

# **Tentative Rulings**

## **Law & Motion and Family Law Calendar for Dec. 8, 2014**

December 4, 2014, 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, December 5, 2014, 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. PR12-00001 – Conservatorship of Rios**

Tentative Ruling: **Granted.** The court has reviewed the investigator's report and finds that conservatorship continues to be appropriate and necessary and the conservator is acting in the best interest of the conservatee. The court sets the next review hearing in two years, on December 12, 2016, at 9:00a.m.

#### **Case No. PR14-00031 – Estate of Smith**

Tentative Ruling: **Appearance required.** The court will hear objections, if any, to the Petition for Instructions. If there are no objections, the court intends to grant the petition.

#### **Case No. PR14-00010 – Estate of Todd**

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. Petitioners' First and Final Report; Petition for Order for Final Distribution with Waiver of Account is granted.

#### **Case No. PR08-6455 – Guardianship of Joa**

Tentative Ruling: **Appearance required.**

#### **Case No. PR14-00055 – Guardianship of Marquez**

Tentative Ruling: **No appearance required.** The court notes there is no request or order for an investigation. Counsel for the proposed guardians is to prepare the order for investigator. This matter is therefore continued to January 26, 2014, for receipt of the investigator's report.

**Case No. PR11-00015 – Conservatorship of Tanner**

Tentative Ruling: Tentative Ruling: **Granted.** The court has reviewed the investigator's report and finds that conservatorship continues to be appropriate and necessary and the conservator is acting in the best interest of the conservatee. The court sets the next review hearing in two years, on December 12, 2016, at 9:00a.m.

**Civil – 9:30 a.m.**

**Case No. CV14-00159 – McLaughlin vs. JP Morgan Chase Bank**

Tentative Ruling: **Denied.** Plaintiffs' Motion to Compel discovery is denied. Defendant's counsel have attempted to comply with discovery, requesting additional time that appears reasonable to this court. Yet, the court has been provided plaintiffs' motion and reply that includes the most uncivil, rude, aggressive, and unprofessional conduct it has seen in eight years on the bench from counsel Jesse Ralph to defense counsel. From the very first correspondence, Mr. Ralph's inexcusably rude comments to defense counsel have undoubtedly caused unnecessary delays and unnecessary attorney fees and costs. The reply from plaintiffs' counsel, filed on December 1, 2014, accuses defense counsel of lying, and making up fraudulent excuses. The accusations are rude and uncalled for, and the result is that no meaningful meet and confer could take place. The court orders plaintiffs' counsel to pay \$3,780.00 in reasonable attorney's fees in opposing the motion, to the defendant, pursuant to CCP section 2031.060.

**Case No. LC14-Q0202 – Stevens vs. Wyrick**

Tentative Ruling: **Appearance required.**

## **Family Law – 10:30 a.m.**

### **Case No. FL04-25109 – Mar. of Alexander**

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

### **Case No. FL14-00012 – Artaz vs. Gilbert**

Tentative Ruling: **Appearance required.** The court has not received the custody and visitation agreement.

### **Case No. FL14-00066 – Mar. of Aswad**

Tentative Ruling: **Appearance required.** The court notes there is no proof of service on the petitioner.

### **Case No. FS04-24933 – County vs. Hudson**

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

### **Case No. FL09-00203 – Dewey vs. Jay**

Tentative Ruling: **Appearance required**

### **Case No. FL08-28432 – Pace vs. Stringfellow**

Tentative Ruling: **No appearance required.** The court continues petitioner's request for order until February 9, 2015, at 10:30a.m., to consider the outcome of respondent's trial in January.

### **Case No. FL03-24194 – Rossington vs. Pesina**

Tentative Ruling: **No appearance required.** The court, having previously been disqualified in this matter, continues the petitioner's request for modification to December 10, 2014, at 1:00 p.m., before Commissioner Hamlin in Department Three.

## **CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS**

### **Case No. LC14-00116 – Discover Bank vs. Burns**

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

### **Case No. LC14-00110 – Discover Bank vs. Gutierrez**

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

### **Case No. CV14-00097 – Marler vs. Eastern Plumas Health Care**

Tentative Ruling: **Appearance required.** The parties should be prepared to discuss ADR options and set a trial date.

### **Case No. FL14-00128 – Mar. of Nesbit**

Tentative Ruling: **No appearance required.** This case management conference is continued to Commissioner Hamlin's calendar on December 10, 2014, at 1:00p.m., in Department Three.

### **Case No. FL14-00129 – Mar. of Rich**

Tentative Ruling: **No appearance required.** This case management conference is continued to Commissioner Hamlin's calendar on December 10, 2014, at 1:00p.m., in Department Three.

### **Case No.. CV14-00089 – Smith vs. Emmot**

Tentative Ruling: **Appearance required.**

### **Case No. CV14-00102 – Stevenson vs. Hildebrandt**

Tentative Ruling: **No appearance required.** This case management conference is continued to December 22, 2014, at 2:00p.m., in order for the court to rule on the demurrer.

### **Case No. CV14-00064 – Bauer vs. City of Portola**

Tentative Ruling: **Appearance required.**

### **Case No. FL12-00232 – Butts vs. Kilby**

Tentative Ruling: **Appearance required.**

### **Case No. CV13-00059 – Corey vs. Brown**

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

**Case No. CV13-00202 – Nichols vs. Stark**

Tentative Ruling: **Appearance required.** The parties should be prepared to discuss ADR options and set a trial date.

**Case No. FL04-24640 – Mar. of Quinn**

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