

Tentative Rulings

Law & Motion and Family Law Calendar for August 24, 2020

Department Two – Judge Douglas Prouty

To request a hearing on any matter on this calendar, you must call the Court at 530/283-6305 by 12:00 noon, August 21 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 Appearance by conference call is required.

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.

PLEASE NOTE – DUE TO THE GOVERNOR'S EMERGENCY ORDER AND THIS COURT'S JUDICIAL EMERGENCY ORDER, NON-EMERGENCY CASES WILL BE CONTINUED AND ANY REQUIRED APPEARANCE MUST BE DONE BY USING COURT CALL (1-800-882-6878) – UNLESS OTHERWISE STATED IN THESE TENTATIVE RULINGS

Probate – 9:00 a.m.

Case No. PR20-00031 Conservatorship of B., J.

Tentative Ruling: **Appearance required.** The Court has reviewed the Capacity Declaration but no Investigator's Report has been received.

Case No. PR19-00031 Estate of Tebaldi, Harold Thomas, Jr.

Tentative Ruling: **Appearance required.** Petitioner has filed a Report of sale and Petition to confirm sale of real property. Notice has been given as required by law. The Court will call the case to see if there are any over-bids. The Petitioner can appear by the Court's conference call line. To appear by telephone for this hearing a party is to call 1-877-336-1829 and enter the access code 4023142. The party must then wait on the line until the Court calls their case and shall mute their phone until their case is called.

Case No. PR20-00028 Guardianship of Hogan, Reese

Tentative Ruling: **Appearance required.** This case was continued for receipt of Investigator's Report. The Court has not received the report at this time.

Case No. PR19-00007 Guardianship of Marro, Ariana

Tentative Ruling: **Appearance required.** This matter has now been continued numerous times in an effort to contact and obtain a status report from the guardian. If there is no appearance by the guardian and no status report is filed for this hearing date, the Court will continue the hearing to September 28, 2020 at 9 a.m. and order the Court investigator to try to locate the child.

Case No. PR05-6242 Guardianship of McIntosh, William

Tentative Ruling: **No appearance required.** The child is over 18 years of age and this guardianship is terminated.

Case No. PR07-6356 Guardianship of Merkley, Kyli

Tentative Ruling: **No appearance required.** The Court has received and reviewed the Confidential Guardianship Status Report. The Court finds it is in the minor's best interests to continue the guardianship and the next annual review hearing is set for August 9, 2021, at 9:00 a.m. All prior orders remain in full force and effect. 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. The Guardian is to appear by telephone at that time and date by calling 1-877-336-1829 and enter the access code 4023142. The party must then wait on the line and mute their phone until the Court calls their case.

Case No. PR06-6328 Guardianship of Michaud, Angela

Tentative Ruling: **No appearance required.** The child is over 18 years of age and this guardianship is terminated.

Case No. PR20-00034 Guardianship of Orr, Delores

Tentative Ruling: **Appearance required.** The Court will discuss whether there is any opposition to the Petition and whether the Investigative Report from the Plumas County Dept. of Social Services has not been filed.

Case No. PR19-00028 Conservatorship of W., E.

Tentative Ruling: **Appearance required.** No report has been received from the Court investigator in this LPS matter.

CIVIL LAW AND MOTION CALENDAR – 9:30 a.m.

Case No. CV19-00192 Spaulding, Mark v Maybury Kris

Tentative Ruling: **Appearance required.** The Court will hear argument regarding the Motion unless the matter is submitted for decision on the pleadings and declarations filed to date.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL19-00038 **Brown, Neo v Caporale, Natalie**

Tentative Ruling: **No appearance required.** Based upon the information received on Petitioner's behalf, the hearing date for Petitioner's Request for Order is continued to September 28, 2020, at 10:30 a.m. Petitioner is to timely serve the Request for Order with that hearing date on the Respondent and the parties are to attend mediation.

Case No. FL18-00208 **Caballero, Koby v Pettit, Haley**

Tentative Ruling: **Appearance required.** No opposition has been filed by Respondent, however there is no proof of service of this Request for Order on Respondent. The Court will discuss the lack of any service and if a continuance is being requested. The Court will also discuss the status of mediation.

Case No. FL19-00239 **Collins, Vicky v Collins, Ronald**

Tentative Ruling: **Appearance required.** Petitioner filed the July 21, 2020, Request for Order to set aside the Judgment entered in March 2020. The Court will discuss with Petitioner as to whether she intends to go forward with the Request.

Case No. FL14-00240 **Francis, Vicki v Francis, Jay**

Tentative Ruling: **Appearance required.** Petitioner's Request and Supplemental Request for Attorney's Fees and Costs are set for this date. The Court has read and reviewed the pleadings, Declarations, and argument filed by both counsel. This matter has been set on this short-cause calendar for law and motion matters. Accordingly, counsel will have a maximum of 5 minutes each for argument. Additionally, the Court will not consider any documents filed in the case which have not been timely filed pursuant to statute or Rule of Court.

Case No. FL19-00197 **Garner, Sarah v Garner, Bobby**

Tentative Ruling: **Appearance required.** Respondent has filed a Request for Order to modify custody, parenting time, and child support. In her Response, Petitioner is requesting an award of attorney fees. The Court will be continuing the matter for a return from mediation on the custody and visitation issues. The Court notes the issue of child support cannot be heard by this Court but rather in the DCSS case before Commissioner Hamlin.

Case No. FS19-00182 **Garner, Sarah v Garner, Bobby**

Tentative Ruling: **Appearance required.** The Request for modification of child support can only be decided in this DCSS case before Commissioner Hamlin. The Court will discuss continuing this matter till the issues regarding parenting time have been resolved.

Case No. FL15-00223 **Harrigan, Rose v Harrigan, William**

Tentative Ruling: **Appearance required.** The Court will discuss if there is a resolution, submitting the matter based upon the filings to date or setting for a contested hearing.

Case No. FL20-00029 **Leach, John v Sadler, Michelle**

Tentative Ruling: **Appearance required.** This case was continued for return from mediation. The Court will discuss the status of supervised visitation.

Case No. FL19-00225 **Mitchell, Kaleigh v Mitchell, Brandon**

Tentative Ruling: **Appearance required.** The parties have not appeared for the last 5 hearing dates for Petitioner's Request for Order and Case Management Conference. If no party appears, the Temporary Emergency Order will be vacated and the Request for Order will be taken off-calendar. The Case Management Conference will be continued to September 28, 2020, at 10:30 a.m. and the parties are ordered to show cause why this action should not be dismissed based upon their failure to appear. A copy of the minute order of this hearing is to be sent to each party.

Case No. FL20-00045 **Quiring, Donald v Quiring, Savannah**

Tentative Ruling: **Appearance required.** The Court will continue the Respondent's Request for Order and the Temporary Emergency Order to September 28, 2020, at 10:30 p.m. for service on Petitioner. Respondent will need to submit an Order continuing the hearing to that date to the Court for filing and service on Petitioner. All prior orders remain in full force and effect pending that next hearing.

Case No. FL19-00071 **Sebring, Cody v McDowell, Debra**

Tentative Ruling: **Appearance required.** On calendar for the parties to show cause why the case should not be dismissed for party's failure to appear.

Case No. FL14-00136 **Wolf, Jessica v Wolf, Zachary**

Tentative Ruling: **No appearance required.** The parties have filed their Custody and Visitation Agreement which is now a court order and the Request for Order is taken off-calendar.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC20-00030 American Express National Bank v Wheeler, Lara

Tentative Ruling: **No appearance required.** Plaintiff has failed to serve the defendant as required by Rule of Court section 3.740(e), however in light of the issues caused by Co-vid 19 with the court system, the Court will continue the Case Management Conference to November 23, 2020 at 2:00 p.m. and for the Plaintiff to show cause why monetary sanctions should not be imposed for failing to serve the Defendant as required by the Rule of Court.

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 p.m.

Case No. CV20-00008 Kingdon, Stacy v Barfield, Dimitri

Tentative Ruling: **No appearance required.** Plaintiffs have filed a Notice of Settlement of entire action. The Court will continue this Case Management Conference to October 26, 2020, at 2 p.m. for the parties to complete and file the dismissal. If the dismissal has been filed and entered by that next date, the parties do not have to appear for the CMC.

Case No. LC19-00209 LVNV Funding LLC v Tucker, James

Tentative Ruling: **No appearance required.** Plaintiffs have submitted a Request for Dismissal of the entire action without prejudice, however the Request could not be filed and has been returned to counsel. The Request for Dismissal has not been submitted with the required corrections. The Court will continue the Case Management Conference to September 28, 2020, at 2:00 p.m. for receipt of the Request. If the Request for Dismissal has been received and filed, no appearance at the next CMC is required. If the dismissal has not been entered, Plaintiff is to show cause why monetary sanctions should not be imposed for violating Rule of Court 3.740(f).