

Tentative Rulings

Law & Motion and Family Law Calendar for Nov. 24, 2014

November 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, Nov. 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. PR4382 – Conservatorship of Pearce

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. The court has reviewed the investigator's report and grants the petition for reappointment of the conservator of the person and estate.

Case No. PR14-00053 – Estate of Alexander

Tentative Ruling: **Granted, upon proof of publication.** If proof of publication is filed prior to the hearing, the court intends to find that notice has been given as required by law and the Petition for Probate is granted. Petitioner is to prepare the Order.

Case No. PR13-00025 – Estate of Taylor

Tentative Ruling: **Granted.** The court finds that notice has been given as required by law. The Petition for Final Distribution; on Waiver of Accounting; and for Statutory Attorney's Fees is granted.

Case No. PR14-00006 – Estate of VanPutten

Tentative Ruling: **Approved.** The court finds that notice has been given as required by law. The First and Final Account of Personal Representative on Waiver of Accounting and Petition for Settlement, for Fees to the Attorney and for Final Distribution is approved.

Case No. PR08-6455 – Guardianship of Joa

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

Case No. PR13-00048 – Estate of Dearing

Tentative Ruling: **Approved.** The court finds that notice has been given as required by law. The First and Final Account and Report of Administrator; Petition for Approving Report of Administrator, for Allowance of Attorney Compensation and Final Distribution is approved. Petitioner is to prepare the Order.

Case No. PR14-00001 – Matter of Schechla

Tentative Ruling: **Appearance required.** The court will hold a financial hearing on the request for fee waiver.

Case No. PR10-00038 – Guardianship of Thompson

Tentative Ruling: **Appearance required.**

Civil – 9:30 a.m.

Case No. CV13-00187 – CSAA Insurance Exchange vs. Electrolux Home Products

Tentative Ruling: **Denied, without prejudice.** Plaintiff's Motion to Compel is denied without prejudice. The court finds that plaintiff has failed to engage in meaningful meet and confer efforts in resolving this discovery dispute. Although several letters have been exchanged between the parties, the court believes that counsel should speak personally with opposing counsel to limit the issues informally. The court finds that many of plaintiff's interrogatories and requests for production of documents are broad and burdensome and irrelevant. For example, the requests for special interrogatories as to the time period for fire claims can be limited to a five year period. And, if additional time is needed to respond to discovery, the court would be inclined to continue the trial date. As a result, the court will not order sanctions to either party.

Case No. CV12-00103 – First American Title Insurance vs. Business Factors

Tentative Ruling: **Appearance required.** OSC on failure to appear.

Case No. CV13-00156 – Leschinsky vs. Johnson

Tentative Ruling: **Granted.** Defendant's Motion to Strike Punitive Damage Prayer from First Amended Complaint is granted. Plaintiff has failed to add sufficient facts in the amended complaint to support a claim for punitive damages.

Case No. CV14-00102 – Stevenson vs. Hildebrandt

Tentative Ruling: **No appearance required.** At the request of counsel, the hearing on defendant's demurrer is vacated, as a first amended complaint has been filed.

Case No. CV13-00149 – Seneca Gold, LLC vs. Preim, et al.

Tentative Ruling: **Granted.** Plaintiff's Motion to Compel Discovery is granted. The court finds sufficient justification for the discovery requested and hereby orders defendants to comply with the discovery requests within 10 days from the date of receipt of the Order. The court also finds that notice of the motion was given within 45 days, as required by CCP 2030.300(c). The objections were served on 9/2/14, and the notice of motion was served on 10/17/14, which appears to be the 45th day. Plaintiff is awarded reasonable monetary sanctions in the amount of \$2500 to be paid by the defendants and their counsel.

Family Law – 10:30 a.m.

Case No. FL14-00103 – Castillo vs. Wilcox

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

Case No. FS04-24933 – County of Plumas vs. Hudson

Tentative Ruling: **Appearance required.**

Case No. FL14-00148 – Mar. of Dougherty

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

Case No. FL14-00153 – Mar. of Furtado

Tentative Ruling: **Appearance required.** If a judgment is filed prior to the hearing, this matter may be taken off calendar.

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case No. 14-00066 – CACH, LLC vs. Stoermer

Tentative Ruling: **No appearance required.** The court has received notice of a conditional settlement. This matter is taken off calendar.

Case No. CV14-00094 – CACH, LLC vs. Biehl

Tentative Ruling: **No appearance required.** The court has received notice of a conditional settlement. This matter is taken off calendar.

Case No. PR09-00041 – Estate of Casteel

Tentative Ruling: **Appearance required.**

Case No. CV14-00093 – Hunt vs. Firestone

Tentative Ruling: [Judicial disclosure: Attorney Jennifer McQuarrie was previously employed by the court as a research attorney.] **Appearance required.** The parties should be prepared to discuss ADR options and set a trial date.

Case No. LC14-00073 – Persolve vs. Reviea

Tentative Ruling: **No appearance required.** The court notes this is a collections case. This matter is continued to April 13, 2015, at 1:30p.m., pursuant to Rule 3.740(f). If the plaintiff has not obtained a default judgment by said date, this matter will be set for an order to show cause and sanctions may be imposed.

Case No. CV13-00169 – Robinson vs. Genesis Systems

Tentative Ruling: **Appearance required.** The court notes that the defendant's counsel has failed to file a case management statement, as ordered on September 22, 2014. Should there be any further violations, this matter will be set for an order to show cause and sanctions may be imposed. The court will discuss the status of the case with the parties.

Case No. CV14-00083 – Rondon vs. Ruschhaupt

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

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

Tentative Ruling: **Appearance required.** The court will set a trial date and readiness conference.

Case No. CV13-00187 – CSAA Insurance Exchange vs. Electrolux Home Products

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

Case No. CV13-00158 – Gomez vs. Walter

Tentative Ruling: **Appearance required.** The court notes that the plaintiff's and defendants' counsel has failed to file a case management statement, as ordered on September 22, 2014. Should there be any further violations, this matter will be set for an order to show cause and sanctions may be imposed. The parties should be prepared to discuss ADR options and set a trial date.

Case No. CV13-00032 – Klein vs. Wells Fargo Bank

Tentative Ruling: **Appearance required.**

Case No. FL10-00013 – Mar. of Mattingly

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

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

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

Case No. PR14-00049 – Snyder Family Third Party Special Needs Trust

Tentative Ruling: **No appearance required.** At the request of counsel, this case management conference is continued to February 23, 2015, at 1:30p.m.