

## **Tentative Rulings**

### **Law & Motion and Family Law Calendar for January 24, 2022**

**Department Two – Judge Douglas Prouty**

To request a hearing on any matter on this calendar, you must call the Court at 530/283-6305 by 12:00 noon, January 21, 2022, and notice of the intention to appear must also be given to all other parties. If the clerk is not notified of a party's intention to appear, there will be no hearing and the tentative ruling becomes the order of the court.

**If you do appear and want the matter reported by a court reporter in unlimited civil, family law or probate, you must contract with and provide your own court reporter. The Court does not provide an official reporter for these calendars.**

**PLEASE NOTE –ANY REQUIRED APPEARANCE BY COUNSEL MUST BE DONE BY USING COURT CALL (1-800-882-6878) – UNLESS OTHERWISE STATED IN THESE TENTATIVE RULINGS. ANY REQUIRED APPEARANCE BY A PARTY APPEARING WITHOUT AN ATTORNEY MUST BE DONE BY CALLING THE COURT'S CONFERENCE LINE AT 1-877-336-1829 AND ENTER THE ACCESS CODE 4023142. THE PARTY MUST THEN WAIT ON THE LINE AND MUTE THEIR PHONE UNTIL THE COURT CALLS THEIR CASE.**

### **PROBATE CALENDAR – 9:00 a.m.**

**Case No. PR21-00066          Estate of Conroy, Steven**

Tentative Ruling: **No appearance required.** This matter was continued for proof of posting the Notice. Even though the Declaration of counsel indicates it was executed in February 2021, the Declaration is also dated for 12/26/21. The Court finds that notice has been given as required by law and will grant the Petition for Probate. The Court will sign a proposed order.

**Case No. PR21-00065          Estate of Hill, Jack**

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for Administration of Estate. Notice has been given as required by law and no opposition was filed. The Court grants the Petition and will sign the proposed Order.

**Case No. PR22-00000          Estate of Rode, Mark**

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for Succession to Real Property and Inventory and Appraisal. Notice has been given as required by law and no opposition to the Petition has been filed. The Court grants the Petition and will sign the proposed Order.

**Case No. PR20-00011 Estate of Sorosinki, Joseph**

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and Final Account and attachments. Notice has been given as required by law and no opposition has been filed. The Court will grant the Petition and sign the proposed Order.

**Case No. PR21-00027 Estate of Stone, Jimmy Lee**

Tentative Ruling: **Appearance required.** The Court will discuss the status of discovery and will discuss amenability of the case for mediation. Counsel can appear telephonically by CourtCall if requested.

**Case No. PR12-00030 Guardianship of Cross-Tillson, Nicholas**

Tentative Ruling: **No appearance required.** The Court has received and reviewed the Confidential Guardianship Status Report. The Court finds it is in the minor's best interests to continue the guardianship and the next annual review hearing is set for January 23, 2023, at 9:00 a.m. All prior orders remain in full force and effect. The clerk of the court is reminded to send notice to the Guardian one month prior to that date, informing the Guardian of the duty to file a confidential status report prior to the review hearing. The Guardian is to appear by telephone at that time and date by calling 1-877-336-1829 and enter the access code 4023142. The party must then wait on the line and mute their phone until the Court calls their case.

**Case No. PR21-00062 Guardianship of Miles, Kaleb Daniel**

Tentative Ruling: **Appearance required.** The Court has not received the Report from the Plumas County Department of Social Services. The Court will discuss continuing the matter for receipt of the Report to February 28, 2022, at 9 a.m. The Order for the Department of Social Services to prepare the investigative report is to resent. All prior orders will remain in full force and effect to that hearing date.

**Case No. PR21-0070 Matter of Robert McIlroy**

Tentative Ruling: **No appearance required.** Petitioner has filed a Petition pursuant to Probate Code 850. The Court has reviewed the Petition, Confidential Capacity Declaration, and confidential Enclosures. Notice has been given as required by law and no opposition to the Petition has been filed. The Court will grant the Petition and sign the proposed Order.

**Case No. PR22-00068 Matter of the Larry Lawson November 2014 Trust**

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and attachments thereto. Notice has been given as required by law and no opposition to the Petition has been filed. The Court will grant the Petition and sign the proposed Order.

**Case No. PR22-00004 Matter of Murrieta, Roberto**

Tentative Ruling: **Appearance required.**

## **CIVIL LAW AND MOTION CALENDAR – 9:30 a.m.**

**Case No. CV20-00163**                      **Bielick, K. Ruby vs. Hickman, Robert Alexander et al.**

Tentative Ruling: **Appearance required.** The Court will hear argument from counsel re: Plaintiff/Cross-defendant's Demurrer to the Defendant's First Amended Cross-complaint and the Plaintiff/Cross-defendant's Motion to Strike the First Amended Cross-complaint pursuant to Code of Civil Procedure §425.16.

**Case No. CV20-00078**                      **Copley, Lane v Souders, William**

Tentative Ruling: **Appearance required.** Lois Schultz and Lane Copley have filed and noticed a hearing for Order to Show Cause and Affidavit for Contempt regarding why the Souders should not be held in contempt of court. The Court will inquire why the Plaintiffs did not file form FL-410 and have it issued by this Court, which is the required and mandated Judicial Council form to be used for any Order to Show Cause re: Contempt. Therefore, no Order to Show Cause has been properly issued by this Court.

**Case No. CV21-00211**                      **Petition of Fomin, Mark**

Tentative Ruling: **Appearance required.** This matter was continued for Petitioner to post Petition pursuant to this Court's Administrative Order. No proof of posting has been filed. The Court will inquire whether Petitioner intends to proceed with the OSC for name change.

## **FAMILY LAW CALENDAR - 10:30 a.m.**

**Case No. FL14-00103**                      **Castillo, Jewel v Wilcox, William**

Tentative Ruling: **Appearance required.** Respondent/Father has filed a Request for Order to modify visitation. This Request for Order is continued to February 28, 2022, at 10:30 p.m. for the parties to attend mediation as required by statute. If Petitioner/Mother opposes the Request, she is to file and serve by mail her opposing Responsive Declaration prior to that hearing date.

**Case No. FL21-00160**                      **Slack, Joseph v Dominguez, Kikki**

Tentative Ruling: **Appearance required.** No proof of service has been filed and mediation did not occur. The Court will discuss if Petitioner intends to proceed with the Request for Order and Emergency Orders.

## **CASE MANAGEMENT CONFERENCE/OTHER CASES**

**2:00 p.m.**

### **Case No. LC20-00165      Calvary SPV I, LLC v Downey, Jo A**

Tentative Ruling: **Appearance required.** The Court will discuss setting this case for a Mandatory Settlement Conference and court trial. Defendant is ordered to show cause why reasonable monetary sanctions should not be imposed for her failure to file a Case Management Conference Statement. Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV19-00138      Eckmeyer v Girdner, James**

Tentative Ruling: **Appearance required.** The Court will discuss an order for mediation or setting the matter for trial. Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV20-00066      Kingsley, Sara v Kingsley, Patricia**

Tentative Ruling: **Appearance required.** The Court will discuss resetting the Mandatory Settlement Conference. Plaintiff is to show cause why reasonable monetary sanctions should not be imposed for her failure to appear at the January 10, 2022 Case Management Conference and her failure to file an updated Case Management Statement for this hearing. Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV21-00087      McBride, Linda v Ollis, Mickey**

Tentative Ruling: **Appearance required.** Defendants are ordered to show cause why reasonable monetary sanctions should not be imposed for their failure to file a Case Management Conference Statement. The Court will discuss the status of the case and amenability for mediation. Counsel can appear telephonically by CourtCall if requested.

### **Case No. LC21-00048      Midland Funding LLC v Ackley, Jason.**

Tentative Ruling: **Appearance required.** Plaintiff's counsel had indicated they were proceeding by default judgment and the case was continued. No application for default judgment has been filed and Plaintiff is to show cause why reasonable monetary sanctions for failure to obtain default judgment in violation of Rule of Court 3.740(f). Counsel can appear telephonically by CourtCall if requested.

### **Case No. LC20-00157      NBT Bank v Teague, Shelly**

Tentative Ruling: **No appearance required.** This case was settled and the file was sealed. All hearing dates are vacated. The cross-action which was severed is set for CMC on 3/28/22 at 2 p.m.

**Case No. LC19-00075          Petersen-Dean Inc. v Poole, Marni**

Tentative Ruling: **Appearance required.** The Court has reviewed the Declaration filed by Plaintiff's counsel re: the OSC for failure to appear and vacates the Order to Show Cause. The Court will discuss the status of the case. Counsel can appear telephonically by CourtCall if requested.

**Case No. CV18-00039          State Farm Mutual Insurance Co. v Muller, Mariette**

Tentative Ruling: **No appearance required.** The Notice of Settlement of entire case has been filed indicating a conditional settlement to be completed by March 14, 2022. The Case Management Conference will be continued to March 14, 2022, at 2 p.m. for filing of the Request for Dismissal of entire action. If the Request for Dismissal has been filed, no appearance of counsel for the CMC is required. If the Request for Dismissal has not been filed by that date, Counsel are required to appear and file updated Case Management Statements as to the status of dismissal. Counsel can appear telephonically by CourtCall if requested. Based upon the filing of the Notice of Settlement, the Defendant's Motion for Summary Judgment now set for February 28, 2022, is taken off-calendar.

**Case No. CV20-00098          Stewart, Katherine v Long, James**

Tentative Ruling: **Appearance required.** This Case Management Conference was continued for the parties to file documents settling the action. Plaintiff's CMC Statement indicates the consummation of the settlement has not occurred and intends to file a motion for judgment on the pleadings. Defendant has not filed a Case Management Conference Statement in violation of Rule of Court 3.724 and is ordered to show cause why monetary sanctions should not imposed against him for his failure to do so. Counsel and/or a party can appear telephonically by CourtCall if requested.

**Case No. CV20-00097          The North River Insurance Company v Bright, Merrill.**

Tentative Ruling: **No appearance required.** The entire action and cross-action has been dismissed with prejudice on December 17, 2021. All future court dates are hereby vacated.