

Tentative Rulings

Law & Motion and Family Law Calendar for July 13, 2015

July 9, 2015, 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, July 10, 2015 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. PR00-05935 – Conservatorship of Schager

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

Case No. PR15-00027 – Conservatorship of Thomas

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

Case No. PR15-00022 – Estate of Vincent

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. Petitioner's Petition to Administer the Estate is granted.

Case No. PR08-6412 and PR-08-6413 - Guardianships of Kelley

Tentative Ruling: **No appearance required.** The court has received the confidential guardianship status reports, and finds that continued guardianship is in the best interests of the minors. The matter is set for an annual review on July 11, 2016, 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.

Case No. PR13-00019 – Guardianship of McKinney

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

Case No. PR15-00021 – Guardianship of Yager-Compton

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

Case No. PR15-00028 – In re Matter of Glain

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. Petitioner's Petition for Order Transferring Assets and Income for Medi-Cal Spousal Support Purposes and Enlarging His Minimum Monthly Maintenance Needs Allowance is granted.

Case No. PR13-00020 – Matter of McKinney

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

Case No. PR13-00021 – Matter of Kaufman

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

Case No. PR15-00025 – Matter of Weldon

Tentative Ruling: **Appearance required.** The required Inventory and Appraisal, signed by the referee, is not attached to the Petition.

Civil – 9:30 a.m.

Case No. CV13-00059 – Corey vs. Brown

Tentative Ruling: **Denied, in part and granted, in part.** Petitioner's Motion to Augment the Record is **denied**, with respect to evidence regarding the alleged witness intimidation incident, including evidence of petitioner's efforts to investigate the same (namely B,C,D,F,G,H,I,J,M,N,O,P,Q,R,S,V,Y,EE and FF). This evidence is not relevant and it was not improperly excluded. Petitioner's allegation that his witness, Shaun Benson, was unavailable to testify because of intimidation is purely speculative and unsupported by any admissible evidence. In addition, there is only speculation about what Mr. Benson's testimony would be, and if it would have changed the outcome of the hearing. At the hearing, petitioner told the hearing officer that Mr. Benson would not be available because he was moving. The hearing officer previously ruled on petitioner's motion to dismiss, alleging the same claim of witness intimidation. In addition, Mr. Benson could have been subpoenaed prior to his departure from the state, and he was not. With regard to certain legal briefings and attachments, orders, correspondence and transcripts in items A,K,L,T,U and X, augmentation is **granted**, as there is no objection by the respondent, and three of the items, A,L,X are already before the court. With regard to invoices and other documents regarding auto repair work done for Ruth Deal (namely DD); and documents from the public record relating to sunset review of BAR by the legislature and BAR publications regarding certain auto repair procedures (namely E,ZZ,AA,BB,CC), the court **denies** petitioner's request. Specifically, there is no claim that the petitioner was not able to produce the proposed additional pages of Ms. Deal's invoice at the hearing. In addition, the additional pages are irrelevant. The documents relating to the BAR are also irrelevant and inadmissible.

Family Law – 10:30 a.m.

Case No. FL15-00033 – Desentz vs. Crosby

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

Case No. FL12-00106 – Elston vs. Castillo

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

Case No. FL15-00104 – Matter of Balcita

Tentative Ruling: **No appearance required.** The court has not received the investigator's report and continues this matter to July 27, 2015, at 9:30a.m.

Case No. FL15-00106 – Miller vs. Hill

Tentative Ruling: **Appearance required.** The court will order the parties to mediation.

Case No. FL15-00074 – Mar. of Phillips

Tentative Ruling: **Appearance required.**

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case No. CV15-00006 – Bank of American vs. Burrows

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

Case No. LC14-00127 – Cavalry SPV I vs. King

Tentative Ruling: **Appearance required.**

Case No. LC15-00003 – Discover Bank vs. Strecker

Tentative Ruling: **Appearance required.** The court notes that plaintiff has failed to file a case management statement. Should there be any further violations of Rule 3.725, this matter will be set for an order to show cause and sanctions may be imposed. The court also notes there is no proof of service on the defendant in the file.

Case No. CV15-00004 – Granite State Insurance Co. vs. Watts Water Technologies

Tentative Ruling: **Appearance required.** The court will discuss the status of the case with the parties. Although the court has received notice of settlement, the dismissal has not been filed.

Case No. PR13-00049 – Snyder Family Third Party Special Needs Trust

Tentative Ruling: **Appearance required.**

Case No. LC14-00193 – Western Nevada Supply Co vs. Jensen

Tentative Ruling: **Appearance required.** The court will conduct the examination.

Case No. CV13-00059 – Corey vs. Brown

Tentative Ruling: **Appearance required.**

Case No. CV14-00149 – McLaughlin vs. JP Morgan Chase Bank

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

Case No. CV14-00089 – Smith v. Emmott

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

Case No. CV14-00102 – Stevenson vs. Hildebrandt

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