

## **Tentative Rulings**

### **Law & Motion and Family Law Calendar for June 22, 2009**

June 18 - 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, June 19. 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. PR08-6429 – Estate of Kidd**

Tentative Ruling: **Approved.** The personal representative's petition for allowance of compensation for attorney is granted.

##### **Case no. PR06-6295– Guardianship of Billings**

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

##### **Case no. PR05-6274 – Guardianship of Brownlee**

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

##### **Case no. PR09-00011 – Guardianship of White**

Tentative Ruling: **Appearance required.**

##### **Case no. PR09-00006 – Guardianship of White**

Tentative Ruling: **Appearance required.**

## **Civil – 9:30a.m.**

### **Case no. CV09-26891 – McQuerry vs. Zielinski**

Tentative Ruling: **Approved.** The petition to approve both minors' compromise of pending action is approved, and no appearance is necessary.

### **Case no. CV08-28506 – Breazier vs. Feil**

Tentative Ruling: **No appearance required.** As neither counsel presented the court with a courtesy copy of the demurrer and objections to the demurrer, pursuant to local rule, the court will issue a tentative decision on July 9, before the next law and motion calendar, July 13, 2009. If there are objections to the tentative decision, the court will hear argument on July 13, 2009 at 9:30a.m.

### **Case no. CV08-28450 – Clarke vs. Wallace**

Tentative Ruling: **Appearance required.** If a dismissal is filed prior to the court date, the matter may be taken off calendar.

### **Case no. CV09-00123 – Petition of Wilson**

Tentative Ruling: **Approved.** Petitioner's petition for name change is granted.

### **Case no. CV09-00033 – Rogers vs. Rogers Family Trust**

Tentative Ruling: **No appearance required.** Plaintiffs have not filed an amended complaint. The parties are directed to contact the Judicial Secretary on Wednesday, June 24, at 530/283-6297, to schedule a hearing before Judge William Pangman, on defendant's demurrer.

### **Case no. CV08-28466 – Shewry vs. Thomas**

Tentative Ruling: **Granted.** Plaintiff's motion to amend complaint is granted. No objection has been filed.

### **Case no. LC07-27291 – Tower Aviation vs. Adee**

Tentative Ruling: **No appearance required.** The court has not received a proof of service on the judgment debtor. At the request of counsel, this matter is taken off calendar.



## **Family Law – 10:30a.m.**

### **Case no. FL08-28439 – Bennett vs. Lindstrom**

Tentative Ruling: **No appearance required.** The court has received an interim mediation agreement signed by both parties. This matter will go off calendar.

### **Case no. FL07-27690 – Mar. of Clem**

Tentative Ruling: **Denied, in part, and granted, in part.** The court denies, in part, petitioner's motion to modify the Judgment filed March 30, 2009, pursuant to CCP section 473 and Family Code section 2556. Petitioner claims there was an omitted "negative asset", namely the credit card debts. However, this was not an omitted debt or "negative asset". Various credit card debts were discussed at trial. In addition, these debts were specifically listed and discussed in petitioner's post trial brief, and in petitioner's trial brief. The court will also not reconsider its ruling regarding the \$65,000 paid by petitioner's father to the community. This matter was fully litigated at trial. The court will not reconsider its ruling regarding the value and equity in the community residence at 1650 Rebecca Lane. However, the court will adjust petitioner's interest in the community residence, resulting in a change in her equalization payment. Although the court finds there is no "clerical error" in the reimbursement amount of \$17,075 to respondent, pursuant to Family Code section 2640, it does appear appropriate to reimburse respondent from the *equity* in the community residence, and not reimburse respondent from petitioner's equalization payment. The California Supreme Court in *In re Marriage of Walrath* (1998) 17 Cal.4th 907, 913, held that under section 2640, the separate property contribution is reimbursed *prior* to the division of community property. Therefore, the judgment in this case is modified to take respondent's separate property payments for improvements in the amount of \$17,075, from the equity amount of the residence before dividing the remaining equity in the home. Petitioner is ordered to prepare the amended Judgment with regard to the division of community property calculation and equalization payment. The court will further order both parties to pay their own attorney fees and costs.

### **Case no. FL09-00042 – Ferreboeuf vs. Gilbert**

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

### **Case no. FL08-00105 – Gardner vs. Olson**

Tentative Ruling: **Appearance required.** The court will review respondent's supervised visitation schedule.

**Case no. PR06-6323 – Guardianship of Jones**

Tentative Ruling: **Appearance required.** The court will review the investigator's report with the parties.

**Case no. FL09-00034 – Haupu vs. Robinson**

Tentative Ruling: **No appearance required.** The court has received a mediated custody and visitation agreement, and it appears that a review hearing is unnecessary.

**Case no. FL08-28100 – Mar. of Nord**

Tentative Ruling: **Appearance required.** The court has not received respondent's order after hearing.

## **CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS**

### **Case no. CV09-00093 – Bauer vs. Almanor Manufacturing**

Tentative Ruling: **Appearance required.** The court will set the matter for trial. Counsel should be prepared to discuss ADR options.

### **Case no. PR05-6243 – Guardianship of McIntosh, Sidney**

Tentative Ruling: **Appearance required.** The court has not received the guardianship status review report.

### **Case no. PR05-6242 – Guardianship of McIntosh, William**

Tentative Ruling: **Appearance required.** The court has not received the guardianship status review report.

### **Case no FL09-00032 – Mar. of O’Bryant**

Tentative Ruling: **Appearance required.** The court will review the previous orders.

### **Case no LC09-Q0086 – Withrow vs. Albarran.**

Tentative Ruling: **Appearance required.** The court will set the matter for trial. Counsel should be prepared to discuss ADR options.

### **Case no CV08-28526 – Diamond S vs. Folchi**

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

### **Case no. CV06-27011 – Eaton vs. Russakov**

Tentative Ruling: **Appearance required.** If the court receives the documents for the prove-up hearing, prior to this hearing, the matter will be taken under submission, and no appearance will be required.

**Case no. CV07-27485 – Garofalo vs. Hildebrand**

Tentative Ruling: **No appearance required.** At the request of counsel, the court will continue the case management conference to July 13, 2009 at 2:00p.m., for the results of the binding audit.

**Case no. CV08-00126 – Haltom vs. North State Grocery**

Tentative Ruling: **Appearance required.** The court will set the matter for trial, and counsel should be prepared to discuss a mediator and date for mediation.

**Case no. CV08-28555 – Jamison vs. Blake**

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

**Case no. CV08-00135 – Kirk vs. Limpert**

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

**Case no. CV08-28232 – Lacau vs. Terhune**

Tentative Ruling: **Appearance required.** The court will set this matter for trial.

**Case no. CV06-26517 – Mero vs. Gardner**

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

**Case no. CV08-28464 – PG&E vs. Easley**

Tentative Ruling: **Appearance required.** Order to show cause hearing for defendant's failure to appear. The matter will be set for trial.

**Case no CV07-27475 – Rentz vs. Proctor**

Tentative Ruling: **No appearance required.** The matter has been settled and the court has received the requests for dismissal of the complaint and cross-complaints.

