

Tentative Rulings Law & Motion and Family Law Calendar for May 27, 2009

May 21, 2009, 4:00p.m.

Judge Janet Hilde
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 tomorrow, May 22. 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.

Probate – 9:00a.m.

Case no. PR09-00009 In the Matter of the Amended and Restated Margaret Koester Revocable Trust

Tentative Ruling: **Approved.** Petitioner's petition to determine title to personal property is granted. Petitioner is to prepare the Order.

Civil – 9:30a.m.

Case no. CV08-00112 McDonald v. Myers

Tentative Ruling: **Granted.** Defendant's motion to strike and motion for attorney's fees and costs is granted. The court has reviewed plaintiff's response, filed on May 15, 2009, and defendant's response, filed on May 20, 2009. The court orders plaintiff or plaintiff's attorney to pay defendant and/or defendant's counsel the reasonable amount of attorneys fees in the amount of \$3,000, as limited to the special motion to strike only, and total costs in the amount of \$451.85. The court finds this lawsuit, and particularly the motion to strike was not complicated, and a large portion of the points and authorities merely recite the points and authorities in support of defendant's demurrer verbatim, filed one month before. Defendant's counsel is to prepare the Order.

Case no. CV09-00123 Petition of David and Tammy Wilson

Tentative Ruling: **No appearance required.** The court has not yet received the proof of publication. If proof of publication is filed by May 27, the request for name change will be granted. If no proof of publication is filed by the court date, the court will continue this matter to June 8, 2009 at 9:30.

Family Law – 10:30a.m.

Case no. FL08-28008 Butti v. Harston

No Tentative Ruling: **Appearance required.** The court will set the matter for a contested hearing, if necessary, on the Petitioner's OSC for contempt, and will set a trial date for custody and visitation issues.

Case no. FL09-00060 In re Marriage of Creasey

No Tentative Ruling: **Appearance required.** The court will confirm a mediation appointment if the parties have not already been to mediation, and continue the matter for the results of mediation, or set the matter for a contested hearing, if mediation took place and was unsuccessful.

Case no. FL97-19194 Hedin v. Sayers

No Tentative Ruling: **Appearance required.** There is no proof of service of respondent's OSC on petitioner, and no proof of service on the minor's counsel for either petitioner's notice of motion or respondent's OSC. If proofs of service are filed before the court date, the court will set this matter for a contested hearing.

Case no. FL09-00031 In re Marriage of Missman

No Tentative Ruling: **Appearance required.** Respondent's notice of motion requests child support, yet the declaration indicates the request is for spousal support. The court assumes the request is for temporary spousal support. Petitioner's response requests child support. The court will set both matters for a contested hearing.

Case no. FL09-00068 In re Marriage of Neely

Tentative Ruling: **No appearance required.** The court has received and signed the custody and visitation agreement, thus resolving petitioner's order to show cause.

Case no.08-28424 In re Marriage of Perkins

No Tentative Ruling: **Appearance required.** The court has not received the stipulation, resolving respondent's OSC. If a stipulation or agreement is presented to the court prior to the court date, this matter may go off calendar.

Case no. FL05-25784 In re Marriage of Tigan

No Tentative Ruling: **Appearance required.** The matter will be set for a contested hearing, if necessary. If a stipulation or agreement is presented to the court prior to the court date, this matter may go off calendar.

Case no. FL08-28329 Youngblood v. Rine

No Tentative Ruling: **Appearance required.** The court will review the previous visitation orders. The court will also confirm the case management conference on June 22, 2009 at 2:00p.m.

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

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Court Call is available for those required to appear.

Case no. LC09-00086 Withrow v. Albarran

Appearance required. The court will set this matter for trial.

Case no. 27377 Yandell v. Griffith

Appearance required. The parties should be prepared to discuss ADR options prior to setting the matter for trial.

Case no. FL07-27480 In re Marriage of Clark

Appearance required. The court will set this matter for trial.

Case no. CV07-27485 Garofalo v. Hildebrand

Appearance required. The court has not yet received the results of the binding audit.

Case no. FL07-27818 In re Marriage of Kohler

Appearance required. The court confirms the trial date in this matter for June 16, 2009 at 1:30p.m. The court will require trial briefs from both parties, specifically listing each contested issue, to be filed by June 11, 2009 and served on the other party.

Case no. CV08-284861 McMorrow v. County of Plumas

Appearances required. The parties should be prepared to discuss ADR options prior to setting the matter for trial.