

Tentative Rulings

Law & Motion and Family Law Calendar for November 8, 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, November 5, 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. PR20-00044 Conservatorship of Bradley, Susan

Tentative Ruling: **Appearance required.** The Court has reviewed the Investigator's Report and the Physician's Declarations. The Court will discuss with counsel whether a hearing is being requested.

Case No. PR21-00014 Conservatorship of Fajardo, Jamie

Tentative Ruling: **Appearance required.** This LPS conservatorship was set for an interim six-month Review Hearing. The Court will discuss the status of the conservatorship.

Case No. PR20-00042 Estate of Henley, Betty

Tentative Ruling: **Appearance required.** The Court has reviewed the Petition for Settlement of the First Account and Report. The Court will discuss whether this hearing date has been properly noticed. The First Account also indicates that the two parcels of real property, each with a mobilehome, and a Toyota vehicle were destroyed by the Dixie Fire and claims have been submitted to the insurance carrier for payment under the policies, however there has not been a determination as to the amount of any payment for those items by the insurer. The Court will

discuss what values will be used for computation of statutory attorney's fees. Counsel can appear telephonically if requested.

Case No. PR21-00044 Estate of Homen, Gerald

Tentative Ruling: **Appearance required.** This hearing on the Petition was continued on September 27, 2021, for Petitioner to post the Petition as required by this Court's Administrative Order filed on May 19, 2020. Petitioner has complied with the posting requirements for this Petition and the Court finds notice has been given as required by law. No opposition has been filed. The Court will grant the Petition and sign the proposed Order. Letters of Administration will be issued.

Case No. PR12-00007 Guardianship of Greenwood, Chance

Tentative Ruling: **Appearance require.** The Court has received and reviewed the Confidential Guardianship Status Report. The Court has some questions for the Guardians regarding the child's living situation. The Guardians can appear by telephone at that time of this hearing 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. PR13-00024 Guardianship of Juden, Rayanne

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 October 24, 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. PR14-00028 Guardianship of Tuell, Faith

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 October 24, 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. PR14-00027 Guardianship of Tuell, Honisty

Tentative Ruling: **Appearance required.** The Court has received and reviewed the Confidential Guardianship Status Report. The Court has some questions for the Guardians regarding the child's living arrangements with her Mother. The Guardians can appear by telephone at that time of this hearing 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 required.** The Court has reviewed the two Physician's Declarations. The Court will discuss the status of the Investigator's Report for this LPS conservatorship.

Case No. PR21-00058 Matter of 1995 Lofgren Family Trust

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and the supporting Declarations. Notice has been given as required by law and no opposition to the Petition has been filed. The Court will grant the Petition and sign the proposed Order.

Case No. PR21-00055 Matter of the Shirley Lee Jenkins 2020 Trust

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and the copy of the Trust attached thereto. Notice has been given as required by law and no opposition to the Petition has been filed. The Court will grant the Petition and will sign an order upon submittal by counsel.

Case No. FL21-00040 Wolfe, Mallory v Wolfe, Eric

Tentative Ruling: **Appearance required.** This matter is on calendar for a Family Law Case Management Conference. The Court will hear this case on the 3:00 p.m. DVPA restraining order calendar. The Court will discuss the status of the issues of the marital dissolution other than child support which has been referred to the Plumas County DCSS.

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

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

Tentative Ruling: **Appearance required.** The Court will hear argument on the Petitioner's Motion to Transfer Venue to Alameda County and Motion for Disqualification Counsel for Respondent. Counsel can appear telephonically by CourtCall if requested.

Case No. CV21-00184 Petition of Twilley, Kareen

Tentative Ruling: **No appearance required.** The Court finds that notice has been given as required by law and no opposition to the Petition has been received. The Court intends to sign the Decree Changing Name.

FAMILY LAW CALENDAR - 10:30 a.m.

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. By Stipulation and Order the hearing on that Request was continued to this date. 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 neither 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 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 fees required to transfer the case to Butte County. Counsel and parties can appear telephonically by CourtCall if requested.

Case No. FL21-00037 Fischer, Sara v Fischer, Michael

Tentative Ruling: **Appearance required.** Petitioner has filed a Request for Order for an elisor to sign an interspousal deed transferring a residence to Petitioner pursuant to the Judgment entered on July 1, 2021 There is no opposition filed by Respondent to date but there does not appear to be a proof of service of the Request on the Respondent. The Court will continue the matter for service of the Request on the Respondent to December 13, 2021, at 10:30 a.m.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC21-00094 Calvary SPV I, LLC v Downey, Jo Ann

Tentative Ruling: **Appearance required.** This case is set for the initial Case Management Conference. The Court will discuss the status of the case. Counsel or party can appear telephonically by CourtCall if requested.

Case No. CV21-00095 Wilson, Rhonda v Arrowsmith, Ann

Tentative Ruling: **Appearance required.** This case is set for the initial Case Management Conference. The Court will discuss the status of the case. Counsel or party can appear telephonically by CourtCall if requested.

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 P.M.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of service on defendants. Counsel or party can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of service on defendants. Counsel or party can appear telephonically by CourtCall if requested.

Case No. CV21-00001 Graham, John v Hudson, Andrew

Tentative Ruling: **Appearance required.** The Court has reviewed the Declarations filed by counsel and vacates the Order to Show Cause set for this date. The Court will discuss the status of service on defendants. Counsel or party can appear telephonically by CourtCall if requested.

Case No. CV21-00121 New York Marine & General Insurance Co. v Mylan, Inc

Tentative Ruling: **Appearance required.** The Court has not received updated Case Management Conference Statements from either counsel. Plaintiff and Defendant's counsel are to show cause why this Court should not impose reasonable monetary sanctions for their failure to comply with Rule of Court §3.725.

Case No. CV20-0078 Rice, Nathan v Womack Construction & Landscaping Inc

Tentative Ruling: **Appearance required.** The Court has not received updated Case Management Conference Statements from Defendant. Defendant's counsel is to show cause why this Court should not impose reasonable monetary sanctions for the failure to comply with Rule of Court §3.725. The Court will discuss the status of this case and amenability for mediation.