

**Tentative Rulings and Resolution Review Hearings
October 16, 2017
Department 3**

**NOTE: ALL DEPARTMENT 3 MATTERS SET FOR
10/16/17 WILL BE HEARD IN DEPARTMENT 8.**

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

**CAMPBELL, ET AL VS. BATES, ET AL
Case Number: 186676**

Tentative Ruling on the Court’s Sua Sponte Motion Related to Appointment of Successor Guardian Ad Litem: On September 18, 2017, the Court granted Defendant, Rick Bates, individually and dba No Quarter’s motion for leave to file a cross-complaint. Upon granting the motion the Court recognized that the cross-complaint created a conflict of interest between Andrea Lynn Campbell as Guardian Ad Litem for the two minors and Andrea Lynn Campbell as the newly named cross-defendant. As such the Court set today’s hearing and stated that any briefing was due by October 9, 2017. No briefing has been provided. Based on the recognized concern the Court requires briefing on this matter prior to making a decision. This matter is continued to **Monday, November 20, 2017, at 8:30 a.m. in Department 3.** Counsel of Andrea Lynn Campbell is ORDERED to file briefing addressing the issue of the perceived conflict of interest and which identifies other individuals, family or otherwise, that could serve as Guardian Ad Litem. No appearance is necessary on today’s calendar.

**LAKOTA VS. HOWSMON
Case Number: 15CV521**

Tentative Ruling on Claims of Exemption: Plaintiff, Mathew Lakota, obtained a judgment against Defendant/Claimant Rebecca Howsmon on September 18, 2015. Claimant seeks to have certain property related to the business of “Becca’s Cafe” deemed exempt from the judgment pursuant to CCP §§ 703.010 on two grounds. First, she claims that the assets are necessary for her support and the support of her family. Second, she claims that the assets do not belong to her as she no longer owns the business at issue. Claimant has the burden of proof to establish an exemption. CCP § 703.580.

As for the claim that the assets are necessary for support, the Court notes that such a claim must be supported by a Financial Statement. CCP §§ 703.520(b)(5) & 703.530. Incomplete Financial Statements have been provided which fail to provide Claimant’s income and her assets. It also states she is married but the Financial Statements lack her spouse’s signature. The incomplete Financial Statements are grounds to deny the claimed support exemption.

As for the claim that business is not owned by the Claimant, the Court has insufficient facts to find that the exemption applies. Claimant alleges she is no longer the owner while simultaneously claiming that assets are necessary for her family's support. These two statements would appear to be mutually exclusive. Additionally, the Court has concerns that if Claimant truly no longer owns the business that permitting the judgment to be enforced against the business assets may severely prejudice an innocent third party business owner. In light of the foregoing, the Court will require additional information before ruling on the claim of exemption based on ownership.

This matter is continued to **Monday, November 20, 2017 at 8:30 a.m. in Department 3.** Claimant is ordered to submit a supplemental declaration no later than five court days prior to the continued hearing date. The supplemental declaration shall address: Claimant's ownership of the business including whether she was ever the owner of the business; the current ownership of the business; how the current owner became the owner of the business including any details related to the terms of sale, if any; information about the bank accounts including account numbers, title on the account and whether Claimant is on or has access to the accounts.

9:00 a.m. – Review Hearings

ANTONETTE VS. JOHNSON, ET AL.
Case Number: 184617

This matter is on calendar for review regarding trial re-setting. The Court notes that the litigation is now at issue. The Court designates this matter as a Plan III case and intends on setting the matter for trial no later than April 17, 2018. Neither party has posted jury fees. The parties are granted 10 days leave to post jury fees. A failure to post jury fees in that time will be deemed a waiver of the right to a jury. The parties are ordered to appear to provide the Court with available trial dates.

GOVE VS. MARICLE
Case Number: 183753

This matter is on calendar for review regarding default judgment. The sole Defendant has been defaulted. The latest proposed default judgment was provided to the Court on September 23, 2017 and is still being reviewed by the Court. In light of the foregoing, this matter is continued to **Monday, December 11, 2017 at 9:00 a.m. in Department 3** for status of default judgment. No appearance is necessary on today's calendar.

GRANDMAIN VS. GOLDSTEIN
Case Number: 183394

This matter is on calendar for review regarding status of arbitration. The case management statement submitted by the Plaintiff indicates that the parties have agreed to arbitration which is scheduled to occur on February 20, 2018. In light of the foregoing, this matter is continued to **Monday, March 26, 2018 at 9:00 a.m. in Department 3.** No appearance is necessary on today's calendar.

HASKINS VS. UNITED INDUSTRIES CORP., ET AL
Case Number: 186771

This matter is on calendar for review for status of removal. On March 30, 2017, the Court received a "Notice To State Court Of Removal To Federal Court." Based on the Notice, the Court suspended its jurisdiction pursuant to 28 USC § 1446 and set this matter for review regarding status. No documentation has been filed to

provide the Court with a status of the federal action or to provide a status whether this case may or will be remanded to this Court. The parties are ordered to appear to provide the Court with a status of the federal action and to discuss whether this case will be remanded to this Court.

IN RE DILLON

Case Number: 187938

This matter was on calendar for review regarding confirmation of filing of the proposed order. A proposed order was lodged with the Court and executed on October 3, 2017. This file is now closed. No appearance is necessary on today's calendar.

IN RE JONES

Case Number: 29213

This matter was on calendar for review but was vacated by the Court's order dated October 12, 2017. The Court confirms the future date of January 22, 2018 for hearing on the Order to Show Cause Re: Dismissal. No appearance is necessary on today's calendar.

WILLIAMS, ET AL VS. J.W. WOOD CO

Case Number: 183567

This matter is on calendar for review regarding trial re-setting. This matter is still not at issue. Defendant, Nibco, Inc. has been served but its' time to respond has not yet lapsed. Defendants, Warren Group, Inc. and Consolidated Plumbing Industries have not yet been served. The Court previously designated this matter as EXEMPT for the case disposition time standards. The parties are ordered to appear to provide the Court with a status of case and service on the Warren Group, Inc. and Consolidated Plumbing Industries.