

Tentative Rulings

Law & Motion and Family Law Calendar for Oct. 15, 2014

October 9, 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, Oct. 10, 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: **Appearance required.** The court has not received the investigator's report.

Case No. PR14-00046 – Estate of Culbert

Tentative Ruling: **Appearance required.** The court notes the Notice does not provide the date of mailing. The court also has not received the proof of publication. If an amended Notice is filed and the proof of publication is filed prior to the hearing, the court intends to grant the petition. Petitioner is to prepare the Order.

Case No. PR14-00001 – Matter of Schechla

Tentative Ruling: **No appearance required.** The court has reviewed the report from the conservator and the court investigator's report, and finds that the limited conservatorship continues to be necessary and the conservator is acting in the best interests of the conservatee. A review hearing is scheduled for October 12, 2016, at 9:00a.m.

Civil – 9:30 a.m.

Case No. Lc13-00183 – Joaquin vs. Hardman Glazing Systems, Inc.

Tentative Ruling: **Denied.** Plaintiff's motion for summary adjudication for breach of express warranty and a violation of California's Song-Beverly Consumer Warranty Act is denied. A motion for summary adjudication may be granted only if there is no triable issue of material fact. ([Code Civ. Proc., § 437c](#), subd. (o)(1).) Here, there are triable issues of material facts. Defendant disputes there is a defect in its workmanship, and whether there is any damage as a result. In addition, there is a factual dispute as to whether defendant is a manufacturer or retailer under the Song-Beverly Consumer Warranty Act, and it appears that construction building materials, such as windows, are not consumer goods under the act. (*See Atkinson v. Elk Corporation* (2003) 1009 Cal.App.4th 739.) Accordingly, plaintiff's motion for summary adjudication is denied. Defendant's evidentiary objection is sustained.

Case No. CV14-00162 – Matter of Merino

Tentative Ruling: **Granted.** Petitioner's Verified Request to Amend Birth Record is granted. Petitioner is to prepare the Order.

Case No. CV12 -00214 – Rose vs. Guereque

Tentative Ruling: **Appearance required.**

Family Law – 10:30 a.m.

Case No. FL11-00193 – Barreno vs. Wingfield

Tentative Ruling: **Appearance required.**

Case No. FL14-00171 – Mar. of Castillo

Tentative Ruling: **Appearance required.**

Case No. FL14-00195 – Conine vs. Sarmiento

Tentative Ruling: **No appearance required.** The court has signed a custody and visitation agreement. Petitioner is directed to the Department of Child Support Services to determine and enforce child support.

Case No. FS05-26013 - County of Plumas vs. Taylor

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

Case No. FL14-00192 – Henderson vs. DaVeiga

Tentative Ruling: **Appearance required.**

Case No. FL01-22146 – Mar. of Lamattina

Tentative Ruling: **Appearance required.**

Case No. FL04-24668 – Lancaster vs. Rowe

Tentative Ruling: **Appearance required.** The court will review the visitation order with the parties.

Case No. FL04-24640 – Mar. of Quinn

Tentative Ruling: **Appearance required.** The court has not received the custody evaluator's report. The court also notes that petitioner has not prepared the findings and order after hearing, as ordered on August 14, 2014.

Case No. FL14-00129 – Mar. of Rich

Tentative Ruling: **Appearance required.** The court will reset the contested hearing.

Case No. FL14-00196 – Mar. of Shelton

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

Case No. FL14-00200 – Mar. of Williams

Tentative Ruling: **No appearance required.** The court has signed a custody and visitation order. Petitioner is direct to the Department of Child Support Services to determine and enforce child and spousal support.

CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Case No. PR09-00041 – Estate of Casteel

Tentative Ruling: **Appearance required.**

Case No. LC14-00069 – Midland Funding vs. Krinsky

Tentative Ruling: **Appearance required.** Plaintiff has failed to file a case management conference 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.

Case No. FL13-00253 – Mar. of Fogleman

Tentative Ruling: **Appearance required.** The court will reset the trial.

Case No. LC13-00204 – Williams vs. Brawley

Tentative Ruling: **Appearance required.** The court will reset the mandatory settlement conference.