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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

CONTINENTAL RESIDENTIAL, INC.,
et al.,

Petitioners,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

NICOLE C. BEMIS et al.,

Real Parties in Interest.

E055600

(Super.Ct.No. RIC540754)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of mandate. Paulette Barkley,
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Petition granted in part; denied
in part.

Lorber, Greenfield & Polito, Sean D. Allen and Daniel J. Brast for Petitioners.

No appearance for Respondent.

Milstein Adelman, Fred M. Adelman, David S. Grove and Mayo L. Makarczyk for
Real Parties in Interest.

INTRODUCTION

In this matter, the parties have agreed with our suggestion that a narrowing of the issues would be desirable for all parties and the court. Accordingly, the matter will be granted in part with prejudice and otherwise denied without prejudice.

DISPOSITION

Let a peremptory writ of mandate issue, directing the Superior Court of Riverside County to vacate its order denying petitioners' motion for stay pursuant Civil Code section 930. Respondent is further directed to cause a special master to be appointed to conduct proceedings by which it may be established which of the current claims of plaintiffs, and each of them, were fairly reflected in the "Notice to Repair" prepared by or on behalf of each plaintiff.

Following such determination, including the eventual decision of the trial court, the court shall reopen proceedings on petitioners' motion with respect to such issues, if any, found to have been not disclosed on the "Notices to Repair." We decline, at this point, to provide further instruction to the trial court.

In all other respects, the petition is denied without prejudice. The parties shall each bear their own costs.

The request for judicial notice is granted.

Petitioners are directed to prepare and have the peremptory writ of mandate issued, copies served, and the original filed with the clerk of this court, together with proof of service on all parties.

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Acting P. J.

We concur:

HOLLENHORST

J.

McKINSTER

J.