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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

GRACE PRESBYTERIAN CHURCH,

Petitioner,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

JENNA HENNINGER,

Real Party in Interest.

E055298

(Super.Ct.No. RIC10010731)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of mandate. Jacqueline C.

Jackson, Judge. Petition dismissed.

Daley & Heft, Lee H. Roistacher, Golnar J. Fozi and Matthew T. Racine for
Petitioner.

No appearance for Respondent.

The Zalkin Law Firm, Irwin M. Zalkin and Michael J. Kinslow for Real Party in Interest.

INTRODUCTION

Defendant Grace Presbyterian Church filed a petition for writ of mandate after the trial court denied its motion for summary adjudication (Code Civ. Proc., § 437c, subd. (f)(1)) of causes of action in which plaintiff Jenna Henninger sought to hold the church liable in tort for the sexually related conduct of its pastor toward her. The motion was based upon the legal theory that any tortious acts by the pastor alleged by the plaintiff were as a matter of law outside the scope of his employment and the church therefore could not be held vicariously liable.

DISCUSSION

After the case was fully briefed and the parties had been provided with the tentative opinion of the court, the parties asked that the matter be continued from its scheduled date for oral argument so that settlement could be pursued. We did so. Petitioner has now informed us that the matter has been settled and requested dismissal or, in the alternative, that any opinion resolving the merits not be published.

We will exercise our discretion to grant the request for dismissal. (Cal. Rules of Court, rule 8.244(c).) At the same time, we note that while we strongly encourage parties to resolve their differences, if possible, through settlement, once the case has been fully briefed the acting presiding justice for the writ panel, as author, will prepare a tentative opinion. To that end, valuable court resources are engaged in reviewing the entire record, researching the issues raised, and drafting the tentative opinion. Out of courtesy to the

court, when settlement of a case is being discussed or is viewed as a viable possibility, the parties should request a stay of further action in order to permit this court to more efficiently direct its resources.

DISPOSITION

The petition is dismissed. Each side is to bear its own costs.

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HOLLENHORST
J.

We concur:

RAMIREZ
P. J.

KING
J.