

**1. SEMPER SOLARIS CONSTRUCTION, INC. v. TURNEY, 22CV0160**

**Order of Examination Hearing**

On June 28, 2023, proof of personal service was filed showing that judgment debtor Robert Turney was served with the order to appear for examination.

**TENTATIVE RULING # 1: JUDGMENT DEBTOR'S APPEARANCE IS REQUIRED AT 1:30 P.M., FRIDAY, JULY 7, 2023, IN DEPARTMENT FOUR.**

**2. KOVACH, ET AL. v. FAUMUINA, ET AL., PC20210367****Motion to Continue Trial**

On June 29, 2023, the court granted defendants' ex parte application for an order shortening time to file a motion to continue trial. The motion to continue is currently pending before the court.

A motion for continuance is addressed to the sound discretion of the trial court. (*Link v. Cater* (1998) 60 Cal.App.4th 1315, 1321.) However, there must be an affirmative showing of good cause. (Cal. Rules of Court, rule 3.1332(c); *Reales Investment, LLC v. Johnson* (2020) 55 Cal.App.5th 463, 469.) Although delaying litigation is generally disfavored because of efficiency concerns (Gov. Code, § 68607, subd. (g)), these concerns are secondary to a court's primary function of adjudicating disputes on their merits. (*Mai v. HKT Cal, Inc.* (2021) 66 Cal.App.5th 504, 526.)

The instant case is a bodily injury action arising from a November 2020 motor vehicle accident. Plaintiff alleges a traumatic brain injury, as well as neck and lower back pain. The complaint was filed on July 15, 2021. Trial is currently set for August 7, 2023. There has previously been one stipulated trial continuance.

Defendants subpoenaed plaintiff's chiropractic records in December 2021 and again in December 2022. Then, in early 2023, plaintiff began treatment with additional medical providers. Plaintiff underwent a neuropsychological independent medical evaluation ("IME") in April 2023. Although plaintiff disclosed she was being treated by additional providers, there is no mention in the IME report that plaintiff anticipated receiving cervical and lumbar injections in May 2023. Surgery has also been recommended. Defendants claim they need additional time to obtain and review complete medical records.

Additionally, defendants claim they have experienced delay in obtaining discovery related to plaintiff's wage loss claim due to plaintiff's employer being an out-of-state entity. Plaintiff is a card dealer at Harrah's in Nevada.

Based on the foregoing, the court finds good cause for the requested trial continuance. Defendants' motion to continue trial is granted. The court sets the matter for a Case Management Conference to select new court dates at 3:30 p.m., Tuesday, August 15, 2023, in Department Four.

**TENTATIVE RULING # 2: DEFENDANTS' MOTION IS GRANTED. THE COURT SETS A CASE MANAGEMENT CONFERENCE AT 3:30 P.M., TUESDAY, AUGUST 15, 2023, IN DEPARTMENT FOUR. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**