

Tentative Rulings

Law & Motion and Family Law Calendar for July 27, 2015

July 23, 2015, 4:00p.m.

Department Two

To request a hearing on any matter on this calendar, you must call the Court at 530-283-6305 by 12:00 noon, July 24, 2015 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.

Probate – 9:00 a.m.

Case No. PR15-00013– Conservatorship of Tate

Tentative Ruling: **Approved.** The court finds that notice has been given as required by law. The Conservator's First and Final Account and Report of Conservator of the Estate and Delivery of Assets is approved. Petitioner is to prepare the Order.

Case No. PR15-00027 – Conservatorship of Thomas

Tentative Ruling: **Appearance required.** The court has not received the investigator's report.

Case No. PR12-00004 – Estate of Jacobs

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. The Petition for Attorney's Fees and Costs and for Reimbursement of Rents Paid is granted. The court notes that no opposition has been filed.

Case No. PR15-00026 – Estate of Kielty

Tentative Ruling: **Appearance required.** The court notes that the Proof of Service is defective. More specifically, Nos. 2 and 4 do not have the required information.

Case No. PR15-00023 – Estate of McDonald

Tentative Ruling: **Appearance required.** The court notes that the Proof of Service is defective. More specifically, No. 4 does not have the required information.

Case No. PR15-00029 – Estate of Tate

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. The Petition for Probate is granted. Petitioner is to prepare the Order.

Case No. PR15-00022 – Estate of Vincent

Tentative Ruling: **Appearance required.**

Case No. PR14-00028 – Guardianship of Tuell & Tuell

Tentative Ruling: **No appearance required.** The court has received the confidential guardianship status reports, and finds that continued guardianship is in the best interests of the minors. The matter is set for an annual review on July 25, 2016, at 9:00a.m. The clerk of the court is reminded to send notice to the guardian one month prior to the review date, informing the guardian of the duty to file a confidential status report prior to the hearing.

Case No. PR14-00027 – Guardianship of Tuell & Zimmerman

Tentative Ruling: **No appearance required.** The court has received the confidential guardianship status reports, and finds that continued guardianship is in the best interests of the minors. The matter is set for an annual review on July 25, 2016, at 9:00a.m. The clerk of the court is reminded to send notice to the guardian one month prior to the review date, informing the guardian of the duty to file a confidential status report prior to the hearing.

Case No. PR6189 – Guardianship of Wright

Tentative Ruling: **No appearance required.** The court has received the confidential guardianship status reports, and finds that continued guardianship is in the best interests of the minors. The matter is set for an annual review on July 25, 2016, at 9:00a.m. The clerk of the court is reminded to send notice to the guardian one month prior to the review date, informing the guardian of the duty to file a confidential status report prior to the hearing.

Case No. PR15-00017 – Guardianship of Britton

Tentative Ruling: **Appearance required.** The court has not received the investigator's report.

Case No. PR15-00025 – Matter of Remund

Tentative Ruling: **Appearance required.** The court notes there is no Inventory and Appraisal attached, as required. In addition, the Notice of Hearing is incomplete. No. 3 does not indicate how the notice was mailed.

Civil – 9:30 a.m.

Case No. LC14-Q0108, 100, 101, 104, 105, 106 and 107 – Pinnacle Management Corp vs. Puccinelli, and related cases.

Tentative Ruling: **Granted, in part and denied, in part.** Plaintiff's Motion to Tax Costs is **granted**, with regard to attorney fees. Plaintiff's action for unlawful detainer was based on a breach of the lease, i.e., nonpayment of rent, during an unexpired term. Therefore, Civil Code section 1717(b)(2) applies. Section 1717 provides that there shall be no prevailing party if the action has been voluntarily dismissed or dismissed pursuant to a settlement of the case. There is no exception, allowing the court to consider the merits of the unlawful detainer litigation, in pretrial dismissal cases. With regard to service fees, the court **denies** plaintiff's motion.

Family Law – 10:30 a.m.

Case No. FL15-00013 – Mar. of Carpenter

Tentative Ruling: **Appearance required.**

Case No. FS05-26039 – County of Plumas vs. Engel

Tentative Ruling: **No appearance required.** The court has signed the stipulation and order, and takes this matter off calendar.

Case No. FL15-00033 – Desentz vs. Crosby

Tentative Ruling: **Appearance required.** The court will review the custody evaluation with the parties.

Case No. FL15-00005 – Mar. of McColm

Tentative Ruling: **Appearance required.** The court will set the matter for a contested hearing.

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case No. LC14-00127 – Cavalry SPV I vs. King

Tentative Ruling: **Appearance required.** OSC on plaintiff's counsel's failure to appear.

Case No. LC14-00207 – Cavalry SPV I vs. Haider

Tentative Ruling: **No appearance required.** The court continues the CMC until August 24, 2015, at 1:30p.m., in order to allow defendant to file responsive pleadings to the complaint.

Case No. LC15-00003 – Discover Bank vs. Strecker

Tentative Ruling: **No appearance required.** The court has received a dismissal.

Case No. CV15-00004 – Granite State Insurance Co. vs. Watts Water Technologies

Tentative Ruling: **No appearance required.** The court notes a dismissal was filed.

Case No. CV15-00017 – Humphrey vs. Lancaster

Tentative Ruling: **Appearance required.** The court notes that neither party has filed a case management statement. Should there be any further violations of Rule 3.725, this matter will be set for an order to show cause and sanctions may be imposed.

Case No. CV13-00202 – Nichols vs. Stark

Tentative Ruling: **Appearance required.**

Case No. CV14-00168 – County of Plumas vs. BCM Construction Company

Tentative Ruling: **Appearance required.** The parties should be prepared to discuss ADR options.

Case No. CV13-00187 – CSAA Insurance Exchange vs. Electrolux Home Products

Tentative Ruling: **No appearance required.** The court has received a notice of settlement. This case management conference is continued to September 14, 2015, at 2:00p.m. If a dismissal is filed prior to that date, this matter may be taken off calendar. The court vacates the readiness conference on November 17, 2015, and the jury trial beginning December 1, 2015.

Case No. CV13-00158 – Gomez vs. Walter

Tentative Ruling: **Appearance required.** The court will reset the jury trial and readiness conference.

Case No. CV12-00070 – Hessel vs. Forderhase

Tentative Ruling: **Appearance required.** The court will discuss the status of the case with the parties.

Case No. CV14-00009 – High Sierra Rural Alliance vs. County of Plumas

Tentative Ruling: **No appearance required.** At the request of counsel, this case management conference is continued to August 24, 2015, at 2:00p.m.

Case No. CV15-00029 – Mason vs. Feather River Rail Society

Tentative Ruling: **No appearance required.** The court continues this case management conference to August 24, 2015, at 1:30p.m., to follow the election.

Case No. CV14-00151 – Miles vs. Pizza Factory

Tentative Ruling: **Appearance required.** The court will confirm a mediator and the date for mediation.

Case No. CV14-00163 – Plumas Communications vs. Harvey

Tentative Ruling: **Appearance required.** The court will discuss the status of the case with the parties.

Case No. CV15-00007 – Quothy vs. SGI Resort Properties

Tentative Ruling: **Appearance required.** The court will discuss ADR options with the parties.

Case No. CV14-00083 – Rondon vs. Ruschhaupt

Tentative Ruling: **Appearance required.** OSC on plaintiffs' counsel's failure to appear on June 22, 2015.