

Tentative Rulings

Law & Motion and Family Law Calendar for August 9, 2021

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, August 6, 2021, 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. PR21-00040 Conservatorship of Anderson, Stephanie

Tentative Ruling: **Appearance required.** The Court will discuss whether Petitioner is seeking to have co-successor conservators appointed. The proposed order mentions successor conservators however the Petition does not request appointment of any.

Case No. PR21-00037 Estate of Beaver, Noel

Tentative Ruling: **No appearance required.** It does not appear that there has been posting of the Petition and Notice of Petition as required by this Court's Administrative Order. The hearing will be continued to September 13, 2021, at 9 a.m. for the required posting.

Case No. PR21-00038 Estate of Cokely, Wayne

Tentative Ruling: **Appearance required.** It appears notice has been given as required by law and no opposition to the Petition has been filed to date. The Court will hear argument regarding the lost will issue.

Case No. P17-00057 Guardianship of Clark, Sierra

Tentative Ruling: **No appearance required.** As of August 1, 2021, Sierra Clark is 18 years old and the guardianship is terminated by operation of law.

Case No. P19-00027 Guardianship of Helbig, Andrew & Lucas

Tentative Ruling: **No appearance required.** As to the remaining guardianship for Lucas, 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. The next annual review will be set for August 8, 2022, at 9 a.m. The Court Clerk is to mail a copy of the minute order to the Guardian and the Guardian is ordered to file the Status Report prior to the next 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 until the Court calls their case. The parties are to mute their phone until the case is called. All prior orders shall remain in full force and effect until the next hearing date.

Case No. PR21-00033 Estate of Parker, Larry

Tentative Ruling: **No appearance required.** The Court finds that notice has been given as required by law as to the Petition. No opposition having been filed, the Court grants the Petition and will sign the proposed Order.

Case No. PR16-00018 Guardianship of Litz, Kylie

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 August 8, 2022, 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. PR15-00038 Guardianship of McArthur-Settell, Christopher & Douglas

Tentative ruling: **Appearance is required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to September 13, 2021, at 9 a.m. The Court Clerk is to mail a copy of the minute order to the Guardian. The guardian is ordered to file the Status Report prior to the next 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 until the Court calls their case. The parties are to mute their phone until the case is called. All prior orders shall remain in full force and effect until the next hearing date.

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

Case No.LC21-00130 Quincy Real Estate & Property Management v Keyt, Dave

Tentative Ruling: **Appearance required.** The Defendant has requested a jury trial in this unlawful detainer action. The Court will discuss with the parties whether they intend to proceed to a jury trial and the problems which currently exist in Plumas County with summoning a jury as well as the requirement to pay jury fees. Alternatively, the Court will discuss setting the matter for a court trial on August 18, 2021, at 9 a.m.

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

Tentative Ruling: **No appearance required.** The parties have stipulated to continue the hearing of the Defendants' Motions for Summary Judgment/Adjudication to September 27, 2021, at 9:30 a.m. The Case Management Conference now set for September 13, 2021, at 2 p.m. is continued to the aforesaid date and time.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL21-00028 Alvarado, Steven v Wyrick, Michaela

Tentative Ruling: **Appearance required.** This matter is on for a custody status review. Counsel can appear telephonically by CourtCall.

Case No. FL19-00063 Brown, Mikki v McArthur, Justin

Tentative Ruling: **Appearance required.** This matter is on calendar for a visitation status review.

Case No. FL19-00139 Geary, Joy v Silva, Donald

Tentative Ruling: **Appearance required.** This matter is on for a custody status review.

Case No. FL20-00072 Hatfield, Michael v Gilpin, Aya

Tentative Ruling: **Appearance required.** The Court will discuss setting the contested hearing for Petitioner's Request for Order filed on May 24, 2021.

Case No. FL11-00163 McKinney, Renee v McKinney, Michael

Tentative Ruling: **Appearance required.** The Court will discuss the status of mediation and temporary orders pending the next court hearing after mediation is completed. No opposition to the temporary orders has been filed by Respondent.

Case No. FL21-00008 Shelton-Peterson, Haley v Governor, Christianl

Tentative Ruling: **Appearance required.** This matter is on for a review hearing regarding custody and visitation under the March 17, 2021 Mediation Agreement.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC21-00023 Citibank, N.A. v Ploke, Lisa

Tentative Ruling: **Appearance required.** Plaintiff has failed to serve the Summons and Complaint in violation of Rule of Court 3.740. Plaintiff is to show cause why reasonable monetary sanctions should be imposed. Counsel can appear telephonically by CourtCall.

Case No. LC21-00033 Discover Bank v Jensen, Jan

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

Case No. LC21-00022 Discover Bank v Smith, Donata

Tentative Ruling: **Appearance required.** Plaintiff and Defendant have failed to timely file Case Management Statements as required by Rule of Court 3.720. Both parties are to show cause why reasonable monetary sanctions should not be imposed for that violation. Both parties can appear by telephone by calling 1-877-336-1829 and enter the access code 4023142. The parties 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. LC21-00048 Midland Credit Management Inc. v Ackley, Jason

Tentative Ruling: **Appearance required.** Plaintiff has failed to serve the Summons and Complaint in violation of Rule of Court 3.740. Plaintiff is to show cause why reasonable monetary sanctions should be imposed. Counsel can appear telephonically by CourtCall.

Case No. LC21-00036 Second Round Sub, LLC v Jamie Re:

Tentative Ruling: **Appearance required.** Plaintiff has failed to serve the Summons and Complaint in violation of Rule of Court 3.740 and has failed to file a Case Management Statement as required by Rule of Court 3.720. Plaintiff is to show cause why reasonable monetary sanctions should be imposed. Counsel can appear telephonically by CourtCall.

CASE MANAGEMENT CONFERENCE/OTHER CASES
2:00 P.M.

Case No. LC21-00002 Calvary SPV I, LLC v Enos, Lee

Tentative Ruling: **Appearance required.** The Court will hear the continued Case Management Conference and Order to Show Cause why reasonable monetary sanctions should not be imposed for the failure to appear for the Case Management Conference on 7/12/21, failure to file any Case Management Statements for the CMCs in this case to date, and failure to serve the Summons and Complaint. Counsel can appear telephonically by CourtCall.

Case No. PR19-00054 In Re Anthony & Dorothy Fernandes Family Trust

Tentative Ruling: **Appearance required.** The Court will discuss ordering mediation in this case. Petitioner has requested a jury trial. The Court will discuss setting this matter for a settlement conference. Counsel can appear telephonically by CourtCall.

Case No. CV20-00066 Kingsley, Sara v Kingsley, Patricia Ann

Tentative Ruling: **Appearance required.** The Court will discuss the results of mediation. Counsel can appear telephonically by CourtCall.

Case No. LC20-00127 Pacific Financial Association Inc v Jolicoeur, Normand

Tentative Ruling: **Appearance required.** Defendant has failed to timely file a Case Management Statement and is to show cause why reasonable monetary sanctions should be imposed for violation of Rule of Court 3.725. The Court will discuss the results of mediation. Counsel can appear telephonically by CourtCall.

Case No. CV19-00127 USA Waste of California Inc v County of Plumas

Tentative Ruling: **Appearance required.** The Court will discuss the status of the entry of Judgment based upon the agreement for settlement. Counsel can appear telephonically by CourtCall if they wish to do so.