

Tentative Rulings

Law & Motion and Family Law Calendar for May 11, 2009

May 7 - 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 8. 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. PR02-6051 – Conservatorship of Seever

Tentative Ruling: [Judicial disclosure: Judge Hilde is well acquainted and socializes with Attorney Peter Hentschel.] **Approved.** The court finds that notice was given as required by law, and the Fourth Account Current and Report of Conservators and Petition for its Settlement, and for Allowance of Conservator's and Attorney's Compensation is granted.

Case no. PR08-6437 – Conservatorship of Valpreda

Tentative Ruling: **Approved.** The court finds that notice was given as required by law, and the petition for order terminating conservatorship and for discharge of conservators is granted.

Case no. PR07-6398 – Conservatorship of White

Tentative Ruling: **Approved.** The court finds that notice was given as required by law, and the petition for independent powers to sell the personal residence of conservatee is granted.

Case no. PR09-00001 – Guardianship of Martin

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

Case no. PR09-00005 – Guardianship of Rouse

Tentative Ruling: **Appearance required.** The court will review the guardianship investigation report with the parties.

Case no. PR09-00011 – Guardianship of White

Tentative Ruling: **Appearance required.** The court will set a future date for either receipt of the custody evaluation or trial.

Case no. PR09-00006 – Guardianship of White

Tentative Ruling: **Appearance required.** The court will set a future date for either receipt of the custody evaluation or trial.

Civil – 9:30a.m.

Case no. LC06-26998 – National Business Factors vs. Conn

Tentative Ruling: **Denied.** The court considered the evidence in support of and in opposition to the claim of exemption. The claim of exemption cannot be granted, because this case is based upon the nonpayment of medical bills. Therefore, the judgment debtor's claim of exemption is denied.

Case no. CV09-00081- Petition of Nickerson

Tentative Ruling: **Granted.** The court has received the petitioner's proof of publication. No written objection has been filed. Therefore, the petition for change of name is granted.

Case no LC08-00101 – Rexel Norcal Valley vs. Cottriel Construction

Tentative Decision: **No appearance required.** The court has received a request for continuance from counsel for the defendant. The court will defer to plaintiff's counsel for a new date for the examination.

Case no. LC07-27860 – Unifund CCR Partners vs. Foard

Tentative Decision: **Granted.** Plaintiff's motion to compel responses to interrogatories and production of documents and for deemed admissions and for sanctions in the amount of \$640 is granted. The court's previous discovery order on December 22, 2008, is vacated, as it mistakenly was made prior to the scheduled hearing. Defendant is ordered to serve complete and verified responses within 10 days of notice of this order. It is further ordered that the admissions requested are hereby deemed to be admitted by defendant for the purposes of this action. Plaintiff is to prepare the Order.

Case no. LC-8-28546 – USA Financial Marketing vs. Sandeen

Tentative Decision: **Appearance required.** The court will hear argument on the motion to compel discovery. The court will set the matter for trial, and counsel should be prepared to discuss ADR options.

Family Law – 10:30a.m.

Case no. FL09-00004 – Mar. of Black

Tentative Ruling: **Appearance required.** OSC on respondent's failure to appear on 4/27/09.

Case no. FL09-00093 – Mar. of Bowman

Tentative Ruling: **Appearance required.** There is no proof of service on respondent in the court's file.

Case no. FL09-00108 – Mar. of Carter

Tentative Ruling: **Appearance required.** There is no proof of service on respondent in the court's file.

Case no. FL09-00119 – Mar. of Chambers

Tentative Ruling: **Appearance required.** There is no proof of service on respondent in the court's file.

Case No. FL02-22898 – Champlin vs. Spackman

Tentative Ruling: **Appearance required.** The court will review the custody and visitation orders.

Case no. FL05-26165 – Mar. of Eliason

Tentative Ruling: **Appearance required.** There is no proof of service on respondent in the court's file.

Case no. FL08-00142 – Fitzgerald vs. Lorenzo

Tentative Ruling: **Appearance required.** The court has received the child custody investigation report, and will review the recommendations with the parties.

Case no. FL08-00105 – Gardner vs. Olson

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

Case no. 08-27974 – Mar. of Kohler

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

Case no. FL09-00068 – Mar. of Neely

Tentative Ruling: **Appearance required.** The court will hear the results of mediation.

Case no FL08-28100 – Mar. of Nord

Tentative Ruling: **No appearance required.** Petitioner's motion to compel discovery is **granted.** Respondent is ordered to respond to petitioner's discovery requests within 10 days after service of the order, and pay attorney fees and costs to petitioner in the amount of \$440. Petitioner is to prepare the Order.

Case no. FL97-19330 – Norton vs. Grant-Norton

Tentative Ruling: Motion to Set Aside: **Denied.** After reviewing the reporter's transcript of the hearing, the petitioner has inaccurately portrayed the hearing, and has not shown sufficient facts in his motion to justify the court setting aside the court's previous order.

Tentative Ruling: Motion to Modify Child Support: **Appearance required.** The court will set this matter for a hearing.

Case no. FL08-28424 – Mar. of Perkins

Tentative Ruling: **Appearance required.**

Case no. FL04-25353 – Poole vs. Sayegh

Tentative Ruling: **Appearance required.** The court will review the results of mediation.

Case no. FL09-00058 Quellette vs. Malizia

Tentative Ruling: **No appearance required.** The court has received and signed the custody and visitation agreement.

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case no. CV01-22149 – Aguilera vs. Lyons

Tentative Ruling: [Judicial disclosure: Judge Hilde is well acquainted and socializes with Attorney Peter Hentschel.] **No appearance required.** This matter will be continued to September 14, 2009 for further case management conference. Counsel are ordered to file updated case management statements.

Case no. LC08-28547 – Atlantic Credit & Finance vs. Morton

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

Case no. LC08-00111 – Interinsurance Exchange vs. McElroy

Tentative Ruling: **Appearance required.**

Case no. CV08-00112 – McDonald vs. Myers

Tentative Ruling: **No appearance required.** The case management conference is vacated.

Case no. CV07-27377 – Yandell vs. Griffith

Tentative Ruling: **Appearance required.**

Case no. CV04-25326 – Ball vs. County of Plumas

Tentative Ruling: **Appearance required.** This matter will be set for trial, and counsel should be prepared to discuss ADR options.

Case no. FL07-27651 – Boren vs. Clark

Tentative Ruling: **Appearance required.** The court will set this matter for trial, unless there is a mediated agreement.

Case no. CV06-27011 – Eaton vs. Russakov

Tentative Ruling: **No appearance required.** This matter will be continued for a case management conference on June 8, 2009 at 2:00p.m., per the stipulation to continue the trial, as a settlement has been reached. If there is a dismissal on file before June 8, the case management conference will be vacated.

Case no. CV08-28461 – McMorrow vs. County of Plumas

Tentative Ruling: [Judicial disclosure: Judge Hilde is well acquainted and socializes with Attorney Peter Hentschel. In addition, the court recuses itself from this case, as Judge Hilde is well acquainted with the plaintiffs.] **Appearance required.** Counsel should be prepared to discuss ADR options and the court will set the matter for trial.

Case no. LC08-28372 – Moritz vs. Ramos

Tentative Ruling: **Appearance required.** The court will set the matter for a 5-day jury trial, and counsel should be prepared to discuss ADR options.

Case no. CV08-28167 – Shewry vs. Swengrosh

Tentative Ruling: **Appearance required.**

Case no. FL06-26462 – Mar. of Stilwell

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

Case no. CV07-27483 – Wells Fargo vs. Imberi

Tentative Ruling: **Appearance required.** The court will reset the settlement conference.

Case no. FL08-28329 – Youngblood vs. Rine

Tentative Ruling: **Appearance required.** The court has not received the child custody evaluation.