

**Tentative Rulings and Resolution Review Hearings
March 19, 2018
Department 3**

This Court does not follow the procedures described in Rules of Court, Rule 3.1308(a). Tentative rulings appear on the calendar outside the court department on the date of the hearing, pursuant to California Rule of Court, Rule 3.1308(b)(1). As a courtesy to counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court’s website (www.shasta.courts.ca.gov) and are available by clicking on the “Tentative Rulings” link. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

8:30 a.m. – Law & Motion

**IN RE EDIE
Case Number: 29519**

Tentative Ruling on Petition to Approve Minor’s Claim: Petitioner/Guardian Ad Litem, Natasha Sumter, seeks an order approving the compromise of claims on behalf of minor, Joseph Edie. California Rules of Court Rule 7.950 states that a petition for court approval of a minor’s compromise must contain a full disclosure of all information that has any bearing upon the reasonableness of the compromise. The present Petition and Amended Attachments satisfy those requirements. The Court finds that the settlement is in the best interest of the minor.

The Court notes this is not an expedited petition brought on Judicial Council Form MC-350EX. See CRC 7.950.5. Hearing is thus needed on the Petition before it can be approved. The Guardian Ad Litem and the minor’s appearances are necessary at the hearing unless good cause is presented for their non-appearance. CRC 7.952. An appearance is required by the Guardian Ad Litem and minor. Counsel will be asked to voir dire the Guardian Ad Litem: the terms of the settlement; and whether the Guardian Ad Litem understands that once approved, the settlement is final and binding on the minor. Once satisfied, the Court intends to sign the proposed order and set this matter for a review hearing to confirm deposit of the settlement funds into the court blocked account.

**ROE VS. BARRY-HIGHFIELD
Case Number: 188801**

Tentative Ruling on Motion to Stay: The present motion is unopposed. Defendant, Jenna Jo Barry-Highfield (hereinafter “Defendant”) moves to stay this action during the pendency of the separate criminal action arising from the same facts. In the alternative she seeks to stay discovery until the conclusion of the criminal proceeding. The Court takes judicial notice of the identity of the Defendant, the charges against Defendant and the trial date of June 19, 2018 in Shasta County Case No. 17CRF140. The Court does not take judicial notice of any other information or facts related to the criminal proceeding. In general, “an objecting party is generally entitled to a stay of discovery in the civil action until disposition of the criminal matter.” *Pacers, Inc. v. Superior Court* (1984) 162 Cal.App.3d 686, 690. For this reason, a stay of discovery appears appropriate. In addition the Court notes that a stay of discovery until after the June 2018 criminal proceeding will provide the parties with a shortened timeframe in which to conduct discovery in this civil matter. Therefore the Court also

finds good cause to vacate the trial date for this matter.

The motion is GRANTED. The Court VACATES the future trial date of November 6, 2018 and the future mandatory settlement conference date of August 6, 2018. The Court sets this matter for review regarding trial re-setting on **Monday, July 23, 2018 at 9:00 a.m. in Department 3.** All discovery in this matter is STAYED until the review hearing on July 23, 2018, at which time the Court will consider granting a further stay if the criminal proceeding has not yet been concluded. A proposed order was lodged with the Court and has been modified to conform to the Court’s final ruling (a stipulation was received but was in an improper format). No appearance is necessary on today’s calendar.

9:00 a.m. – Review Hearings

CAMANN VS. WHISENHUNT, ET AL.
Case Number: 187287

This matter is on calendar for review regarding trial re-setting, the previous trial date having been vacated at the request of the parties. The Court designates this matter as Plan II case and intends on setting this matter for trial no later than October 23, 2018. Defendants have posted jury fees but Plaintiff has not. Plaintiff is granted 10 days leave to post jury fees. A failure to post jury fees in that time will result in the waiver of the right to a jury. The parties are ordered to appear to provide the Court with available trial dates.

IN RE DUFER, ET AL
Case Number: 29447

This matter is on calendar for review regarding status of deposit of funds. No Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account has been filed. Petitioner is ordered to appear to provide the Court with a status of the deposit of the minor’s funds into a court blocked account.

LEE, ET AL VS. PATRICK, ET AL
Case Number: 186694

This matter is on calendar for review regarding trial re-setting, the previous trial date having been vacated at the request of the parties. The Court previously designates this matter as Plan II case. The Court intends to set this matter no later than July 3, 2018. All parties have posted jury fees. The parties are ordered to appear to provide the Court with available trial dates.