 2009

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.

CODY V. CARVER: 06CV4437

Plaintiffs'/Cross-defendants' Motion for Summary Adjudication of Issues

On a motion for summary adjudication, the separate statement must tie each undisputed material fact to the particular claim, defense, or issue sought to be adjudicated. (CRC 3.1350 (noting that the specific cause of action, affirmative defense, or issue must be specifically stated in the notice of motion and repeated, verbatim, in the separate statement).) When undisputed facts pertain to more than one claim, defense or issue, these facts and their supporting facts must be repeated for each issue. (see Rutter, Civil Procedure before Trial, §10:96.6.)

Failure to comply with the separate statement requirement constitutes grounds for denial of the motion. (Rutter, Civil Procedure before Trial, §10:97 citing C.C.P. §437c (b)(1); Wilson v. Blue Cross of So. California (1990) 222 Cal.App.3d 660, 671.)

In this instance, the plaintiffs failed to comply with the requirements for a separate statement. The separate statement does not tie each undisputed material fact to a particular claim, cause of action, etc. Plaintiffs combine all of the causes of action in the complaint and cross-complaint. Moreover, Plaintiffs fail to set forth all of the evidence in support of the motion in the separate statement. Therefore, the motion for summary adjudication is denied.

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.

If oral argument is requested, it will be held at 8:30 a.m. in Department 1.

YELINIK V. LANE: 07CV4694

Plaintiffs' Motion for New Trial or, in the Alternative, Motion for Judgment Notwithstanding the Verdict & Plaintiffs' Motion to Strike and/or Tax Costs and Attorneys' Fees

Plaintiffs' motions are denied.

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.

If oral argument is requested, it will be held at 8:30 a.m. in Department 1.