

TENTATIVE RULINGS—MAY 8, 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.

SOUZA V. HIDDEN VILLA RANCH: 07CV4996

Case Management Conference

Counsel for all parties are to appear, personally or telephonically, for the purpose of trial and mandatory settlement conference setting purposes.

Defendant's Motion for Judgment on the Pleadings as to Plaintiff James Souza's Claims

Defendant's motion for judgment on the pleadings as to Plaintiff James Souza's claims is hereby denied. The complaint contains sufficient allegations to plead causes of actions in the 2nd, 5th, 6th, and 7th causes of action of the complaint.

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.

Defendant's Motion for Judgment on the Pleadings as to Plaintiff Kathy Souza's Claims

Defendant's motion for judgment on the pleadings as to Plaintiff Kathy Souza's claims is hereby denied. The complaint contains sufficient allegations to plead causes of actions in the 1st, 2nd, 5th, 6th, 7th, 10th, and 11th causes of action of the complaint.

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.

Defendant's Motion for Judgment on the Pleadings as to the Eleventh (11th) Cause of Action

Defendant's motion for judgment on the pleadings as to the eleventh cause of action is hereby granted. As it is possible the plaintiffs could amend the complaint to state a cause of action, leave to amend is hereby granted. Plaintiffs are to file and serve an amended complaint within 15 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.

Defendant's Motion to Amend Answer

Defendant's motion to amend the answer is hereby granted. Defendant is to file and serve an amended answer within 15 days of the date of this order.

The deadlines for the completion of discovery are hereby reopened, in accordance with the trial date to be assigned, on the limited issue of the affirmative defense added by the defendant.

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.

Defendant's Motion to Bifurcate Punitive Damages

Defendant's motion to bifurcate punitive damages is hereby granted. Any evidence of the net worth or financial condition of the defendant shall not be introduced until Phase II of the trial, if appropriate. Evidence regarding any fraudulent conduct may be introduced in Phase I of the trial.

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.

Defendant's Motion for Separate Trial of Legal Defenses

This motion is more properly addressed to the trial judge as a motion *in limine*. Therefore, the Court will defer any ruling on this matter to the assigned trial judge.

This ruling constitutes the final ruling of the Court. Oral argument is not available and no further notice of the ruling will be provided.