

## Tentative Rulings

### Law & Motion and Family Law Calendar for March 28, 2022

Department Two – Judge Douglas Prouty

To request a hearing on any matter on this calendar, you must call the Court at 530/283-6297 by 12:00 noon, March 25, 2022 (please leave a voice mail if no one answers), 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. PR09-00044          Conservatorship of Sherod, Rachele

Tentative Ruling: **Appearance required.** The Court will discuss any possible reimbursement for the costs of the investigator's Report. The parties can appear by telephone by calling 1-877-336-1829 and enter the access code 4023142. The parties can then wait on the line and mute their phone until the Court call their case.

#### Case No. PR22-00010          Estate of Kinsey, Richard

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for Succession to Real Property. Notice has been given as required by law and no opposition has been filed. The Court grants the Petition and will sign the proposed Order.

#### Case No. PR22-00009          Estate of LaGroue, David

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for Administration of the Estate. Notice has been given as required by law and no opposition was filed. The court grants the Petition and will sign the proposed Order.

**Case No. PR22-00008 Estate of Pomponio, Gerald**

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for Administration of the Estate. Notice has been given as required by law and no opposition was filed. The court grants the Petition and will sign the proposed Order.

**Case No. PR21-00027 Estate of Stone, Jimmy Lee**

Tentative Ruling: **Appearance required.** At this Case Management Conference, the Court will discuss the status of discovery and the mediation hearing.

**Case No. PR17-00052 Guardianship of Donahue, Thomas**

Tentative Ruling: **Appearance required.** This matter is on calendar for an annual review of the guardianship. The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to April 25, 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. PR15-00052 Guardianship of Durler, Angela**

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 March 17, 2023, 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. PR19-00002 Guardianship of Milby, Robert and Tamma**

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 March 17, 2023, 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. PR15-00017      Guardianship of Nine-Square, Katrina, Kassandra, Kristian**

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 March 17, 2023, 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. PR21-00047      Guardianship of Ralston, Skylar**

Tentative Ruling: **Appearance required.** The Court will discuss any possible reimbursement for the costs of the investigator's Report. The parties can appear by telephone by calling 1-877-336-1829 and enter the access code 4023142. The parties can then wait on the line and mute their phone until the Court call their case.

**Case No. PR09-00005      Guardianship of Rouse, James**

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 March 17, 2023, 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. PR22-00007      Guardianship of Taylor, Jayden and Cameron**

Tentative Ruling: **Appearance required.** The Court has received the Investigator's Report and intends to follow the recommendations therein. The Court will discuss whether any party opposes those recommendations and is requesting a hearing.

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

**Case No. CV11-00013      Arnett, Randall v Johnson, Greg**

Tentative Ruling: **Appearance required.** This matter is on calendar for an order for examination of judgment creditors Glen and Robyn Johnson.

**Case No. CV20-00163      Bielik, K. Ruby v Hickman, Robert**

Tentative Ruling: **Appearance required.** This matter is on calendar for a Case Management Conference and Plaintiff's Motion for Attorney's Fees. The Court has reviewed the pleadings filed by both parties and will hear argument on the attorney's fees motion. The Court will also discuss the status of the case and discovery as well as amenability of the case for mediation. Counsel can appear telephonically by CourtCall.

**Case No. LC22-00018      Carr, David v Johnson, Cheryl**

Tentative Ruling: **Appearance required.** The Court will hear argument on the Motion to Quash Service of Summons. Counsel and the parties can appear telephonically by CourtCall.

**Case No. CV21-00240      Petition of Matthew Schluter**

Tentative Ruling: **Appearance required.** No proof of posting per the Court's Administrative Order has been filed. This matter will be continued to May 9, 2022, at 9:30 p.m. for proof of posting.

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

Tentative Ruling: **Appearance required.** The Court has reviewed Plaintiff's Motion For Judgment on the Pleadings per Code of Civil Procedure §438, the Declarations in support of the Motion, and takes judicial notice of the documents per the Request for Judicial Notice. No opposition has been filed. The Court intends to grant Plaintiff's Motion on the grounds that the Complaint states facts sufficient to constitute a cause of action against Defendant James Long and also in light of fact that there is no opposition from the Defendant. The Court will sign the proposed Order granting the Motion for Entry of Judgment and also the Interlocutory Judgment in Partition.

**Case No. LC21-00062      U.S. Bank National Association v Maumoynier**

Tentative Ruling: **Appearance required.** This matter is on for Case Management Conference and Plaintiff's Motion for Summary Judgment or Summary Adjudication. The Court takes judicial notice of JN1 and JN2 pursuant to Evidence Code §452. The Court has reviewed the Plaintiff's Statement of Undisputed Material Facts, Memorandum of Points and Authorities, Declaration in Support of MSJ and the documents attached thereto. No opposition to the Motion has been filed by Defendant. The Court tentatively finds that there are no triable issues as to any material fact as set forth in the Plaintiff's Statement and Defendant has not stated any facts sufficient to constitute a defense to the allegations in the Complaint. Plaintiff is entitled to the entry of summary judgment against Defendant Tom P. Maumoynier in the principal sum of \$13,361.88. The Court will hear argument if requested and discuss whether another Case Management Conference will be necessary. Counsel can appear telephonically by CourtCall if requested.

## **FAMILY LAW CALENDAR - 10:30 a.m.**

### **Case No. FL22-00014      Arcangeli, MARRISA v Mikesell, Dustin**

Tentative Ruling: **Appearance required.** Petitioner had filed a Petition for Paternity. The parties reached a Mediation Agreement which became an order of this Court. This matter will be set for a hearing for proof of paternity and Judgment for Paternity and Custody on May 2, 2022, at 9 a.m.

### **Case No. FL22-00002      Cunningham, Donald v Cunningham, Anna**

Tentative Ruling: **Appearance required.** The Court will discuss the results of mediation and whether this matter will be set for a contested hearing. Counsel can appear telephonically by CourtCall if requested.

### **Case No. FL21-00069      Meisenheimer, Jordan v Garcia, Vanessa**

Tentative Ruling: **Appearance required.** This case is set for a Case Management Conference and custody status review hearing. Counsel can appear telephonically by CourtCall if requested.

### **Case No. FL09-00327      Wharton, John v Wharton, Rebecca**

Tentative Ruling: **Appearance required.** Respondent/Father has filed a Request for Order to modify custody and visitation. The Parties are order to attend mediation as required by statute and this matter will be continued to May 9, 2022, at 10:30 p.m. for return from mediation.

### **Case No. FL21-00119      Whitaker, Mikayla v Bell, Ravion**

Tentative Ruling: **Appearance required.** On February 23, 2022, Petitioner/Mother filed a Request for Order to modify visitation and her request for Temporary Emergency Orders was denied. There has been no service of the papers on Respondent.

## **CASE MANAGEMENT CONFERENCE/OTHER CASES**

**1:30 p.m.**

### **Case No. CV22-00037 Feather River Action v County of Plumas**

Tentative Ruling: **Appearance required.** The Court set this Petition for Writ of Mandamus for a case management conference. The Court will discuss the status of the action and if the Hearing and briefing schedule is to be set pursuant to California Public Resources Code §22167.4(c). Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV18-00217 Peterson, Richard v Shasta-Siskiyou Transport**

Tentative Ruling: **Appearance required.** The Court will hear the Case Management Conference and discuss possible setting for trial. The OSC issued for failure to appear at the previous CMC by Plaintiff's counsel is vacated based upon the Declaration of Counsel. Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV21-00166 Starstone National Insurance Co v Avitia Bonilla, Juan**

Tentative Ruling: **Appearance required.** The Court will hear the first Case Management Conference and discuss the status of service and appearance of Defendant. Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV21-00204 Teague, Shelly v Ketchersid**

Tentative Ruling: **Appearance required.** This case is on calendar for the first Case Management Conference. Plaintiff has failed to file a case management statement as required by Rule of Court 3.720. Plaintiff is to show cause why reasonable monetary sanctions should not be imposed. Counsel can appear telephonically by CourtCall upon request.

### **Case No. CV21-00165 Wallace, Mary v Working, David**

Tentative Ruling: **Appearance required.** The Court will hear the first Case Management Conference and discuss the status of the action and amenability to mediation. Counsel can appear telephonically by CourtCall if requested.

### **Case No. LC21-00167 Wells Fargo Bank N.A. v Folkins, Bruce**

Tentative Ruling: **Appearance required.** The Court will hear the initial Case Management Conference. The Court will discuss the status of service and the need to file a case management statement. Counsel can appear telephonically by CourtCall if requested.

## **CASE MANAGEMENT CONFERENCE/OTHER CASES**

**2:00 p.m.**

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

Tentative Ruling: **Appearance required.** This case was continued to finalize the settlement. The Court will discuss the status of that settlement.

### **Case No. LC21-00024      Calvary SPC I, LLC v Stokes, Noelia**

Tentative Ruling: **Appearance required.** The Court will hear the initial Case Management Conference. The Court will discuss the status of service. Counsel can appear telephonically by CourtCall if requested.

### **Case No. LC21-00163      Discover Bank v Dean, Susan**

Tentative Ruling: **Appearance required.** Plaintiff's counsel failed to appear at the initial Case Management Conference and an Order to Show Cause why sanctions should not be imposed for that failure to appear, failure to serve Defendant per Rules of Court and file a CMC statement, was issued by this Court. Plaintiff has filed a Declaration as to the status of the case but has not responded to the OSC regarding the prior failure to appear on February 28, 2022, for the initial CMC. Counsel can appear telephonically by CourtCall if requested.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case and amenability of this action for mediation. Counsel can appear telephonically by CourtCall if requested.

### **Case No. CV20-00161      Hill, Adrian v Hat Creek Constructions & Materials Inc.**

Tentative Ruling: **Appearance not required.** In their Case Management Statements counsel indicate a global settlement has been reached. The Court will continue the Case Management Conference for the settlement to be finalized. The CMC is continued to June 13, 2022, at 2 p.m. for settlement to be finalized. Counsel can appear telephonically to discuss the status if settlement has not been finalized. If necessary, counsel can appear for that date telephonically by CourtCall if requested. If the settlement has been completed before that CMC date, then the CMC will be taken off-calendar and counsel do not have to appear.

### **Case No. CV20-00092      Labbe'/Tomczak v Dometic Corp.**

Tentative Ruling: **Appearance not required.** The Court has not received any notice that the stay has been lifted based upon the filing of the Federal case. This Case Management

Conference will be continued to September 26, 2022, at 2 p.m. to determine if the status of the case has changed. Notice is to be sent to the attorneys of record.

**Case No. CV20-00072            Mainburg, Robert v Stanton, Carol**

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case and amenability of this action for mediation. Counsel can appear telephonically by CourtCall if requested.

**Case No. CV19-00219            Mercer, David v Portola Junior/Senior High School**

Tentative Ruling: **Appearance required.** Plaintiff has failed to file a case management statement as required by Rule of Court 3.720. Plaintiff is to show cause why reasonable monetary sanctions should not be imposed. The Court will discuss setting the matter for a trial and settlement conference. Counsel can appear telephonically by CourtCall upon request.

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

Tentative Ruling: **Appearance required.** The Court has reviewed the Case Management Statement and Declaration filed by Plaintiff's counsel. The Court vacates the OSC and will continue the Case Management Conference to June 13, 2022 at 2 p.m. for entry of default judgment. Counsel can appear telephonically by CourtCall. If the default judgment has been entered before that date, counsel does not have to appear.

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

Tentative Ruling: **Appearance required.** The Court will discuss case status and possible setting of court trial and settlement conference. Counsel can appear telephonically by CourtCall.

**Case No. CV21-00119            Rohrs, Justin v Union Pacific Railroad Company**

Tentative Ruling: **Appearance required.** Neither party has filed a case management statement. Both parties are to show cause why reasonable monetary sanctions should not be imposed pursuant to Rule of Court 3.720. The Court will also discuss the status of the case and discovery. The Court will also discuss the amenability of the case for mediation. Counsel can appear telephonically by CourtCall.

**Case No. CV21-00102            Shilling, Marina v Borzoni, Tina**

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case and discovery as well as amenability of this action for mediation. Counsel can appear telephonically by CourtCall if requested.



**Case No. CV19-00192          Spaulding, Mark v Maybury, Kris**

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case and discovery as well as amenability of this action for mediation. Counsel can appear telephonically by CourtCall if requested.

**Case No. CV18-00039          State Farm Mutual Automobile Ins Co v Muller, Mariette**

Tentative Ruling: : **Appearance required.** The Court will discuss case status and possible setting of court trial and settlement conference. Counsel can appear telephonically by CourtCall.

**Case No. LC21-00154          TD Bank USA, N.A. v Youens, Cathryn**

Tentative Ruling: **Appearance required.** An Order to Show Cause re: Plaintiff's failure to appear for the February 8, 2022 CMC was issued for this date. Notice of the OSC was not mailed to Plaintiff's counsel correct address in San Diego, CA. The Case Management Conference and OSC are continued to April 25, 2022, at 2 p.m. The Clerk is to mail a copy of both Minute Orders to Plaintiff's counsel at the address for their law firm in San Diego.