

**Tentative Rulings
Law & Motion and Family Law Calendar for June 8, 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, June 5, 2020 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.

PLEASE NOTE – DUE TO THE GOVERNOR’S EMERGENCY ORDER AND THIS COURT’S JUDICIAL EMERGENCY ORDER, NONEMERGENCY CASES WILL BE CONTINUED AND ANY REQUIRED APPEARANCE MUST BE DONE BY USING COURT CALL (1-800-882-6878).

PROBATE – 9:00 a.m.

Case No. PR17-00019 Conservatorship of D.L.

Tentative Ruling: **Court appearance required.** The Petition for Reappointment of LPS conservator and Declarations of the doctor and psychologist have been reviewed by this Court. The Court will be discussing whether this matter is submitted at this time or is to be set for a contested hearing. For this LPS conservatorship, counsel is authorized to appear telephonically by calling the Court’s conference line at 1-877-336-1829, enter access code 4023142 when prompted and mute their phone until the Court calls this case.

Case No. PR19-00017 Conservatorship of J.P.

Tentative Ruling: **No appearance required.** This LPS Conservatorship was terminated by Stipulation on October 28, 2019. This annual review hearing is taken off-calendar.

Case No. PR19-00001 Conservatorship of Moura, Betty Jean

Tentative Ruling: **No appearance required.** The Court has reviewed the First Accounting of the Conservatorship and Request for Order. Notice has been given as required by law and no opposition has been filed. The Court has also received and reviewed the Report of the Court Investigator and the Court has some questions regarding the Conservatee’s income and expenses. If those issues are adequately addressed, the Court intends to continue the conservatorship of the person and estate of Betty Jean Moura with Jennifer Gamba as Conservator. A biennial review will be set for May 23, 2022, at 9:00 a.m. For this conservatorship, Counsel is authorized to appear telephonically by calling the Court’s conference line at 1-877-336-1829, enter access code 4023142 when prompted and mute their phone until the Court calls this case.

Case No. PR120-00018

Estate of North, James C.

Tentative Ruling: **No appearance required.** The Court has reviewed the Petition and attachments thereto. Notice has been given as required by law and no objection has been filed. The Court will grant the Petition and sign the proposed Order.

Case No. PR14-00011

Guardianship of Johnson, Gauge Brett

Tentative Ruling: **No appearance required.** The Court has reviewed the Confidential Guardianship Status Report from the Guardian and finds it is in the best interests of the Minor that the guardianship continue. All prior orders are to remain in full force and effect and the Court sets the next annual review hearing to May 24, 2021, at 9 a.m. The Guardian can appear 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 until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called. The Guardian is to file a Status Report prior to the next court date.

Case No. PR16-00038

Guardianship of Mathis, Trinity J.

Tentative Ruling: **Appearance by conference call is required.** The Court has not received the Confidential Guardianship Status Report from the Guardian and orders the review hearing continued to July 8, 2020, at 9 a.m. The Court Clerk is to mail a copy of the minute order to the Guardian. The guardian is ordered to file the Status Report prior to the next 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 until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called. All prior order shall remain in full force and effect until the continued hearing date.

Case No. PR14-00027

Guardianship of Tuell, Honisty & Zimmerman, Tyler

Tentative Ruling: **Appearance by conference call is required.** The Guardians have filed a Petition to Terminate the Guardianship in light of the fact the Minor no longer lives with them and lives with the Father. The Court is also aware that the Minor has another case where he is living with his Father in Butte County. Because, by Court Order, the child currently lives with the Father in another county, the Petition to Terminate the Plumas County is granted. The Court then intends to transfer the juvenile case to Butte County since that Court now has jurisdiction over the minor in that County. The Guardians are to appear by telephone for this hearing by calling 1-877-336-1829 and enter the access code 4023142. The party must then wait on the line until the Court calls their case. The parties are to be in a separate room and shall mute their phone until the case is called.

Case No. PR19-00054

In Re: Anthony & Dorothy Fernandes Family Trust

Tentative Ruling: **Appearance by CourtCall required.** Initially, this matter is on calendar for a case management conference. The Court will discuss the status of the case.

The Petitioner has also filed a motion for an order compelling the Alameda Adult Protective Services to disclose records and confidential communications relating to the Decedent Anthony

Fernandez. The Court has reviewed the Motion and supporting pleadings and no opposition has been filed by the Respondent, nor has a motion to quash been filed by the Alameda County Adult Protective services to date. The Court notes that, if any exist, any documents and/or communications, relating to the Decedent would be relevant and material to this case as they relate to the Decedent and any investigation or action in an adult dependency or abuse case. The Court also notes that, once again if any exist, such documents and communications are only subject to disclosure pursuant to Welfare and Institutions Code §15633.5(b)(7), which authorizes disclosure of these documents to “the probate court”.

Accordingly, this Court orders that the Alameda County Social Services, Adult Protective Services is to disclose the requested records and confidential communications in compliance with the Petitioner’s Deposition Subpena to this Court for an in camera review of those responsive documents and records to determine if any documents and records in the possession of the APS are relevant and material to the issues of this case.

Counsel should also be prepared to discuss for the purposes of this litigation, the scope and provisions of a protective order for those APS records and communications, if any therebe.

CIVIL LAW & MOTION– 9:30 a.m.

CV16-0016

Turenne, Ronald R. v. Miller Jeffrey S.

Tentative Ruling: **Appearance required.** The Court will discuss whether this Court can set this civil matter for jury trial in light of the Emergency Judicial Orders which are still in effect.

FAMILY LAW - 10:30 a.m.

Case No. FL20-00040

Bergstrand, Kassandra v. Hungerford, Evan

Tentative Ruling: **No appearance required.** Petitioner had filed the Request for Order and Temporary Emergency Orders had been issued by this Court. The Respondent has been served and has not filed any opposition to the Request for Order. The Court will discuss whether it is necessary that mediation occur prior to the entry of permanent orders.

Case No. FL14-00103

Castillo, Jewel v. Wilcox, William

Tentative Ruling: **No appearance required.** Petitioner filed two Requests for Orders regarding custody and visitation and his Request for Temporary Emergency Orders was denied in each case. As ordered by this Court, the Requests for Orders have not been served by the Petitioner. The hearings on both Requests are continued to July 13, 2020, at 10:30 a.m. Petitioner is ordered to serve the Requests on Respondent by June 22, 2020, and if she is served, Respondent must serve and file her Responsive Declaration by July 3, 2020. Once she has been served, the parties are to schedule and attend mediation with Family Court Services.

Case No. FL18-00220

Chipman, Christopher v. Kelly, Nikita

Tentative Ruling: **Appearance by CourtCall required.** Petitioner has filed a Request for Order modification of physical custody. The Court will discuss the results of mediation. If there has been no mediation agreement, the Court will discuss possible contested long-cause hearing dates.

Case No. FL17-00083

Cokor, Monica v. Cokor, Joseph

Tentative Ruling: **Appearance by CourtCall required.** The Court will discuss Respondent's failure to attend the scheduled mediation appointment. The Court will discuss a long cause hearing date for the two outstanding Requests for Orders and Petitioner's Request to Renew the Permanent Restraining Order. The Court will discuss whether the Respondent opposes the extension of the Restraining Order. If so, the Restraining Order will remain in full force and effect until the long cause hearing. The Court will discuss the outstanding monies owed for filing fees.

Case No. FL20-00017

Peterson, Ross v. Rockwell, Chelsie

Tentative Ruling: **Appearance required.** This matter is on for Case Management Conference, the parties to furnish proof of Alcohol and Drug Assessments, and Respondent to furnish results of three drug tests.

Case No. FS09-00084

County of Plumas v. Hopkins, Jason

Tentative Ruling: **Respondent can appear by CourtCall.** At the time of the last hearing in this case on April 27, 2020, the Respondent was ordered to serve the Request for Order on the mother, Porsche Harris. If the Request for Order has been properly served, the parties are required by law to attend mediation and if that is unsuccessful, the case will be set for a contested hearing on the Respondent's Request for a modification of physical custody.

Case No. FL18-00224

Dunnington, Julieanne v. Dunnington, Joshua

Tentative Ruling: **Appearance required.** Respondent will be arraigned on the Petitioner's Order to Show Cause re: Contempt. The Court will also discuss the Order to Show Cause why Respondent has failed to pay the outstanding filing fees.

Case No. FL14-00240

Francis, Vicki v. Francis, Jay

Tentative Ruling: **Appearance required.** This matter was continued for setting of the Petitioner's Request for Modification of Spousal Support and Respondent's Request for Modification of Spousal Support/ transfer of CUTMA account for a long cause hearing. Counsel are authorized to appear by CourtCall for this date.

Case No. FL18-00048

Jordan, Natasha v. Haworth, Ricky

Tentative Ruling: **Appearance required.** Respondent filed Request for Order modifying custody and visitation. There is no proof of service for the Request for Order filed and the Request for Order and must be properly served. Then the parties are to schedule and attend mediation before this Court can hear the Request. The parties are to appear by telephone for this hearing by calling 1-877-336-1829 and enter the access code 4023142. The party must then wait

CASE MANAGEMENT CONFERENCE/OTHER CASES

1:30 p.m.

Case No. LC19-00222 Bank of America N.A. v. Corbridge, Wyatt

Tentative Ruling: **Appearance required.** Plaintiff has not served the defendant and failed to file a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rules of Court 3.740(d) and 3.725(a). Counsel can appear telephonically.

Case No. FL19-00051 Citibank N.A. v. Rose, Laura

Tentative Ruling: **Appearance required.** Plaintiff has not served the Defendant and failed to file a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rules of Court 3.740(d) and 3.725(a). Counsel can appear telephonically.

Case No. LC19-00235 Discover Bank v. Crandell, Jo A

Tentative Ruling: **Appearance required.** Plaintiff has not filed a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rule of Court 3.725(a). Counsel can appear telephonically.

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

Tentative Ruling: **Appearance required.** Plaintiff has not filed a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rule of Court 3.725(a). Counsel can appear telephonically.

Case No. LC19-00243 Midland Funding LLC v. Beever, William

Tentative Ruling: **Appearance required.** Plaintiff has not served the Defendant and failed to file a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rules of Court 3.740(d) and 3.725(a). Counsel can appear telephonically.

Case No. LC19-00231 Midland Funding LLC v. Nannen, Matthew

Tentative Ruling: **Appearance required.** Plaintiff has not served the Defendant and failed to file a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rules of Court 3.740(d) and 3.725(a). Counsel can appear telephonically.

Case No. LC19-00224 Portfolio Recovery Associates LLC v. Johnson, Marcelline

Tentative Ruling: **Appearance required.** Plaintiff has not served the Defendant and failed to file a case management statement. Plaintiff is to show cause why the Court should not impose

monetary sanctions for failure to comply with Rules of Court 3.740(d) and 3.725(a). Counsel can appear telephonically.

Case No. LC19-00205 Unifund CCR,LLC v. Day Rosemarie

Tentative Ruling: **Appearance required.** Plaintiff has not filed a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rule of Court 3.725(a). Counsel can appear telephonically.

CASE MANAGEMENT CONFERENCE/OTHER CASES
2:00 p.m.

Case No. LC19-00159 American Express National Bank v. Johnson, Holly

Tentative Ruling: **Appearance required.** The Court will discuss the status of entry of default judgment or ADR. Counsel can appear telephonically.

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

Tentative Ruling: **Appearance required.** The Court will discuss status. Counsel and the Defendant can appear telephonically.

Case No. CV18-00096 Forefront Wellness v. L.L. Capital

Tentative Ruling: **Appearance required.** The Court will discuss the status of ADR and setting of Mandatory Settlement Conference and trial. Counsel can appear telephonically.

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

Tentative Ruling: **Appearance required.** The Court will discuss the status of mediation and possible settlement. Counsel can appear telephonically.

Case No. CV19-00154 Lor, Allen v. Seu, Xiong

Tentative Ruling: **Appearance required.** Plaintiff has failed to comply with Rules of Court 3.740(d) and 3.725(a) and has failed to appear at the last two Case Management Conferences and on March 9, 2020, failed to show cause why sanctions should not be imposed for the failure to appear. In light of those facts, the Court will be discussing possible dismissal for failure to prosecute and the various violations of Rules of Court.

Case No. CV19-00155 Blankenship, Marv Beth v. FCA US LLS; Stericycle Inc.

Tentative Ruling: **Appearance required.** The Court will discuss the status of mediation and setting of Mandatory Settlement Conference.

Case No. LC18-00264

Wells Fargo Bank, N.A. v. Fortner, Cameron

Tentative Ruling: **Appearance required.** The Court will discuss status. Counsel and the Defendant can appear telephonically.

Case No. CV19-00001

Wheeler, Frankie v. Dewitt, George

Tentative Ruling: **Appearance required.** The Court will discuss the status of the case. Plaintiffs have not filed a case management statement. Plaintiff is to show cause why the Court should not impose monetary sanctions for failure to comply with Rule of Court 3.725(a). Counsel is to appear telephonically.