

## **TENTATIVE RULINGS-MARCH 5, 2010**

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.

### **BROEKHOVEN V. COUNTY OF AMADOR: 08CV5599**

#### ***Cross-defendant AC Dike's Motion for Summary Judgment and Request for Sanctions***

Cross-complainant's requests for judicial notice are hereby granted.

Cross-defendant's objections to evidence are hereby overruled. An opposition to a motion for summary judgment must be filed 14 days before the hearing. (C.C.P. §437c.) When calculating said date, the first day is excluded and the last day included. (C.C. §10.) Using the aforementioned methods of calculation, the opposition and supporting documents were timely filed.

The cross-defendant's motion for summary judgment is hereby denied. The deposition of Tom Moore demonstrates there is a triable issue of material fact regarding Cross-defendant's undisputed fact number 12.

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.

### **PLATT ELECTRIC SUPPLY V. FAR HORIZONS 49ER VILLAGE: 09CV5830**

#### ***Defendant/Cross-complainant American Contractors Indemnity's Motion for Order Discharging Stakeholder***

The defendant's unopposed Motion for Order Discharging Stakeholder is hereby granted. The Court will execute the proposed order submitted by the defendant.

### **SUTTER AMADOR HOSPITAL V. BLASINGAME: 07CV4672**

#### ***Defendant/Cross-complainant Kevin Blasingame, D.O.'s Motion for Order Compelling Response to Second Request for Production of Documents, Third Request for Production of Documents, and Response to Supplemental Interrogatory***

Defendant's motion to compel is hereby granted. Although the plaintiff contends it has provided responses, the defendant declares the responses were not verified. The plaintiff produced no evidence to the contrary. An unverified response is treated the same as no response for the purpose of a motion to compel.

Accordingly, the plaintiff is ordered to produce verified responses, without objection within 10 days of the date of this order.

Defendant is awarded sanctions in the amount of \$640.00.

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.