

Tentative Rulings

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

Tentative Ruling: **Appearance required.** The Court set this for a status review hearing.

Case No. PR17-00019 Conservatorship of L., D.

Tentative Ruling: **Appearance required.** The Court will discuss whether a hearing on the Petition is requested.

Case No. PR21-00043 Conservatorship of Lovins, Jesse

Tentative Ruling: **Appearance required.** The Court will discuss how counsel intends to proceed on the Petition.

Case No. PR4382 Conservatorship of P., V.

Tentative Ruling: **Appearance required.** The Court will discuss whether the Public Guardian intends to proceed with the reappointment of the conservator.

Case No. PR09-00044 Conservatorship of Sherod, Rachele

Tentative Ruling: **Appearance required.** The Court has reviewed the Court Investigator's Report and her recommendation.

Case No. PR21-00060 Estate of Critchlow, Shirley

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and finds that notice has been given as required by law. No opposition to the Petition has been filed. The Court grants the Petition to Administer Probate and will sign a proposed order.

Case No. PR21-00012 Estate of Stevens, James

Tentative Ruling: **No appearance required.** The Court has reviewed the First and Final Account, Petition for Distribution and Request for Statutory and Extraordinary Fees. The Court finds notice has been given as required by law and no opposition has been filed. The Court grants the Petitions and will sign the proposed Order for same.

Case No. PR12-00007 Guardianship of Greenwood, Chance

Tentative Ruling: **Appearance required.** The Court has reviewed the Confidential Guardianship Status Report filed by the Guardians and needs to discuss some issues raised in that Report. The Guardians can appear by telephone for 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. PR09-00001 Guardianship of Martin, Mariah

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 January 10, 2022, 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. PR18-00065 Guardianship of Meza, Avia & Wanless, Terlyn

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 November 28, 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. PR21-00064 In re Pettit, Hope Catherine Revocable Trust

Tentative Ruling: **Appearance required.** There does not appear to be service of the Notice of Hearing as required by Probate Code §851 and Code of Civil Procedure §413.10 et seq. The Court will discuss whether Petitioner intends to proceed with the required service of the Notice of Hearing.

Case No. PR21-00063 In re Matter of William & Mary Selbacj Family Trust

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and finds that notice has been given as required by law. No opposition to the Petition has been filed. The Court grants the Petition for Appointment of Successor Trustees and will sign a proposed order.

Case No. PR12-00061 In re Matter of Cottone, James

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and finds that notice has been given as required by law. No opposition to the Petition has been filed. The Court grants the Petition to Determine Succession to Real Property and will sign a proposed order.

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

Case No. CV21-00196 Petition of Chafin, Christina

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and finds that notice has been given as required by law. No opposition to the Petition has been filed. The Court grants the Petition for Name Change and will sign the Decree.

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

Tentative Ruling: **No appearance required.** The Court has reviewed the Motion for Order that Matters in Request for Admissions of Truth of Facts Be Admitted. Notice has been given as required by law and no opposition to the Motion has been filed. The Court finds that the Defendant has failed to serve any response to the requests for admission and therefore the Court grants Plaintiff's Motion and the truth of the facts set forth in each Request for Admission will be admitted as true. Counsel is to prepare the proposed order after hearing per Rule of Court 3.1312 and the Court will sign a proposed order.

Case No. CV21-00166 Starstone National Insurance Co. v Avita, Bonilla, Juan L.

Tentative Ruling: **No appearance required.** The Court has reviewed the Motion to Consolidate these cases and the pleadings in each action. The Court finds that notice has been given as required by law and no opposition to the Motion has been filed. The Court grants the order consolidating this case with *Phillip Christiansen v. Juan A. Bonilla et al.*, case no. CV21-00177. This case shall be designated as the lead case and any further pleadings in both cases are to be filed in this case. Plaintiff's counsel is to prepare the proposed order.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL21-00035 Barraza, Kristen v Magiera, Richard

Tentative Ruling: **Appearance required.** Petitioner has filed a Request for Order re: custody and visitation and the Court has recently received a Responsive Declaration from Respondent's new counsel. The Court will discuss whether the Responsive Declaration has been served and the status of mediation with Family Court Services.

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

Tentative Ruling: **Appearance required.** This Request for Order was continued for service on Respondent. The Court will discuss the status of service.

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

Tentative Ruling: **Appearance required.** Respondent's Request for Order was continued for return from mediation.

Case No. FL21-00100 Hoenig, Levi v Leathers, Jacob

Tentative Ruling: **Appearance required.** Respondent's Request for Order was continued for return from mediation.

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

Tentative Ruling: **Appearance required.** This matter was continued at Petitioner's request for service of the Request for Order on the Respondent. No proof of service has been filed. The Court will discuss whether Petitioner intends to proceed with the Request for Order or the Request will be dismissed.

Case No. FL20-00085 Kent, Janae v Froemmling, Jesse

Tentative Ruling: **Appearance required.** Both parties failed to appear at the Case Management Conference on November 24, 2021, and the parties are to show cause why they did not appear and what they need to do to complete this action.

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

Tentative Ruling: **Appearance required.** This Request for Order was continued for Respondent to file a responsive declaration. Nothing has been received.

CASE MANAGEMENT CONFERENCE/OTHER CASES
1:30 p.m.

Case No. LC21-00121 Discover Bank v. Fluke, George

Tentative Ruling: **No appearance required.** Judgment was entered on November 29, 2021. All prior court dates have been vacated.

Case No. CV21-00111 Green, Mike v American Valley Community Services District

Tentative Ruling: **Appearance required.** This case is on calendar for the first Case Management Conference. Defendants have failed to timely file a case management statement as required by Rule of Court 3.720. Defendants are to show cause why reasonable monetary sanctions should not be imposed. The Court will discuss the status of discovery and whether this case is amenable to mediation. Counsel can appear telephonically by Courtcall upon request.

Case No. CV21-00117 Maynard, Jennifer v McCormick, Kenneth

Tentative Ruling: **Appearance required.** This case is on calendar for the first Case Management Conference. Plaintiffs 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 discovery and whether this case is amenable to mediation. Counsel can appear telephonically by Courtcall upon request.

Case No. LC21-00105 Portoflio Recovery associates, LLC v Janovick, Katie

Tentative Ruling: **No appearance required.** This case has been dismissed without prejudice.

Case No. LC21-00119 Rohrs, Justin v Union Pacific Railroad Company

Tentative Ruling: **Appearance required.** This case is on calendar for the first Case Management Conference. The Court will discuss the status of discovery and whether this case is amenable to mediation. Counsel can appear telephonically by Courtcall upon request.

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

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

Tentative Ruling: **No appearance required.** Notice of Settlement has been filed. This matter is set for further Case Management Conference on February 28, 2022 at 2 p.m. for status on dismissal. If dismissal has been filed, no appearance is necessary. Counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** The Court has issued its Rulings denying the Petitioners' Motion to Disqualify Respondent's Counsel and granting the Petitioner's Motion to Transfer Venue to Alameda County based on the convenience of witnesses. This Case Management Conference is continued to February 14, 2022, at 2 p.m. for status on transfer of the case to Alameda County. If the case has been transferred, no appearance is required. Counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** Counsel can appear telephonically by CourtCall if requested.

Case No. CV20-00121 New York Marine & General Insurance Co. v Mylan Inc

Tentative Ruling: **Appearance required.** An Order to Show Cause why monetary sanctions should not be imposed for Plaintiff's failure to appear for 11.15.21 Case Management Conference. This is counsel's second failure to appear in this matter.

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

Tentative Ruling: **Appearance required.** Counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** The Court will discuss setting this matter for a 2 day court trial. Counsel can appear telephonically by CourtCall if requested.

Case No. CV19-00064 USA Waste of California Inc v County of Plumas

Tentative Ruling: **Appearance required.** Counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case. The Court notes that Plaintiff's counsel has not prepared the proposed Order on the Ruling on Motion for Summary Judgment as required by Rule of Court 3.1312.