

Tentative Rulings

Law & Motion and Family Law Calendar for February 22, 2016

February 18, 2016, 4:00 p.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, February 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.

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 – Estate of Jacobs

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. Petitioner's Second Amended First Account and Report of Administrator, Allowing Ordinary and Extraordinary Compensation to Administrator; and Ordinary Compensation to Attorney; and for Final Distribution is approved.

Case No. PR15-00026 – Estate of Kielty

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. Petitioner's First and Final Report of Executor on Waiver of Account and Petition for Final Distribution, and for Allowance of Compensation to Executor for Ordinary Services is approved.

Case No. PR15-00052 – Guardianship of Durler

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

Case No. PR14 – Guardianship of Taylor

Tentative Ruling: **No appearance required.** The court has received and reviewed the guardianship status report, and finds that continued guardianship is in the best interests of the minor. The matter is set for an annual review on February 27, 2017, at 9:00a.m. The clerk of the court is reminded to send notice to the guardian one month prior to the review date, informing the guardian of the duty to file a confidential status report prior to the hearing.

Civil – 9:30 a.m.

Case No. CV16-00018 – County of Plumas v. Sawyer, et al.

Tentative Ruling: **Appearance required.** The court notes that the proofs of service of the Petition itself do not include the names, addresses, dates or times the Petition was served.

Case No. CV16-00010 – In re: McClure

Tentative Ruling: **Denied.** The court notes that a similar case filed by the petitioner was tentatively denied four months ago by this court, on September 28, 2015. At that time, the court continued the matter for the payee, Mr. McClure, to provide further evidence on October 14, 2015. However, petitioner filed a request for dismissal prior to that date, and the matter was dismissed. One week later, the payee signed documents presented by petitioner, to again petition the court for approval of the transfer of payment rights.

This petition alleges no new facts or reasons for this court to rule any differently than the court's previous tentative ruling four months ago, and the previous ruling by Judge Reed in Tulare County on July 13, 2015, which set forth appropriate reasons to deny the petition, and as not in the best interests of the payee. This time, the declaration of the payee simply indicates the payee is currently experiencing an extreme financial hardship and will use the money to "pay rent and past due utilities as well as provide necessities for my daughter such as food and diapers", which were the same reasons expressed by Mr. McClure at the hearing on September 28, 2015 for the last petition. As noted by Judge Reed in Tulare, a previous petition filed in another county, Kern County, was approved by that court last year, on July 22, 2014, ordering the lump sum payment of \$160,124 to the payee. That court recited the use of those funds, as claimed by the payee. The money was used "to help with his daughter's expenses, move closer to her and his girlfriend, pay off existing loans, purchase vehicles, pay rent and go on vacation." Three previous petitions were also denied by the Tulare Superior Court.

This court is struck by the lack of information provided in these petitions. Insurance Code section 10139.5(c) sets forth the information required. Presumably, petitioner is relying on oral testimony or documentary evidence that may be provided at the hearing, pursuant to section 10139.5(d).

Family Law – 10:30 a.m.

Case No. FL02-22955 – Burns vs. Dean

Tentative Ruling: **Appearance required.** The court will review the custody and visitation issues with the parties.

Case No. FS14-00255 – County of Eldorado for Hoffman

Tentative Ruling: **Appearance required.** The court will review the custody and visitation issues with the parties.

Case No. FL15-00142 – Mar. of DeGraff

Tentative Ruling: **No appearance required.** The court made a ruling on child support and spousal support on February 18, 2016.

Case No. FL15-00152 – Mar. of Mulhall

Tentative Ruling: **Appearance required.**

Case No. FL11-00018 – Mar. of Sheldon

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

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case No. LC15-00111 – Barnes vs. Hammond

Tentative Ruling: **Appearance required.** The court will set the matter for a one-day court trial.