

Tentative Rulings

Law & Motion and Family Law Calendar for October 25, 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, October 22, 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. PR11-00031 Conservatorship of Griffith, Nicholas

Tentative Ruling: **No appearance required.** The Court will order the investigative report for this biannual review and set the hearing for receipt of that report for November 22, 2021, at 9 a.m. The Court finds it is necessary for the best interests of the Conservatee that the conservatorship remain in effect to that new hearing date. All prior orders will remain in full force and effect to the next hearing date.

Case No. PR21-00032 Conservatorship of Hall, Jacob

Tentative Ruling: **Appearance required.** The Court has reviewed the Investigator's Report and the recommendation. The Court will discuss how counsel and the Conservatee intend to proceed. The proposed Conservators can appear for this hearing by telephone 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. PR21-00034 Conservatorship of Hall, Joshua

Tentative Ruling: **Appearance required.** The Court has reviewed the Investigator's Report and the recommendation. The Court will discuss how counsel and the Conservatee intend to proceed. The proposed Conservators can appear for this hearing by telephone 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. P00-05935 Conservatorship of Schager, Kevin

Tentative Ruling: **No appearance required.** The Court will order the investigative report for this biannual review and set the hearing for receipt of that report for November 22, 2021, at 9 a.m. The Court finds it is necessary for the best interests of the Conservatee that the conservatorship remain in effect to that new hearing date. All prior orders will remain in full force and effect to the next hearing date.

Case No. PR4382 Conservatorship of Pearce, Vinton

Tentative Ruling: **No appearance required.** The Court will order the investigative report for this biannual review and set the hearing for receipt of that report for November 22, 2021, at 9 a.m. The Court finds it is necessary for the best interests of the Conservatee that the conservatorship remain in effect to that new hearing date. All prior orders will remain in full force and effect to the next hearing date.

Case No. PR09-00044 Conservatorship of Sherod, Rachele

Tentative Ruling: **No appearance required.** The Court will order the investigative report for this biannual review and set the hearing for receipt of that report to December 13, 2021, at 9 a.m. The Court finds it is necessary and in the best interests of the Conservatee that the conservatorship remain in effect to that new hearing date. All prior orders will remain in full force and effect to the next hearing date.

Case No. PR20-00044 Conservatorship of Bradley, Susan

Tentative Ruling: **No appearance required.** The Court has not received the Investigative Report. The hearing will be continued for receipt of that report to December 13, 2021, at 9 a.m. The Court finds it is necessary and in the best interests of the Conservatee that the conservatorship remain in effect to that new hearing date. All prior orders will remain in full force and effect to the next hearing date.

Case No. PR21-00008 Estate of McClure, Catherine

Tentative Ruling: **No appearance required.** Notice has been given as required by law. The Court has reviewed the First Account and Report of Administrator and Petition for Compensation, and Request for Order for Final Distribution. No opposition has been received or filed. The Court intends to grant the proposed requests and will sign a proposed order to that effect.

Case No. PR07-6356 Guardianship of Merkley, Kyli

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 November 22, 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. PR21-00048 Matter of Cloda J. Baker Family Trust

Tentative Ruling: **No appearance required.** Notice has been given as required by law. The Court has reviewed the Petition and supporting Declarations and no opposition to the Petition has been filed. The Court will grant the Petition to determine title to assets and will sign a proposed Order prepared by Petitioner's counsel.

Case No. PR20-00026 Matter of the Dominick Ward Special Needs Trust

Tentative Ruling: **Appearance required.** Notice has been given as required by law. The Court has reviewed the First Account and Report of Trustee, Petition to settle account, reduce bond, authorize purchase of Alabama residence, transfer venue to Contra Costa County, and for fees, and attachments thereto. No opposition has been received or filed. The Court intends to grant the proposed requests, petitions and motions, however the Court requests input from the Trustee regarding the prospective and recent relocations to California and Alabama. Counsel can appear telephonically by CourtCall if requested.

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

Case No. CV21-00171 Wright, Jerome, et al. v PG&E

Tentative Ruling: **No appearance required.** The Court has reviewed the Pro Hac Vice Application of William McCann, supporting declarations, and State Bar Approval of his Application. Notice has been given as required by law and no opposition to the Application has been filed. The Court will grant the Application and will sign the proposed Order.

FAMILY LAW CALENDAR - 10:30 a.m.

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

Tentative Ruling: **Appearance required.** Family Court Services indicated the parties were unable to both schedule the mediation. The Court will continue this motion for both parties to schedule and attend mediation with FCS to November 22, 2021, at 10:30 a.m.. If the parties have come to an agreement on all issues in the Request and a signed Mediation Agreement has been filed with the Court, the parties do not have to attend that hearing date. The parties can appear by telephone for this hearing 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. FL15-00208 Haynes, Melissa v Valadez, Mario

Tentative Ruling: **Appearance required.** This case was continued for return from mediation and Respondent Valadez' service of the Request for Order on Petitioner. Nothing has been received from Family Court Services that mediation has been scheduled or occurred. The Court will dismiss the Respondent's Request for Order if it has not been served.

Case No. FL14-00193 Kelley, Shawna v Kelley, Aaron

Tentative Ruling: **Appearance required.** The hearing on Respondent's Request for Order was continued for Respondent to obtain service of the documents on Petitioner. No proof of service has been filed and the Court will discuss if Respondent intends to proceed with this Request.

Case No. FL14-00046 Lara, Stephen v Lara, Kimberly

Tentative Ruling: Respondent has filed a Request for Order changing venue of this case to Butte County. The Court has reviewed the Request for Order and the Petitioner's Responsive Declaration filed on October 18, 2021. From the pleadings and recent declarations filed by the parties as well as the evidence presented at the October 18th hearing before this Court on the request to renew the restraining order, it is not disputed that no party nor the children reside in Plumas County. The Petitioner and the children reside in Butte County and are also attending school there. Pursuant to Code of Civil Procedure §397.5, where both parties and the children have moved from Plumas County post-judgment, this Court can transfer venue to the new county of residence if the ends of justice and the convenience of the parties would be promoted by the change. Currently, there does not appear to any nexus with Plumas County and a transfer to the neighboring Butte County does not adversely affect the convenience of the parties at this time. Therefore, the Court intends to grant Respondent's Request and order this case transferred to Butte County. Respondent's counsel shall prepare the proposed Findings and Order After Hearing and pay any files required to transfer the case to Butte County.

Case No. FL09-00183 Schildman, Selena v Davidson, Brent

Tentative Ruling: **Appearance required.** Hearing on the Respondent's Request for modification of custody and visitation was continued for return from Mediation. The Court will discuss whether the matter will be set for a contested hearing.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

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

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

Case No. CV21-00085 Nielsen, Theresa v Seneca Health Care District

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

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 P.M.

Case No. LC20-00030 American Express National Bank v Wheeler, Lara

Tentative Ruling: **No appearance required.** Notice of conditional settlement has been filed. The Court will put this matter on calendar for June 12, 2023, at 2 p.m. for filing of the request for dismissal. If the dismissal has been filed, appearance of counsel is not required. If dismissal has not been filed, counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** The Court will confirm whether this case has been settled at mediation and will continue the Case Management Conference to December 27, 2021, at 2 p.m. for completion and filing of the settlement documents. If the case has been settled and judgment entered by December 27, 2021, appearance of counsel is not necessary.

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

Tentative Ruling: **Appearance required.** Defendant has failed to timely file a Case Management Statement as required by Rule of Court 3.720. Defendant is to show cause why reasonable monetary sanctions should not be imposed. The Court will discuss the status of the case and counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** This matter is on calendar for a Case Management Conference. Defendant has failed to timely file a Case Management Statement as required by Rule of Court 3.720. Defendant is to show cause why reasonable monetary sanctions should not be imposed. The Court will discuss the status of the case and the possible mediation. The Court also notes Plaintiffs have tried to file a Substitution of Attorney which is incomplete and therefore cannot be filed. The parties and counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **No appearance required.** Notice of conditional settlement has been filed. The Court will put this matter on calendar for September 12, 2022, at 2 p.m. for filing of the request for dismissal. If the dismissal has been filed, appearance of counsel is not required. If dismissal has not been filed, counsel can appear telephonically by CourtCall if requested.

Case No. CV20-00060 Everhart, Patricia v Plumas District Hospital

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case and will continue the Case Management Conference for the results of mediation to January 24, 2022, at 2 p.m. The parties are to file updated CMC statements and can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** An order to show cause was issued on September 13, 2021, for counsel's failure to appear for the Case Management Conference on that date and for failure to comply with Rule of Court 3.740 for failure to timely serve the defendants. No response has been received.

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

Tentative Ruling: **Appearance required.** The Court has reviewed the Plaintiff's Declaration regarding the Order to Show Cause and vacates the OSC. The Case Management Conference will be continued to December 13, 2021, at 2 p.m. for Plaintiff to proceed with entry of default and judgment. If the Judgment has been entered prior to that date, Plaintiff does not have to appear. Alternatively, Plaintiff is to file an updated CMC statement and can appear telephonically by CourtCall regarding the status of entry of judgment.

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

Tentative Ruling: **Appearance required.** It appears the stay of proceedings in this Court has been vacated. Plaintiff and Defendant have failed to timely file a Case Management Statement as required by Rule of Court 3.720. Both parties are to show cause why reasonable monetary sanctions should not be imposed. The Court will discuss the status of the case and counsel can appear telephonically by CourtCall if requested.