

Tentative Rulings

Law & Motion and Family Law Calendar for September 13, 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, September 10, 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. PR21-00037 Estate of Beaver, Noel

Tentative Ruling: **Appearance required.** It does not appear that posting of the Notice of Hearing has been completed as required by this Court's Administrative Order. Petitioner must post the Notice of Hearing on the Plumas News website for three consecutive weeks and file a proof of service for that posting. Petitioner can appear by telephone for this hearing by calling 1-877336-1829 and enter the access code 4023142. The party must then wait on the line and mute their phone until their case is called.

Case No. PR20-00056 Estate of Stephenson, Aubrey Dean

Tentative Ruling: **No appearance required.** The Court has reviewed the Report and Petition for Final Distribution. Notice has been given as required by law and no opposition has been filed. The Court Grants the Petition for Final Distribution and will sign an Order on Waiver and Account and for Final Distribution.

Case No. PR21-00026 Estate of Sunn, Katherine

Tentative Ruling: **Appearance required.** No Consent has been filed by Jessica Brown. The Court will continue the Petition for Final Distribution for that filing to October 13, 2021, at 9 a.m.

Case No. P15-00038 Guardianship of McArthur-Settell, Christopher & Douglas

Tentative Ruling: **Appearance required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to October 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.

Case No. CV21-00151 In Re Lovins, Jesse Arlo

Tentative Ruling: **Appearance required.** The Petitioner for conservatorship of the same individual was continued to September 17, 2021, at 9 a.m. This matter shall also be continued to that date. It does not appear that any Notice of Hearing has been filed or served on any party on behalf of the proposed Guardian ad Litem. It also appears that notice was not sent to counsel for this hearing date. Counsel for the proposed Guardian ad Litem can appear telephonically by CourtCall if requested.

Case No. PR21-00049 Matter of Weaver, Tracy & Laurence

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and attached Marriage Certificate and Declarations. The Court will sign the proposed Order.

Case No. PR21-00041 Matter of Whitman, Patricia

Tentative Ruling: **No appearance required.** The Court will continue this matter to October 13, 2021, at 9 a.m. for receipt of the investigator's report. The Court will be appointing an investigator in the near future. The Temporary Conservatorship and all prior orders will remain in full force and effect to that date.

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

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

Tentative Ruling: **Appearance required.** The Court will hear argument regarding the discovery motion. Counsel can appear telephonically by CourtCall.

Case No. CV18-00039 State Farm Mutual Ins. Co v Muller, Marietta

Tentative Ruling: **No appearance required.** By Stipulation and Order the Motion for Summary Judgment has been continued.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL16-00154 Campbell, Anthony v Fairbanks, Jennifer

Tentative Ruling: **Appearance required.** Based upon the Declarations regarding the Petitioner Father being in Texas alcohol rehab, this Court ordered temporary custody to the Respondent Mother. Family Court Services indicates the parties were unable to reach an agreement in mediation. Nothing in the Petitioner's Responsive Declaration indicates when he will or has returned from Texas.

Case No. FL13-00083 Cardiel, Cindi v Cardiel, Ralph

Tentative Ruling: **Appearance required.** Petitioner Mother has filed a request to modify visitation and eliminate the weekly Tuesday overnight visitation. Respondent has not filed any opposition. The Court will continue the Request to November 8, 2021, at 10:30 p.m. to permit the parties to go to mediation.

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

Tentative Ruling: **Appearance required.** The Court will hear the review hearing.

Case No. FL15-00208 Haynes, Melissa v Valadez, Mario

Tentative Ruling: **Appearance required.** Respondent has filed a Request to modify custody and support. There is no proof of service for the Request on Petitioner Mother. The Court will discuss whether Respondent intends to go forward with the Request and attend mediation.

Case No. FL21-00015 Hudson, Brandon v Miller, Jacque

Case No. FL21-00095 Miller, Jacquelyn v Hudson, Brandon

Tentative Ruling: **Appearance required.** This matter has been continued for review hearing from 7/26/21 to today's hearing and return on mediation in FL21-00095. Notices of this hearing date to both parties were returned. In FL21-00095, there does not appear to be service of Request for Order and denial of Temporary Emergency Orders on Respondent Father.

Case No. FL21-00098 McDowell, Vanessa v White, Christopher

Tentative Ruling: **Appearance required.** Petitioner filed a Petition for Custody and Support as well as Request for Orders regarding custody and visitation. The parties were ordered to go to mediation, however the Court does not have a return from mediation. Respondent Father has filed an improper "demurring" document and motion for judgment on the pleadings. The Court will discuss the status of mediation and recent custody and visitation. Respondent needs to fill out Responsive Declaration FL-320.

Case No. FL21-00086 Rael, Tyson v. Rael, Danielle

Tentative Ruling: **Appearance required.** The Court will discuss the results of mediation.

Case No. FL21-00119 Whitaker, Mikayla v Bell, Ravion

Tentative Ruling: **Appearance required.** Petitioner Mother filed a Request for Order and Temporary Emergency Orders were issued by this Court. It does not appear that those Orders were served on the Respondent. The parties are to schedule and attend mediation with Family Court Services and Petitioner's Request will be continued to October 13, 2021, at 10:30 a.m. If Respondent opposes the Temporary Emergency Orders, he must file a Responsive Declaration FL-320. The Court will discuss the status of the TEO pending mediation.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

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

Tentative Ruling: **Appearance required.** This matter was set for hearing on the Defendant's Motion to Strike and Case Management Conference on July 26, 2021 and continued to this date. The Court will hear argument on the Motion if requested at this time and also discuss case status and mediation at the Case Management Conference. Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00019 Calvary SPV I, LLC v Sather, Cory

Tentative Ruling: **No appearance required.** Default Judgment has been entered and the Order to Show Cause is taken off-calendar.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of settlement discussions and the pending Motion to be heard on September 27, 2021.

Case No. LC21-00014 JP Morgan Chase Bank, N.A. v Ackley, Monteil

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

Case No. LC21-00054 Midland Credit Management, Inc v Grant, Karola

Tentative Ruling: **Appearance required.** This case is on calendar for the first Case Management Conference. Plaintiff has failed to timely file a Case Management Statement as required by Rule of Court 3.720. Plaintiff is to show cause why reasonable monetary sanctions should not be imposed. Counsel can appear telephonically by CourtCall.

Case No. LC21-00018 Midland Credit Management, Inc v King, Christina

Tentative Ruling: **Appearance required.** This case is on calendar for the first Case Management Conference. Plaintiff has failed to timely file a Case Management Statement as required by Rule of Court 3.720. Plaintiff is to show cause why reasonable monetary sanctions should not be imposed. Counsel can appear telephonically by CourtCall.

Case No. CV21-00051 Piccinini, Rick v Piccinini, Gene

Tentative Ruling: **Appearance required.** Plaintiff has failed to timely file a Case Management Statement as required by Rule of Court 3.720 and has not served the summons and Complaint in violation of Rule of Court 3.740. Plaintiff is show cause why reasonable monetary sanctions should be imposed. Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00059 TD Bank, N.A. v Turner, Ryan, Sr.

Tentative Ruling: **Appearance required.** Plaintiff has failed to timely file a Case Management Statement as required by Rule of Court 3.720 and has not served the summons and Complaint in violation of Rule of Court 3.740. Plaintiff is show cause why reasonable monetary sanctions should be imposed. Counsel can appear telephonically by CourtCall if requested.

Case No. LC21-00062 U.S. Bank National Association v Maumoynier, Tom

Tentative Ruling: **Appearance required.** Plaintiff has failed to timely file a Case Management Statement as required by Rule of Court 3.720 and has not served the summons and Complaint in violation of Rule of Court 3.740. Plaintiff is show cause why reasonable monetary sanctions should be imposed. 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.** This Case Management Conference was continued from July 26, 2021. The Court will discuss the status of the case and mediation.

Case No. LC20-00034 **Discover Bank v Cassinelli, Sharon**

Tentative Ruling: **No appearance required.** Plaintiff indicates that the case has been settled. The Case Management Conference will be continued for filing of the Notice of Settlement to October 25, 2021, at 2:00 p.m. Counsel can appear telephonically by CourtCall if requested.

Case No. CV20-00061 **Durkee, Timothy v Durkee, Tobin**

Tentative Ruling: **No appearance required.** The parties have executed a settlement agreement and a motion for enforcement of the Agreement and entry of Judgment thereon is set for September 27, 2021 at 9:30 a.m. This Case Management Conference is continued to that date. Counsel can appear telephonically by CourtCall if requested.

Case No. CV20-00092 **Labbe'/Tomczak v Dometic Corporation**

Tentative Ruling: **No appearance required.** This action remains stayed pending resolution of Federal case. Case is set for further Case Management Conference on March 14, 2022, at 2 p.m. for status of the Federal case.

Case No. CV19-00238 **Meyer, Michael v County of Plumas**

Tentative Ruling: **No appearance required.** The CMC Statements filed by counsel indicate that mediation was scheduled for August 11, 2021, and cancelled because of wildfire. The Court will discuss the status of the case and possible scheduling of mediation. Counsel can appear telephonically by Court Call.

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

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

Case No. CV18-00217 **Peterson, Richard v Shasta-Siskiyou Transport**

Tentative Ruling: **Appearance required.** The Court will discuss the status of discovery and setting the matter for a Mandatory Settlement Conference. Counsel can appear telephonically by CourtCall.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of discovery and motions and setting the matter for mediation or a Mandatory Settlement Conference. Counsel can appear telephonically by CourtCall.

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

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

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

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