

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

**FILED**

DEC - 9 2005

Court of Appeal - First App. Dist.  
DIANA HERBERT

By \_\_\_\_\_  
DEPUTY

NICOLE DARO et al.,  
Petitioners,

v.

THE SUPERIOR COURT OF THE CITY  
AND COUNTY OF SAN FRANCISCO,

Respondent;

JAMES FOY et al.,

Real Parties in Interest.

A111947

(San Francisco County  
Super. Ct. No. 432540)

JAMES FOY et al.,

Plaintiffs and Respondents,

v.

GARY ROSSI et al.,

Defendants and Appellants.

A112134

(San Francisco County  
Super. Ct. No. 432540)

**ORDER TO SHOW CAUSE AND ORDER OF CONSOLIDATION**

Respondent superior court is ordered to show cause when the matter is ordered on calendar why the petition for an extraordinary writ on file in *Daro v. Superior Court (Foy)*, A111947, should not be granted.

At petitioners' request, the petition for a writ of mandate in *Daro v. Superior Court (Foy)*, A111947, is consolidated with the appeal in *Foy v. Rossi*, A112134, for all purposes. All further submissions to this court relating to the petition, the appeal, or both should bear the consolidated case caption.

Real parties in interest are directed to serve and file a return to the petition in A111947 on or before the date of filing of the respondent's brief in A112134. Petitioners may serve and file a reply in A111947 on or before the date of filing of the appellant's

reply brief in A112134. Absent extraordinary circumstances, the court does not anticipate granting extensions of time to file briefs.

Pending this court's consideration of the petition, further trial proceedings in *Foy v. Rossi*, San Francisco County Superior Court No. 432540, are stayed, subject to further order of this court. The clerk of this court is directed to provide telephonic notice of this stay order to the clerk of the superior court. (Cal. Rules of Court, rule 56(j)(2).)

This order to show cause is to be served and filed on or before December 9, 2005. It shall be deemed served upon mailing by the clerk of this court of certified copies of this order to all parties to this proceeding and to respondent superior court.

Dated: DEC -9 2005

McGUINNESS, P.J. P.J.

I, DIANA HERBERT, CLERK OF THE COURT OF APPEAL STATE OF CALIFORNIA, FIRST APPELLATE DISTRICT, DO HEREBY CERTIFY THAT THE PRECEDING AND ATTACHED IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

WITNESS MY HAND AND THE SEAL OF THE COURT THIS 9th DAY OF Dec 2005

DIANA HERBERT CLERK  
BY B. Robinson DEPUTY



### Facsimile Transmission

Date: 12-9-05

- Urgent
- For Review
- Please Comment
- Please Reply

To: See below Title: \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

From: Beth Robbins Title: \_\_\_\_\_

Telephone Number: 415-865-7295

Including this cover sheet, the facsimile transmission is 3 pages.

Comments: Andrew Zachs 415-288-9755

Stephen Collier 415-771-1287

Hon. Charlene Mitchell 415-551-5947

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