

Tentative Rulings

Law & Motion and Family Law Calendar for July 12, 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, July 9, 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. PR18-00036 Conservatorship of C., C.

Tentative Ruling: **Appearance required.** Petition for Reappointment of LPS Conservator is on calendar. The Court has reviewed the Petition and the Confidential Physician's Declaration. Notice has been given as required by law.

Case No. PR21-00024 Conservatorship of Humphrey, Carol

Tentative Ruling: **Appearance required.** The Court has reviewed the Investigator's Report and Confidential Capacity Declaration.

Case No. P16-00028 Conservatorship of Z, T.

Tentative Ruling: **Appearance required.** This case is on calendar for a six month review.

Case No. P15-00027 Conservatorship of T., T.

Tentative Ruling: **Appearance required.** The Court has reviewed the Petition for Reappointment, confidential Capacity Declaration. Notice has been given as required by law.

Case No. PR20-00016 Estate of Beck, Neil

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for Final Distribution and Attorney Compensation. Notice has been given as required by law and no opposition having been filed. The court will sign the proposed Order.

Case No. PR21-00021 Estate of Spence, Linda

Tentative ruling: **Appearance required.** This matter was continued for service or posting of the Petition and Notice of Hearing as required by the Administrative Order. There is no proof of service or posting filed. The Court will discuss whether the proposed Petitioner intends to proceed with the Petition for Letters or the case is to be dismissed.

Case No. PR15-00046 Guardianship of Castillo, Caden

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 July 11, 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. PR19-00038 Guardianship of Jeskey, Simone

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 July 11, 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. PR19-00024 Guardianship of Johnson, Cianna

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 July 27, 2020, 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. PR13-00021 Guardianship of Kaufman, Tesla

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 July 11, 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. PR19-00007 Guardianship of Marro, Ariana

Tentative ruling: **Appearance required.** The Court has issued an Order to Show Cause why a warrant should not be issued to bring Guardian before this Court for the review hearing.

Case No. PR16-00038 Guardianship of Mathis, Trinity

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 June 27, 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. PR13-00019 Guardianship of McKinney, Brooke

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 June 27, 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. PR19-00023 Guardianship of Powers, Aidan

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 June 27, 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. PR13-00020 Guardianship of McKinney, Taylor, Alexis and Brooke

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 9, 2021, 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. PR21-00036 Matter of Mullen, Franklin

Tentative Ruling: **No appearance required.** It does not appear that there has been service or Posting of the Petition and Notice of Hearing as required by this Court's Administrative Order. This hearing will be continued to August 9, 2021, for the required service and posting.

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

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

Tentative Ruling: **Appearance required.** The court has reviewed the Plaintiff's Motion to Seal the Record Pursuant to CRC Rule §2.551. Notice has been given as required by law and no opposition has been filed. The Court grants the Motion and will sign and file the proposed Order.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL19-00110 Elzea, Ethan v Henderson, Lillian

Tentative Ruling: **Appearance required.** The Order to Show Cause re: Contempt was continued for appearance of counsel and further arraignment. The Court will discuss setting the date for a contested hearing on the Respondent's Request for Order and the OSC.

Case No. FL10-00164 **Guthrie-Atkins, Celeste v Atkins, Edward**

Tentative Ruling: **Appearance required.** Petitioner has filed a Request for Order re: PERS benefits and QDRO. Counsel can appear telephonically by CourtCall.

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

Tentative Ruling: **Appearance required.** No proof of service has been filed for Petitioner's Request for Order.

Case No. FL20-00069 **Meisenheimer, Jordan v Garcia, Vanessa**

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

Case No. FL19-00050 **Olsen, Kimberly v Olsen, Caleb**

Tentative Ruling: **Appearance required.** The case is on calendar for setting a spousal support hearing.

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

Tentative Ruling: **Appearance required.** Temporary Emergency Orders were denied. Petitioner has filed a Request for Order to modify custody and visitation. The Court will discuss scheduling mediation.

Case No. FL 19929 **Raheb, Walter v Raheb, Constance**

Tentative Ruling: **Appearance required.** The Response to the Request for Order was recently filed.

Case No. F19-00218 **Schweyer, Silvia v Schweyer, Mark**

Tentative Ruling: **Appearance required.** On calendar for new settlement conference date.

Case No. FL11-00018 **Sheldon, Valerie v Sheldon, Michael**

Tentative Ruling: **Appearance required.** Petitioner has filed a Request for Order to modify custody and visitation.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

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

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 to show cause why reasonable monetary sanctions should not be impose. Counsel can appear telephonically by CourtCall.

Case No. LC21-00106 Discovery Bank v Herzig, Christopher

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 to show cause why reasonable monetary sanctions should not be impose. Counsel can appear telephonically by CourtCall.

Case No. FL21-00003 Dobyvns, Alyssa v Fairbanks, Bradly

Tentative Ruling: **Appearance required.** The Court will discuss why the Summons and Petition have not been served and whether Petitioner intends to proceed with the case. Petitioner is to appear by telephone 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. CV21-00001 Graham, John v Hudson, Andrew

Tentative Ruling: **Appearance required.** This is the initial Case Management Conference. The Court will discuss the status of the case and possible mediation. Counsel can appear by CourtCall.

Case No. CV20-00178 Rice, Nathan v Womack Construction and Landscaping, Inc.

Tentative Ruling: **Appearance required.** This is the initial Case Management Conference. The Court will discuss the status of the case and possible mediation. Counsel can appear by CourtCall.

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 P.M.

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

Tentative Ruling: **Appearance required.** The Court has not received a completed CMC Statement from Defendant. Defendant is to show cause why reasonable sanctions should be imposed for failing to file a Case Management Statement. The Court will discuss the status of the case and possible mediation. Counsel can appear by CourtCall.

Case No. LC20-00051 Discover Bank v Grant, Stephen

Tentative Ruling: **Appearance required.** At the last CMC, counsel indicated the case had settled and documents were to be executed. To date, no settlement documents have been filed and Defendant is show cause why monetary sanctions should not be imposed for failing to file an updated Case Management Statement. . Counsel can appear by CourtCall.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case. The Court has not received an updated Case Management Statement and counsel are to show cause why monetary sanctions should not be imposed for failing to file Statements and for failure to appear for the hearing set for June 23, 2021. Counsel can appear by CourtCall.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status a default judgment on the Defendant who has been served.

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

Tentative Ruling: **Appearance required.** The Court has not received a completed CMC Statement from Plaintiff or Defendant. The parties are to show cause why reasonable sanctions should be not imposed for failing to file a Case Management Statement. The Court will discuss the status of the case and possible mediation. Counsel can appear by CourtCall.

Case No. LC20-00141 Rocky Top Rentals, LLC v Barber Carolyn

Tentative Ruling: **Appearance required.** Plaintiff has not complied with Rule of Court 3.740(d) and (f). Plaintiff is to show cause why reasonable sanctions should not be imposed for failing to serve defendants per (d) and (f). Counsel can appear by CourtCall.

Case No. CV20-00107 **Wolfe, Eric v Simmons, William**

Tentative Ruling: **Appearance required.** The Court had extended the time to serve August 9, 2021. No proof of service has been filed. Plaintiff is to show cause why reasonable sanctions should not be imposed for failing to serve defendants.