

TENTATIVE RULINGS

FOR: February 23, 2012

Please note that the court will strictly enforce filing deadlines for papers filed in support of and in opposition to law and motion matters, and may exercise its discretion to disregard a late filed paper, pursuant to California Rules of Court, rule 3.1300(d).

When calculating filing deadlines for papers to be filed within a certain number of court days from a hearing date, parties should exclude court holidays.

Court Reporting Services - As a result of statewide budget reductions, official court reporters are no longer provided by the Court in proceedings for which such services are not legally mandated. These proceedings include civil law and motion matters. If counsel wish to have the hearing on their civil law and motion matter reported, they have two options:

- Elect to use the services of a private local court reporter that the Napa County Bar Association has arranged to be present for the duration of all scheduled law and motion hearing calendars. There is a fee paid by the party directly to the court reporter for this service, and arrangements for payment can be made on the day of the hearing. For further information about the Bar Association program including fees, [click here](http://napacountybar.org/court_reporting.php) (http://napacountybar.org/court_reporting.php)
- Arrange for a private court reporter of their choosing to be present.

Attorneys or parties should confer with each other to avoid having more than one court reporter present for the same matter.

CIVIL LAW & MOTION – Dept. A (Historic Courthouse)

Household Fin. Corp. of California v. Simpson 11UD00008

DEFENDANT’S DEMURRER TO THE COMPLAINT FOR UNLAWFUL DETAINER

TENTATIVE RULING: The demurrer is OVERRULED. Defendant’s demurrer is not filed in conformance with procedural requirements (see Cal. Code Civ. Proc. § 430.60 & Cal. Rules of Court, Rule 3.1320), and it fails to state any legal basis for demurrer.

**Rundberg v. Intrawest Napa
Development Co., et al.**

26-56986

DEFENDANTS' MOTION FOR AN ORDER APPOINTING A JUDICIAL REFEREE

TENTATIVE RULING: The motion is GRANTED. The court has carefully considered the proposed referees submitted by the parties and selects The Honorable Bonnie Sabraw to serve.

**CIVIL LAW & MOTION – Dept. G (Criminal Courts Bldg.-
1111 Third St.)**

**Olympus-Calistoga, LLC v.
Taisei Construction Corp., et al.**

26-40553

MOTION OF DEFENDANT/CROSS-COMPLAINANT TAISEI TO TRIFURCATE
ISSUES FOR TRIAL

TENTATIVE RULING: The motion is GRANTED in part and DENIED in part, as follows:

The court intends to rule initially, without a jury, on legal issues that do not involve a factual dispute. The court notes, however, that there are some legal issues, such as contract interpretation, that may require a resort to extrinsic evidence that will require a factual resolution by the jury before the legal issue can be properly resolved by the court.

The court exercises its discretion to deny Taisei's request to try separately the issues of liability and damages. The court finds that, because of the significant overlap of facts, witnesses and other evidence, the interests of judicial economy are best served by contemporaneous resolution of these issues.