

Tentative Rulings

Law & Motion and Family Law Calendar for May 9, 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, May 6, 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. PR21-00010 Conservatorship of Daniel, Julia

Tentative Ruling: **Appearance required.** Matter is on calendar for annual review.

Case No. PR21-00014 Conservatorship of Fajardo, Jamie

Tentative Ruling: **Appearance required.** Petition for reappointment of LPS Conservator has been filed.

Case No. PR22-00028 Estate of Gilmer, Roland

Tentative Ruling: **Appearance required.** Notice of the Petition for Spousal Property Order has been given as required by law. To date, no opposition to the Petition has been filed.

Case No. PR21-00015 Guardianship of Alcaraz, Elisandra

Tentative Ruling: **No appearance is 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 May 8, 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 can 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 until the Court calls their case. The parties are to mute their phone until the case is called.

Case No. PR21-00009 **Guardianship of Ballantine, Jed**

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 May 8, 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. PR14-00011 **Guardianship of Johnson, Gauge**

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 May 8, 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. PR21-00057 **Conservatorship of B., E.**

Tentative Ruling: **Appearance is required.** This case was set for a six month review hearing.

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

Case No. CV20-00163 **Bielik, K. Ruby v Hickman, Robert**

Tentative Ruling: **Appearance is required.** The Court will hear argument regarding the Defendant's Motion to Compel Production of Documents. Counsel can appear telephonically by CourtCall if requested.

Case No. CV22-00043 Petition of Ingle Vital, Tracy

Tentative Ruling: **Appearance is required.** Petitioner's Declaration of Service is incomplete. Petitioner needs to specify where the Petition was posted and complete the Declaration. If such information is included in Declaration, the Petition will be granted.

Case No. LC20-00136 Portfolio Recovery Associates, LLC v Hawes, Lance

Tentative Ruling: **No appearance required.** This case is on calendar for Plaintiff's Motion for Judgment on the Pleadings per Code of Civil Procedure §438 and a continued Case Management Conference. Defendant has received notice of the hearing on the Motion and has not filed any opposition to the Motion. The Court grants Plaintiff's Request for Judicial Notice and takes judicial notice of the attached exhibits. The Court has also reviewed the Plaintiff's Motion, Memorandum of Points and Authorities, and the supporting Declaration of Plaintiff's Counsel.

The Court intends to grant Plaintiff's CCP 438 Motion for Judgment on the Pleadings on the grounds that the Complaint states facts sufficient to constitute a cause of action against Defendant and further, Defendant has been conclusively deemed to have admitted every material fact alleged in the Complaint. Accordingly, judgment for Plaintiff Portfolio recovery Associates, LLC is entered against Defendant Lance Hawes in the principal sum of \$4,474.53 and court costs of \$366 for a total judgment in the sum of \$4,840.53.

If the Defendant requests argument and appears for the hearing on the Motion, Counsel can appear telephonically by CourtCall if requested. The Case Management Conference will be vacated.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL22-00045 Passariello, Nina v. Fuston, Dustin

Tentative Ruling: **Appearance is required.** Petitioner has filed a post-judgment Motion for Execution of Interspousal Deed for the community Canyon Dam property awarded to Petitioner in the 2021 Judgment and award of an omitted asset, 2015 houseboat and the outstanding purchase loan, to Petitioner. No opposition has been filed by Respondent Fuston, who has been personally served. After reviewing the Request for Order, supporting Declaration, and Memorandum of Points and Authorities, the Court intends to grant the requested Motion.

Petitioner's Request for Order indicates she is also seeking an award of spousal support, however the body of the Request does not seek such an order and no facts are stated to support that request. Additionally, in the Judgment spousal support was terminated as to both parties.

Case No. FL22-00045 Powell, Michael v Edmonson, Kenna

Tentative Ruling: **Appearance is required.** Petitioner has filed a Request for Order regarding custody and visitation. The Request will be continued to allow the parties to attend mandatory mediation with Family Court Services. This case will be continued to June 13, 2022, at 10:30 a.m. for the results of mediation.

Case No. FL09-00327 Wharton, John v Wharton, Rebecca

Tentative Ruling: **Appearance is required.** Petitioner has filed this Request for Order re: custody and visitation which was continued for the parties to attend mediation. The Court will discuss the results of mediation and whether the Request will be set for a contested hearing. Respondent can appear telephonically by the AT&T conference line 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 MANAGEMENT CONFERENCE/OTHER CASES
1:30 p.m.

Case No. LC21-00210 Bank of America, N.A. v Smith, Larry

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). Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00216 TD Bank USA, N.A. v Wilson, Joanne

Tentative Ruling: **No appearance required.** Case has been dismissed without prejudice. All future calendar dates are vacated.

Case No. CV21-00214 Velez, Carlo v Seneca Healthcare District

Tentative Ruling: **Appearance required.** This matter is on calendar for the first Case Management Conference. The Court will discuss the status of the case. Counsel can appear telephonically by CourtCall if requested.

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 p.m.

Case No. CV21-00016 California State Grange v Taylorsville Community Grange No. 439

Tentative Ruling: **Appearance is required.** The Court will discuss the status and result of mediation.

Case No. LC21-00163 Discover Bank v L., Susan Dean

Tentative Ruling: **Appearance is required.** The case is on calendar for a Case Management Conference and Order to Show Cause re: failure to appear. Based upon the response filed by Plaintiff's counsel the OSC is vacated. As to the Case Management Conference, the Court will discuss the status of the case. Additionally, Plaintiff's counsel is to show cause why reasonable monetary sanctions should not be imposed for failure to file a case management statement. Counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance is required.** The Case Management Conference in this case was continued from April 25, 2022, for Defendant, who represents herself, to file a response to the Plaintiff's Complaint, not a Case Management Statement. Plaintiff has submitted a request for entry of a Judgment by Default. Defendant has not submitted any appropriate response or answer in this matter during this continuance. Based upon Plaintiff's failure to legally respond to the Complaint, the Court orders that the Defendant's default shall be entered as requested. After reviewing the supporting Declarations, the Court orders that Judgment is hereby entered against Defendant in the total sum of \$1,480.70, inclusive of costs.

Case No. CV20-00156 Singletary, Lonna v DC Construction

Tentative Ruling: **Appearance is required.** This case was continued for further Case Management Conference. Neither party has filed an updated Case Management Statement as ordered. Plaintiff and Defendant are to show cause why monetary sanctions should not be imposed for the failure to those Statements per Rule of Court 3.725(a). Counsel can appear telephonically if requested.

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

Tentative Ruling: **Appearance is required.** The Interlocutory Judgment for Sale was entered and the Court will be discussing the status of the partition or sale of the property at issue. Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00154 TD BANK , USA. v Youens, Catheryn

Tentative Ruling: **No appearance is required.** The case has been conditionally settled with the Judgment to be paid off by April 5, 2023. The case will be set for a status review for April 10, 2023, at 2 p.m. If the Judgment has been fully satisfied prior to the review hearing, no appearances are necessary, and the case will dismissed with prejudice. If the full settlement has not occurred, counsel can appear telephonically by CourtCall.

Case No. CV16-00146 Turenne, Ronald v Miller, Jeffrey

Tentative Ruling: **Appearance required.** This matter is on calendar for further Case Management Conference re: setting the matter for court trial. Counsel can appear by Zoom at the furnished link as requested.

Case No. LC21-00167 Wells Fargo Bank, N.A. v Folkins, Bruce

Tentative Ruling: **No appearance is required.** Dismissal without prejudice entered by Plaintiff. All future hearing dates vacated.