Tentative Rulings
Law & Motion and Family Law Calendar for July 27, 2020

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 24 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 – DUE TO THE GOVERNOR'S EMERGENCY ORDER AND THIS COURT'S JUDICIAL EMERGENCY ORDER, NONEMERGENCY CASES WILL BE CONTINUED AND ANY REQUIRED APPEARANCE MUST BE DONE BY USING COURT CALL (1-800-882-6878).

Probate – 9:00 a.m.

Case No. PR20-00029 Conservatorship of B.M.

Tentative Ruling: **Appearance required.** The Court has reviewed the Capacity Declaration and the Supplemental Information and will discuss if the matter is submitted.

Case No. PR18-00058 Conservatorship of Lake, Susan

Tentative Ruling: **Appearance required.** The Court has reviewed the Investigator's Report and is prepared to continue the conservatorship for 2 years to July 11, 2022, at 9 a.m. for a review. The Order to Show Cause re: the payment of the investigator's fees is off-calendar based upon payment.

Case No. PR19-00035 Conservatorship of Depolo, Mary Jane

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition for final Distribution and Report and no opposition has been filed. Notice has been given as required by law. The Petition and Report are approved and the Court will sign the proposed Order granting the Petition.

Case No. PR15-00007 Estate of Kroencke, Olga

Tentative Ruling: **No appearance required.** The Court has reviewed the Motion and notice has been given as required by law. No opposition has been filed and the Court grants the Motion to be relieved as counsel. Counsel is to submit the proposed Order for the Court's signature.

Case No. PR15-00006 Estate of Kroencke, Peter

Tentative Ruling: **No appearance required.** The Court has reviewed the Motion and notice has been given as required by law. No opposition has been filed and the Court grants the Motion to be relieved as counsel. Counsel is to submit the proposed Order for the Court's signature.

Case No. PR15-00046 Guardianship of Castillo, Caden Samuel

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 annual review hearing is set for July 12, 2021, at 9:00 a.m. The clerk of the court is reminded to send notice to the guardian one month prior to this 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 until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called. David Ludington is relieved as attorney for the Father.

Case No. PR20-00028 Guardianship of Hogan, Reese R.

Tentative Ruling: **Appearance by conference call is required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to August 24, 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 be in a separate room and shall 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. PR19-00024 Guardianship of Johnson, Cianna Maureen

Tentative Ruling: **Appearance by conference call is required.** The Petitioner has not paid the outstanding $125 owing to the Court as previously ordered. If the outstanding filing fee has been paid the matter is taken off-calendar. If it has not been paid, the Court continues the show cause hearing for the appearance of the Petitioner to September 14, 2020 at 9 a.m. The Court Clerk is to mail a copy of the minute order to the Petitioner. The Petitioner 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 be in a separate room and shall mute their phone until the case is called.

Case No. PR19-00007 Guardianship of Marro, Arianna Rose

Tentative Ruling: **Appearance by conference call is required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to August 24, 2020, at 9 a.m. The Guardian is ordered to personally appear on that date. 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 be in a separate room and shall 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. PR07-6356 Guardianship of Merkley, Kyli

Tentative Ruling: **Appearance by conference call is required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to August 24, 2020, at 9 a.m. The Guardian is ordered to personally appear on that date. 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 be in a separate room and shall 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. PR06-6328 Guardianship of Michaud, Angela

Tentative Ruling: **Appearance by conference call is required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to August 24, 2020, at 9 a.m. The Guardian is ordered to personally appear on that date. 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 be in a separate room and shall 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. PR20-00005 Guardianship of Richmond, Isaiah

Tentative Ruling: **Appearance by conference call is required.** The Court has received the Investigator's Report and intends to follow the recommendation that the Petition filed by Mr. Johnson be denied. The Court will be discussing whether Mr. Johnson opposes that recommendation and is requesting the matter be set for a contested hearing. The parties are 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 be in a separate room and shall mute their phone until the case is called.

Case No. PR20-00004 Guardianship of Richmond, Jacob

Tentative Ruling: **Appearance by conference call is required.** The Court has received the Investigator's Report and intends to follow the recommendation that the Petition filed by Mr. Johnson be denied. The Court will be discussing whether Mr. Johnson opposes that recommendation and is requesting the matter be set for a contested hearing. The parties are 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 be in a separate room and shall mute their phone until the case is called.

Case No. PR14-00027 Guardianship of Tuell, Honisty & Zimmerman, Tyler

Tentative Ruling: **Appearance by conference call is required.** The Court has received the Investigator's Report and intends to follow the recommendation that the guardianship be terminated and the father Scott Nash and mother Dorie Tuell be awarded joint legal custody and the father Scott Nash awarded sole physical custody with reasonable visitation between the mother and minor. The Court will also order that the minor is undergo a mental health assessment and can have reasonable visitation with the former guardians. The Court will be discussing whether the parties are opposing that recommendation and are requesting the matter be set for a contested hearing. The parties are 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 be in a separate room and shall mute their phone until the case is called.

Case No. PR19-00054 In Re Anthony and Dorothy Fernandes Family Trust

Tentative Ruling: **No appearance required.** Petitioner's Motion to Authorize Disclosure of Records which was originally set for this date was resolved by Stipulation and Order by the parties. The hearing date is vacated.

Case No. PR20-00033 In the Matter of Richard W. Burfeind Trust

Tentative Ruling: **Appearance required.** The Court has reviewed the Successor Trustee's Petition for Instructions and supporting Declarations and the Respondent Beneficiary's Opposition to the Petition, Memorandum of Points and Authorities, and supporting Declarations. The Court will discuss whether the parties will stipulate to submitting the matter for decision based upon the filings to date and further Briefs, or the parties are requesting a contested hearing date. Counsel can appear by CourtCall if requested.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL20-00088 Arcangeli, Anthony v Klinker, Lita

Tentative Ruling: **Appearance required.** No proof of service for the Request for Order and Temporary Emergency Orders have been filed by the Petitioner.

Case No. FL14-00103 Castillo, Jewel v Wilcox, William

Tentative Ruling: **No appearance required.** The Respondent William Wilcox has not filed the Request for Continuance to this date, as ordered by this Court on June 8, 2020 and the Request for Order and denial of his request for Temporary Emergency Orders have not been served on the Petitioner as also ordered by this Court. The Request for Order filed by Petitioner on February 27, 2020, is taken off-calendar based upon Respondent's violation of this Court's Orders on June 8, 2020. If Respondent intends to appear for this Request for Order, he is to appear by telephone on this 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 be in a separate room and shall mute their phone until the case is called.

Case No. FL20-00087 Cortez, Monica v Cortez, Luz Ivan

Tentative Ruling: **Appearance required.** Petitioner has not served the Request for Order and supporting Declarations. The Court will also discuss whether mediation has been scheduled and whether Petitioner wants to continue the hearing for service.

Case No. FL15-00163 Harrigan, Rose v Harrigan, William

Tentative Ruling: **Appearance required.** The Court will discuss whether the parties are requesting the Request for Order modifying spousal support be set for a contested hearing and the time estimate for such hearing or if counsel stipulate to submitting the matter for decision based upon the declarations filed to date and briefs setting forth their arguments.

Case No. FL17-00002 MacNab, Ian v MacNab, Margaret

Tentative Ruling: **Appearance required.** Petitioner has filed the Request for Order regarding custody and visitation and requested a continuance to this date for service on Respondent. No proof of service has been filed and the Request for Order will be taken off-calendar.

Case No. FL20-00014 Miller, Joshua v Miller, Tasha

Tentative Ruling: **Appearance required.** Respondent has filed a Request for Order to modify custody and visitation, however due to clerical error, the order mandating mediation was not entered and signed by the Court. This Court orders the parties to attend mediation regarding those issues. Petitioner has filed a responsive declaration and Petitioner's counsel filed a Request for Continuance which indicates the Request for Order was not timely served and the parties will not have attended mediation by this hearing date. For those reasons, the Request will discuss the next hearing date for return with the results of mediation. Counsel can appear by CourtCall.

Case No. FL19-00225 Mitchell, Kaleigh v. Mitchell, Brandon

Tentative Ruling: **Appearance is required by telephone.** The Request for Orders and Case Management Conference will be heard on this date. The parties are to appear by telephone on this date by calling 1-877-336-1829 and enter the access code 4023142. The parties must then wait on the line until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called.

Case No. FL14-00148 Morgan, Laurie v Morgan, Jerad

Tentative Ruling: **Appearance required.** The Court will discuss the status of the custody evaluation and hearing date for the custody hearing.

Case No. FL19-00058 Newman, Suzanne v Newman, David

Tentative Ruling: **Appearance required.** The Court will discuss the new date for the Settlement Conference.

Case No. FL20-00017 Peterson, Ross v Rockwell, Chelsie

Tentative Ruling: **Appearance required.** The parties were ordered to furnish drug test results, proof of Alcohol and Drug Assessments, and for a Case Management Conference. The parties are to appear by telephone on this date by calling 1-877-336-1829 and enter the access code 4023142. The parties must then wait on the line until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called.

Case No. FL19-00071 Sebring, Cody v McDowell, Debra

Tentative Ruling: **Appearance required.** The Court will discuss the status of the Petitioner's Request for Hearing and Temporary Emergency Orders. The parties failed to appear at the last hearing date and the Court will discuss whether the Motion should not be taken off calendar and the Temporary Emergency Orders be vacated.. The parties are to appear by telephone on this date by calling 1-877-336-1829 and enter the access code 4023142. The parties must then wait on the line until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of pending Requests for Orders.

Case No. FL19-00181 Town, April v Town, Marlin

Tentative Ruling: **Appearance required.** The Court ordered Respondent to pay the $530 in filing fees to paid by this date or his pleadings would be stricken and the previous Order of this Court setting aside the Judgment would be vacated and stricken. The parties are to appear by telephone on this date by calling 1-877-336-1829 and enter the access code 4023142. The parties must then wait on the line until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called.

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

Tentative Ruling: **Appearance required.** The Court will discuss the results of mediation. Petitioner can appear by telephone on this date by calling 1-877-336-1829 and enter the access code 4023142. The parties must then wait on the line until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called.

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

Case No. LC20-00007 Bank of America N, A, v Pickering, Kathleen

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

Case No. LC19-00209 LVNV Funding LLC v Tucker, James

Tentative Ruling: **Appearance required.** Plaintiff's counsel indicates they intend to dismiss the case without prejudice and dismissal will be entered when the appropriate Request for Dismissal has been filed.

CASE MANAGEMENT CONFERENCE/OTHER CASES
2:00 p.m.

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

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