

Tentative Rulings

Law & Motion and Family Law Calendar for September 14, 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, September 11 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.

ANY REQUIRED APPEARANCE CAN BE DONE BY USING COURT CALL (1-800-882-6878) – UNLESS OTHERWISE STATED IN THESE TENTATIVE RULINGS

Probate – 9:00 a.m.

Case No. PR20-00044 Conservatorship of B., S.

Tentative Ruling: **Appearance required.** The Court has reviewed the physician's declarations and will discuss whether a hearing will need to be set and the Conservatee will appear.

Case No. PR20-00029 Conservatorship of B., M.

Tentative Ruling: **Appearance required.** The Court will discuss whether the matter is submitted.

Case No. PR18-00036 Conservatorship of C., C.

Tentative Ruling: **No appearance required.** The Court has reviewed the First Account and Report of Conservator and will grant the Order Allowing Fees to Attorney for Conservator.

Case No. PR20-00040 Estate of Lorenz, Simone P.

Tentative Ruling: **No appearance required.** No Proof of Publication has been filed per this Court's Administrative Order. The hearing will be continued to October 14, 2020 at 9 a.m. for proof.

Case No. PR20-00038 Guardianship of Klein, Genasea

Tentative Ruling: **No appearance required.** The Court has not received the Investigative Report. The hearing for permanent guardianship is continued to October 14, 2020 at 9 a.m., and all previous temporary guardianship orders shall remain in full force and effect to that date.

Case No. PR120-00049
InterVivos Trust

In the Matter of the Brian Gage & Gage Revocable

Tentative Ruling: **Appearance required.** Petitioner has filed a Petition to Determine Title to Real Property as well as an ex parte Request for Order Appointing Special Administrator. Notice has been given as required by law. No opposition has been received to date. The Petition has been filed by the Successor Trustee for the Inter Vivos Trust, however Petitioner has only attached 4 pages of the Inter Vivos Trust to the Petition. Petitioner needs to file a full true and correct copy of the Trust for the Court's review.

Case No. PR20-00048

Estate of Kiper, Charles

Tentative Ruling: **No appearance required.** Notice has been given as required by law. No opposition to Petition has been filed. The Court approves the Petition and will sign the proposed Order.

FAMILY LAW CALENDAR - 10:30 a.m.

Case No. FL14-00103

Castillo, Jewel v Wilcox, William

Tentative Ruling: **Appearance required.** Respondent's Request was continued to this date for him to serve the Request on the Petitioner. No proof of service has been filed and the Request for Order will be taken off-calendar.

Case No. FL20-00087

Cortez, Monica v Cortez, Luz Ivan

Tentative Ruling: **Appearance required.** The Court will discuss the results of mediation.

Case No. FL16-00017

Ford, Cynthia v Ford Earl

Tentative Ruling: **Appearance required.** Petitioner has set her Request for Order re: spousal support, property control, and attorney's fees on this short cause family law and motion calendar. No opposition has been filed to the Request. The Court will be setting the matter for a long cause hearing date if opposed.

Case No. FL19-00117

Gray-Powers, Jason v Gray-Powers, Cambria

Tentative Ruling: **No appearance required.** Based upon the filed Stipulation and Order and entry of Judgment, this Motion is off-calendar.

Case No. FL18-00219

King, Christina v King, Christopher

Tentative Ruling: **Appearance required.** The Court will discuss Petitioner's compliance with Court Orders. Counsel are authorized to appear by CourtCall.

Case No. FL19-00170 Crews, Mark v Crews, Therese

Tentative Ruling: **Appearance required.** The Court has not received any proof of service for the Request for Order set for this date.

Case No. FL16-00002 Mlakar, Kathryn v Osbourn, Kevin

Tentative Ruling: **Appearance required.** The Court will discuss the status of mediation and the Request for Order filed by Petitioner.

Case No. FL20-00017 Peterson, Ross v Rockwell, Chelsie

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case.

Case No. FL12-00019 Sousa, Dexter v Manjeot, Danielle

Tentative Ruling: **Appearance required.** The parties are to attend mediation and Respondent's Request is continued to October 26, 2020, at 10:30 a.m. to discuss the results of mediation.

ADOPTION CALENDAR 11:30 A.M.

Case No. AD18-00008 Confidential

Tentative Ruling: **Appearance required.** Petitioner is requesting a continuance pending the October 14, 2020, hearing in the juvenile dependency case. The Court will continue this matter for a status conference on October 26, 2020, at 11:30 a.m. Counsel are authorized to appear by CourtCall.

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC20-00050 Bank of America N.A. v Anderson, Laura

Tentative Ruling: **No appearance required.** Plaintiff has not served the Defendant in violation of Rule of Court 3.740(d). The Case Management Conference will be continued to December 14, 2020, at 2 p.m. for service or to show cause why monetary sanctions should not be imposed.

Case No. LC20-00054 Bank of America N.A. v. Deschler, Paul

Tentative Ruling: **No appearance required.** Plaintiff has not served Defendant in violation of Rule of Court 3.740(d) and failed to file a Case Management Conference. The Case Management Conference will be continued to November 9, 2020, at 2 p.m. for service or to show cause why monetary sanctions should not be imposed.

Case No. LC20-00051 **Discover Bank v. Grant, Stephen**

Tentative Ruling: **No appearance required.** Plaintiff has not served the Defendant in violation of Rule of Court 3.740(d). The Case Management Conference will be continued to December 14, 2020, at 2 p.m. for service or to show cause why monetary sanctions should not be imposed.

Case No. LC20-00047 **Discover Bank v. Lind, Robert**

Tentative Ruling: **No appearance required.** Plaintiff has not served Defendant in violation of Rule of Court 3.740(d) and failed to file a Case Management Conference. The Case Management Conference will be continued to November 9, 2020, at 2 p.m. for service or to show cause why monetary sanctions should not be imposed.

Case No. LC20-00042 **Sampo, Michael v Moses, Kenneth**

Tentative Ruling: **Appearance required.** Plaintiff has not filed a Case Management Statement in violation of Rule of Court 3.725. Plaintiff is to show cause why monetary sanctions should not be imposed for that violation. The Court will discuss the status and alternate dispute resolution. Counsel are authorized to appear by CourtCall.

Case No. LC20-00057 **Synchrony Bank v Cassinelli, Sharon**

Tentative Ruling: **No appearance required.** Plaintiff has not served Defendant in violation of Rule of Court 3.740(d) and failed to file a Case Management Conference. The Case Management Conference will be continued to November 9, 2020, at 2 p.m. for service or to show cause why monetary sanctions should not be imposed.

Case No. LC20-00056 **UNIFUND CCR, LLC v Underwood, Terry**

Tentative Ruling: **No appearance required.** The Case Management Conference will be continued to March 22, 2021, at 2:00 p.m. for entry of judgment per Rule of Court 3.740(f) and order to show cause why monetary sanctions should not be imposed if judgment not entered.

Case No. LC20-00058 **Unifund CCR, LLC v Duff, Kurt**

Tentative Ruling: **No appearance required.** The Case Management Conference will be continued to March 22, 2021, at 2:00 p.m. for entry of judgment per Rule of Court 3.740(f) and order to show cause why monetary sanctions should not be imposed if judgment not entered.

CASE MANAGEMENT CONFERENCE/OTHER CASES

2:00 p.m.

Case No. LC19-00185 Discover Bank v Wilson, Bruce

Tentative Ruling: **No appearance required.** At request of Plaintiff, the Case Management Conference is continued to December 14, 2020, at 2 p.m. for filing of settlement documents. Defendant is also to pay the filing fee of \$370 by that date.

Case No. LC19-00117 First National Bank of Omaha v Lebsack, Nanci

Tentative Ruling: **Appearance required.** This case is set for an Order to Show Cause why monetary sanctions should not be imposed for Plaintiff's failure to appear at the June 22, 2020 Case Management Conference and for violation of Rule of Court 3.740(d) for failure to serve defendant.

Case No. CV18-00076 Franke, Jeffrey v Rose, Albert

Tentative Ruling: **Appearance required.** The Court will discuss mediation with counsel.

Case No. PR19-00054 In Re Anthony & Dorothy Fernandes Family Trust

Tentative Ruling: **Appearance required.** The Court will discuss the status of discovery and possible mediation.

Case No. LC20-00024 LVNV Funding LLC v Holmes, Joshua

Tentative Ruling: **Appearance required.** This case is set for an Order to Show Cause why monetary sanctions should not be imposed for Plaintiff's failure to appear at the August 10, 2020 Case Management Conference.

Case No. CV19-00219 Mercer, David v Portola Junior/Senior High School

Tentative Ruling: **No appearance required.** Plaintiff has not served Defendant in violation of Rule of Court 3.740(d) and failed to file a Case Management Conference. The Case Management Conference will be continued to November 9, 2020, at 2 p.m. for service or to show cause why monetary sanctions should not be imposed if judgment not entered.

Case No. LC19-00152 Midland Funding LLC v Weyer, Tammy

Tentative Ruling: **Appearance required.** This case is set for an Order to Show Cause why monetary sanctions should not be imposed for Plaintiff's failure to appear at the June 22, 2020 Case Management Conference and for violation of Rule of Court 3.740(d) for failure to serve defendant.

Case No. LC19-00243

Midland Funding LLC v Beaver, William

Tentative Ruling: **Appearance required.** No Case Management Statement has been filed in violation of Rule of Court 3.725 and the Plaintiff is to show cause why monetary sanctions should not be imposed. The Court will discuss the status of the case.

Case No. LC19-00190

Midland Funding LLC v Swanson, Diana

Tentative Ruling: **Appearance required.** No Case Management Statement has been filed in violation of Rule of Court 3.725 and the Plaintiff is to show cause why monetary sanctions should not be imposed. The Case Management Conference will be continued to December 14, 2020 at 2 p.m. for entry of Judgment.

Case No. LC19-00036

Portfolio Recovery Associates v McMichael, Catherine

Tentative Ruling: **Appearance required.** This case was continued for payment of the conditional settlement by this date and dismissal.

Case No. LC20-00036

Second Round Sub, LLC v English, Amanda

Tentative Ruling: **Appearance required.** This case is set for an Order to Show Cause why monetary sanctions should not be imposed for Plaintiff's failure to appear at the August 10, 2020 Case Management Conference.

Case No. CV19-00001

Wheeler, Frankie v Dewitt, George

Tentative Ruling: **Appearance required.** Based upon Defendant counsel's Declaration the Order to Show cause is vacated. The Court will discuss if a mediator has been selected and mediation date set.