

Tentative Rulings

Law & Motion and Family Law Calendar for March 24, 2014

March 20, 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, March 21, 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. PR09-00041 – Estate of Casteel

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. The Motion to be Relieved as Counsel is granted. The court notes that no objection has been filed.

Case No. PR14-00006 – Estate of VanPutten

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

Case No. PR13-00004 – Guardianship of Miles

Tentative Ruling: **No appearance required.** The court has received the confidential guardianship status report and finds that continued guardianship is in the best interests of the minor. The court schedules the annual review for March 23, 2015, at 9:00a.m. The clerk of the court is reminded to send notice to the guardian one month prior to this date, informing the guardian of the duty to file a confidential status report prior to the review hearing.

Civil – 9:30 a.m.

Case No. CV13-00149 – Senecca Gold LLC vs. Preim

Tentative Ruling: **Overruled.** Defendants' demurrer to the Second Cause of Action in the First Amended Complaint is overruled. Defendants claim the allegations of the action to quiet title do not state a cause of action in that plaintiff does not claim *title* to the property in question. However, an action to quiet title embraces every sort of a claim whereby the plaintiff might be deprived of his property or his title. (*See Castro v. Barry* (1988) 79 Cal. 443, 447, 448.) Plaintiff has adequately done so, by claiming a present, possessory interest in the property, and the details of such interest. In addition, the contract, attached to the first amended complaint, provides that plaintiff has physical possession of the property on the date plaintiff pays the initial payment, which was \$50,000. The demurrer is therefore without merit. Plaintiff is to prepare the Order consistent with this ruling, and defendant is ordered to file an answer to the first amended complaint within 20 days of service of the Order.

Case No. CV08-28209 – Sherrard vs. Sherrard

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

Family Law – 10:30 a.m.

Case No. FL14-00012 – Artaz vs. Gilbert

Tentative Ruling: **Appearance required.** The court will review the parenting plan recommendation with the parties.

Case No. FL12-00286 – Mar. of Bradley

Tentative Ruling: **Appearance required.**

Case No. FL09-00202 – Mar. of Cravens

Tentative Ruling: **Appearance required.** Review hearing on visitation orders. The court notes that neither counsel have prepared orders, as ordered on September 23, 2013 and January 13, 2014.

Case No. FL05-26166 – Mar. of Daniels

Tentative Ruling: **Appearance required.**

Case No. FL13-00117 – Mar. of Hardgrave

Tentative Ruling: **Appearance required.**

Case No. FL10-00158 – Hauner vs. McGinley

Tentative Ruling: **Appearance required.**

Case No. FL10-00018 – Joa vs. Sanders

Tentative Ruling: **Appearance required.**

Case No. FL12-00224 – Mar. of Judd

Tentative Ruling: **Appearance required.** The court will order a parenting plan recommendation.

Case No. FL09-00261 – Mar. of Marshall

Tentative Ruling: **Appearance required.**

Case No. FL12-00172 – Mar. of Molina

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

Case No. FL13-00055 – Mar. of Smith

Tentative Ruling: **Appearance required.**

Case No. FL12-00088 – Suppa-Shepherd vs. Shepherd

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

Case No. FL09-00250 – Mar. of Tande

Tentative Ruling: **Appearance required.**

Case No. FL13-00136 – Mar. of Tidwell

Tentative Ruling: **Appearance required.** The court notes the respondent has not filed a response.

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case No. CV14-00041 – American Valley Pet vs. Labbe

Tentative Ruling: **Appearance required.** If necessary, this matter will be reset before a visiting judge.

Case No. CV11-00235 – Grizzley Ranch HOA vs. Krauss

Tentative Ruling: **Appearance required.** If there is no appearance, this case will be dismissed.

Case No. CV13-00116 – Peay vs. White Cap Ready Mix

Tentative Ruling: **Appearance required.** The court will confirm mediation.

Case No. CV13-00085 – Plumas Bank vs. Tenk

Tentative Ruling: **Appearance required.** The court notes there is no answer filed.

Case No. CV13-00117 – Progressive West Insurance vs. Harris

Tentative Ruling: **Appearance required.**

Case No. CV13-00149 – Seneca Gold vs. Preim

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

Case No. CV11-00262 – Vonderau vs. Smith

Tentative Ruling: **No appearance required.** The court has received a request for dismissal, and this case has been dismissed.

Case No. CV09-00065 – Adams vs. Dept. of Fish & Game

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

Case No. CV11-00236 – City of Portola vs. State of California Dept. of Fish & Game

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

Case No. CV09-00347 – Capital One Bank vs. Gibson

Tentative Ruling: **Appearance required.** If there is no appearance, this case will be dismissed.

Case No. LC08-00134 – Citibank vs. Ness

Tentative Ruling: **Appearance required.** If there is no appearance, this case will be dismissed.

Case No. CV10-00225 – Quigley vs. Aptos/La Selva Fire Protection

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

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

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