

Tentative Rulings

Law & Motion and Family Law Calendar for April 26, 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, April 23, 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. PR21-00012 Estate of Stevens, James Ward

Tentative Ruling: **No appearance required.** Petitioner has not posted nor published the Notice of Hearing as required by this Court's May 19, 2020, Administrative Order. The Court intends to continue this hearing to May 24, 2021, at 9 a.m. for receipt of proof of publication. Counsel can appear by CourtCall on that next hearing date.

Case No. PR14-00007 Guardianship of Cabral, Luke Ray

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 22, 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. PR21-00017 In the Matter of the Lowrey/Crosby Family Trust

Tentative Ruling: **No appearance required.** Petitioner has filed a Petition to modify this Trust. Notice has been given as required by law and no opposition to the Petition has been received. The Court will grant the Petition and sign a proposed Order.

Case No. PR13-00004 Guardianship of Miles, Harry Lee

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 May 24, 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. CV21-00050 In the Matter of Greenhorn Road Association, Inc.

Tentative Ruling: **No appearance required.** Petitioner has filed a petition for an order to reduce the required voting percentage for the Petitioner Greenhorn Road Association, Inc. for the Greenhorn Ranch Subdivision no. 2. The Court finds that Petitioner has given notice as required by law and pursuant to the Order Setting Hearing and Notice. No opposition having been received, the Court will sign the proposed Order Granting Petition.

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

Tentative Ruling: **No appearance required.** Plaintiff NBT BANK filed a Motion to sever the Cross-complaint filed by Defendant/Cross-complainant Shelly Teague against Cross-defendant Kirk Kitchersid. The original Complaint against Defendant Teague was a collection action pursuant to common counts. The Cross-complaint and Cross-defendant are totally unrelated to the Plaintiff's causes of action and Complaint. No opposition to this Motion has been filed by Defendant/Cross-complaint Shelly Teague. Based upon the authority and argument cited by the Plaintiff, the Court grants the Motion to Sever the Cross-complaint and will sign the proposed Order. Plaintiff's Motion for Summary Judgment has been withdrawn.

Case No. CV21-00078 Petition for Approval of Compromise Claim of Minor Stella White

Tentative Ruling: **No appearance required.** The Court had previously granted the ex parte Application and Order for Appointment of Aleda White as Guardian ad Litem for the minor Stella White. The Court has reviewed the Petition for Approval of Compromise of Minor's Claim and attachments filed by the Guardian ad Litem. No opposition to the Petition and the proposed distribution of settlement proceeds has been filed to date. The Court will grant the Petition and sign the proposed Order.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL08-28472 Awbrey, Bettina v Awbrey, Ezekiel

Tentative Ruling: **Appearance required.** This case is on calendar for a status review regarding parenting issues. Counsel can also appear telephonically by ATT conference line.

Case No. FL09-00048 Creasey, Donald v Creasey, Michelle

Tentative Ruling: **Appearance required.** Respondent has filed and served a Request for Order regarding child support. No opposition has been received from the Petitioner. The case will be continued to June 14, 2021 at 10:30 a.m. for the parties to attend mediation.

Case No. FL10-00220 Guerra, Rebecca v Miller, Kevin

Tentative Ruling: **Appearance required.** This case is on calendar for a status review regarding custody and visitation.

Case No. FL20-000072 Hatfield, Michael v Gilpin, Aya

Tentative Ruling: **Appearance required.** Respondent has filed a Request for an order for attorney's fees and costs as sanctions. No opposition has been filed by the Petitioner.

Case No. FL15-00163 Kibble, Michael v Kibble, Karen

Tentative Ruling: **Appearance required.** On calendar for continued Status Conference re: sale of pharmacy. Counsel can appear by CourtCall.

Case No. FL16-00071 Koskinen, Sara v Koskinen, James

Tentative Ruling: **Appearance required.**

Case No. FL19-00179 Lynn, Emily v Birkhalter, Cody

Tentative Ruling: **Appearance required.** Petitioner has filed a Request for Order regarding visitation. The requested Temporary Emergency Orders were denied but Petitioner has not served the Request on the Respondent. The Court will discuss mediation with the parties.

Case No. FL13-00150 Mohawk, Desiree v Little, Justin

Tentative Ruling: **Appearance required.** Respondent has filed a Request to modify custody orders. The Court has issued a Temporary Emergency Order for supervised visitation between Respondent and Madison. The Court will discuss the status of mediation.

Case No. FL20-00155 Padilla, M. Susan v Riney, Robert

Tentative Ruling: **Appearance required.** Petitioner has filed a Request for an order allowing service by publication of the Petition and Summons. The Court will discuss where and which publication the Petitioner is requesting by ordered. Counsel can appear by CourtCall.

Case No. FL20-00045 Quiring, Donald v Quiring, Savannah

Tentative Ruling: **Appearance required.** Petitioner has filed and Order to Show Cause re: Contempt however it does not appear that there has been personal service on Respondent. The Court will be discussing whether Petitioner intends to proceed with the OSC or drop it from the calendar.

Case No. FL12-00019 Sousa, Dexter v Manjeot, Danielle

Tentative Ruling: **Appearance required.** This case is on calendar for a status review regarding custody and visitation.

Case No. FL19-00051 Story, Shannon v Story, Robert

Tentative Ruling: **Appearance required.** This case is on calendar for a case management conference and possible setting for a long cause hearing.

Case No. FL14-00136 Wolf, Jessica v Wolf, Zachary

Tentative Ruling: **Appearance required.** Respondent has filed and served a Request for Order to modify custody and visitation. No opposition has been received from the Petitioner. The case will be continued to June 14, 2021 at 10:30 a.m. for the parties to attend mediation.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC20-00159 American Express National Bank v Langehr, Kori

Tentative Ruling: **Appearance required.** This case is on calendar for the initial Case Management Conference. The Court knows the Defendant from her work as a Victim Witness Advocate and will continue to handle the case for the purposes of case management however if any evidentiary hearing or trial is set in the case, this Judge will have to recuse himself from hearing the case based upon that prior existing working relationship with the Defendant.

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

Tentative Ruling: **Appearance required.** This case had been set for an initial Case Management Conference for this time as well as the Motion for an order to sever the Cross-complaint at 9:30 a.m. on this calendar. The Court intends to hear the CMC at the 9:30 a.m. calendar. Defendant has filed a case management statement. Plaintiff is to show cause why reasonable sanctions should not be imposed for failing to timely file a case management statement.

Case No. CV20-00156 Singeltary, Lonna v DC Construction

Tentative Ruling: **Appearance required.** This case had been set for an initial Case Management Conference. The Court will discuss possible mediation. Defendant is ordered to show cause why reasonable sanctions should not be imposed for failure to file a case management statement. Counsel can appear by CourtCall.

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

Case No. LC20-00120 CVI SGP Acquisition Trust v Nangum, Karrie

Tentative Ruling: **Appearance required.** On February 22, 2021, this case was continued for Plaintiff to file the Request for Dismissal. No such Request has been received and the case has not been dismissed. Counsel is authorized to appear by CourtCall.

Case No. CV19-000086 County of Plumas v Collins Pine Company

Tentative Ruling: **Appearance required.** The Court will hear the continued Case Management Conference. Plaintiff is to show cause why reasonable monetary sanctions should not be imposed for failure to timely file a case management statement.

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

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

Case No. LC19-00117 **First National Bank of Omaha v Lebsack, Nanci**

Tentative Ruling: **Appearance required.** The default of Defendants has previously been entered and Plaintiff has filed an application for court judgment. The Court has reviewed the supporting Declarations however no proposed Default Judgment has been submitted.

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

Tentative Ruling: **Appearance required.** The Court will discuss whether this case is amenable to mediation and discuss whether the parties are ready to proceed with a settlement conference. Counsel can appear by CourtCall.

Case No. LC20-00091 **LVNV Funding LLC v Petersen, Patrice**

Tentative Ruling: **No appearance required.** Judgment has been entered and the CMC is take off calendar.

Case No. CV20-00092 **Labbe' v Domestic Corporation**

Tentative Ruling: **No appearance required.** The Order to Show Cause issued to Plaintiff's counsel is withdrawn due to the fact that Defendant not Plaintiff was the party who filed the Notice of Stay of this action based upon filing of the action in Federal court. The Case will be set for further Case Management Conference on July 26, 2021, at 2 p.m. for status on the Federal action.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case and possible mediation.

Case No. LC20-00104 **OneMain Financial Group LLC v Lake, Timothy**

Tentative Ruling: **Appearance required.** On January 11, 2021, this Court issued an order for Plaintiff to show cause why reasonable monetary sanctions should not be imposed for Plaintiff's failure to appear for January 11, 2021 Case Management Conference and for not filing a case management statement for that hearing. No response has been filed.

Case No. CV19-00187 **Rogers, Harry v County of Plumas**

Tentative Ruling: **No appearance required.** Plaintiff has filed a Request for Dismissal of this action with prejudice. The clerk is to enter the dismissal as requested.

Case No. CV19-00039 **State Farm Mutual Insurance Co v Muller, Mariette**

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

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case. Defendant is to show cause why reasonable monetary sanctions should not be imposed for his failure to timely file a case management statement.

Case No. LC20-00105 **Unifund CCR LLC v Preskitt, Sharyl**

Tentative Ruling: **No appearance required.** On January 11, 2021, at the time of the initial Case Management Conference, the CMC was continued to May 10, 2021 at 2 p.m. for further Case Management Conference. Therefore, this CMC date is vacated.