

Tentative Rulings

Law & Motion and Family Law Calendar for April 25, 2022

Department Two – Judge Douglas Prouty

To request a hearing on any matter on this calendar, you must call the Court at 530/283-6297 by 12:00 noon, April 22, 2022 (please leave a voice mail if no one answers), 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. PR09-00044 Conservatorship of Sherod, Rachele

Tentative Ruling: **Appearance required.** The court will discuss any possible reimbursement for the costs of the Investigator's Report. The parties can appear by telephone by calling 1-877-336-1829 and enter access code 40312. The parties are then to wait on the line and mute their phone until the Court calls their case.

Case No. PR22-00016 Estate of Cairel, Joseph

Tentative Ruling: **No appearance required.** No proof of publication nor posting has been filed by the Petitioner as required by this Court's Administrative Order. The Court will continue this hearing for filing of proof of posting and publication to June 13, 2022 at 9 a.m. Counsel can appear telephonically by CourtCall if requested.

Case No. PR22-00020 Estate of Maisler, Loren

Tentative Ruling: **No appearance required.** While proof of publication has been filed by the Petitioner, there is no proof of posting in public as required by this Court's Administrative Order. The Court will continue this matter for filing of proof of public posting to June 13, 2022, at 9 a.m. Counsel can appear telephonically by CourtCall if requested.

Case No. PR22-00019 Estate of Papay, Mark

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 has been filed. The Court grants the Petition and will sign the proposed Order.

Case No. PR17-0052 Guardianship of Donahue, Thomas

Tentative Ruling: **Appearance required.** The Court has received and reviewed the Confidential Guardianship Status Report. In the Report, the Guardian indicates that the Minor will soon be moving from Quincy and living with his Mother somewhere in Sacramento. The Court will discuss whether the Guardianship should continue to monitor the Minor's progress or whether the guardianship should be dismissed at this time.

Case No. PR19-00024 Guardianship of Johnson, Cianna

Tentative Ruling: **Appearance required.** The Minor's Father has filed a request to modify visitation with the Minor. No opposition has been received from the Guardian. The Court will discuss whether the parties have contacted Family Court Services to set a mediation date.

Case No. PR21-00047 Guardianship of Ralston, Skylar

Tentative Ruling: **Appearance required.** The court will discuss any possible reimbursement for the costs of the Investigator's Report. The parties can appear by telephone by calling 1-877-336-1829 and enter access code 40312. The parties are then to wait on the line and mute their phone until the Court calls their case.

Case No. PR22-00014 Guardianship of Roberts, Precious

Tentative Ruling: **Appearance required.** Petitioner is the grandmother of the minor and the Court investigator states that the Minor is the subject of a juvenile dependency action in Plumas County case no. JV22-000000. This Court cannot modify the placement of the child in that case by a guardianship action in this Court. By law, this Court must deny the Petition for Guardianship in this case and this action is otherwise stayed pending the outcome of the dependency action.

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

Case No. CV11-00013 Arnett, Randall v Johnson, Greg

Tentative Ruling: **Appearance required.** This matter is on calendar for Examination and Production of Documents as to Judgment Debtors Greg and Robyn Johnson.

Case No. CV22-00039 Petition of Johnson, Janel

Tentative Ruling: **No appearance required.** Petitioner has posted and served the Petition as required by law and no opposition has been filed. The Court will grant and sign the Decree Changing Name.

Case No. CV21-00081 Sacoolas, Christian v Labbe, Lane

Tentative Ruling: **Appearance required.** Petitioner has filed an Order to Show Cause re: Contempt. It does not appear the OSC re: Contempt has been personally served as required by statute. Based upon the failure to timely serve, the OSC re: Contempt will be taken off-calendar.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL19-00202 Baty, Michael v Baty, Shannon

Tentative Ruling: **No appearance required.** Petitioner has filed a Request for Order to Modify Spousal Support after the entry of Judgment in this action on February 18, 2021. Per Family Code §215, Petitioner must personally serve Respondent with this Request for Order and any other pleadings. Therefore, based upon the failure to personally serve Respondent, Petitioner's Request for Order is taken off-calendar.

Case No. FL12-00100 Dunbar, Alanna v Dunbar, Eric

Tentative Ruling: **Appearance required.** Respondent has filed a Request for Order to Modify Spousal Support and Petitioner has filed her opposition. The Court will discuss time estimates and available dates for a contested hearing. Counsel can appear telephonically by CourtCall if requested.

Case No. FL21-00142 Kinateder, David v Kinateder, Deborah

Tentative Ruling: **Appearance required.** Respondent has filed a Request for Order for Temporary Spousal Support and Attorney's Fees and Petitioner has filed his Responsive Declaration. The Court has reviewed the pleadings and can hear argument on those issues within the 15 minute limit for Law & Motion matters. If additional testimony or evidence is to be presented the matter will have to be specially set for hearing.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC21-00205 Discover Bank v Danaher, Kevin

Tentative Ruling: **Appearance required.** This matter is on calendar for the first Case Management Conference. Plaintiff is to show cause why monetary sanctions should not be imposed for the Plaintiff's failure to file a case management statement in violation of Rule of Court 3.725(a) and Plaintiff's failure to serve the Defendant or serve Defendant by publication in violation of Rule of Court 3.740(d). Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00199 Midland Credit Management, Inc v Hill, Leanna

Tentative Ruling: **Appearance required.** Defendant in pro per filed a Case Management Statement after being served, but no response has been filed. The Court will discuss the status of the case, including Defendant's failure to file an answer or demurrer, with the parties. Counsel can appear telephonically by CourtCall if requested.

Case No. CV21-00189 Preckwinkle, Amanda v Knope, John

Tentative Ruling: **No appearance required.** The Court has received the Notice of Settlement of the case which is conditionally to be completed by 6/6/22. This matter is continued to June 13, 2022, at 2 p.m. If the Request for Dismissal has been filed before that date, no appearances of counsel are necessary. If the Request for Dismissal has not been filed before the hearing date, counsel are to appear for the CMC to discuss status. Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00198 Wells Fargo Bank N.A. v La Perle, James

Tentative Ruling: **Appearance required.** This matter is on calendar for the First Case Management Conference. The Court will discuss the status of service on Defendant whose residence in Greenville was destroyed. Counsel can appear telephonically by CourtCall if requested.

CASE MANAGEMENT CONFERENCE/OTHER CASES
2:00 p.m.

Case No. CV19-00193 American Valley Aviation, Inc v County of Plumas

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case.

Case No. LC20-00165 Calvary SPC I, LLC v Downey, Jo A

Tentative Ruling: **Appearance required.** This case is on calendar for a case management conference and for counsel for Plaintiff to show cause why reasonable monetary sanctions should not be imposed for the their failure to appear on February 28, 2022.

Case No. CV16-00014 J&S Custom Homes, Inc v Nakoma Associates LP

Tentative Ruling: **Appearance required.** The unconditional Notice of Settlement of Entire Case was filed on March 9, 2022 and the Request for Dismissal was to be filed by April 25, 2022. The Court will discuss the status of dismissal. Counsel can appear telephonically by CourtCall if requested.

Case No. CV19-00219 Mercer, David v Portola Junior/Senior High School

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

Case No. CV19-00001 Wheeler, Frankie v Dewitt, George

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