

TENTATIVE RULINGS—MAY 29, 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.

BONNEAU V. BONNEAU: 08CV5611

Defendant's Motion to Consolidate Cases

The plaintiff's requests for judicial notice are hereby granted.

The defendant's motion to consolidate is denied. Defendant failed to comply with California Rules of Court 3.350 in bringing the instant motion. In addition, the only matters pending in the actions sought to be consolidated are motions for attorney's fees. There is no valid basis for granting the motion to consolidate. (C.C.P. §1048.)

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 Attorney's Fees and Costs

Defendant's motion for attorney's fees is granted in part. The appropriate lodestar figure in this matter is \$3,930.00 (13.1 hours at \$300.00 per hour). The Court has reduced the amount of hours, as the amounts claimed were unreasonable and excessive. The Court has cut entirely the hours for the preparation of the answer, the time for the ex parte hearing in a different case, and the time spent on the motion to consolidate. Said fees were not necessary. In addition, the Court has reduced the hours spent on research, the preparation of the moving papers and the reply, and meeting time with his client. The defendant's counsel copied the moving papers of the plaintiffs' counsel in a separate action. Thus, the billing time for the preparation of the motion was grossly inflated. In addition, the defendant's counsel's bills were block billed without distinct tasks appropriately broken down; thereby making it impossible for the court to determine what time the defendant's counsel spent on discreet tasks.

An adjustment to the lodestar figure, based upon the specific considerations of this case, would not be appropriate.

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.

GANDY V. MAYER: 07CV5149

Defendant's Motion for Summary Judgment

Defendant Frederick Clauson's unopposed motion for summary judgment is hereby granted. The defendant demonstrated there is no triable issue of material facts regarding his lack of knowledge of the dog's dangerous propensities. As such, the burden shifted to the plaintiff to bring forth a triable issue of material fact. The plaintiff has failed to do so.

Defendant is to prepare an order in compliance with Rule 3.1312.

ROEN V. AMADOR COUNTY WATER AGENCY: 07CV4727

Plaintiffs' Motion to Continue Trial

Plaintiffs' Motion to Continue Trial is hereby granted. The trial is continued to August 25, 2009 at 9:00 a.m. in Department 2.

As ordered by the Court on May 15, 2009, the motions in *limine* and all issues regarding jury instructions will be heard on June 9 and June 10.

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.

BONNEAU V. ALBERTA HALE LAND TRUST: 08CV5182

Defendants' Motion for Reasonable Attorney's Fees and Costs

This matter is continued, on the Court's own motion, to June 11, 2009 at 11:30 a.m. in Department 2.

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