

**Tentative Rulings and Resolution Review Hearings
May 29, 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

**GRABIEL VS. DEVELOPMENT GROUP, ET AL
Case Number: 189319**

Tentative Ruling on Demurrer Seventh and Eighth Cause of Action: Defendants, Development Group, Inc., Daniel P. Lockwood and Jason Eatmon demurrer to Plaintiff, Michelle Grabel’s complaint. On May 9, 2018, Plaintiff filed a First Amended Complaint. When an amended complaint is filed after the demurrer is filed but before it is decided, the demurrer must be overruled as moot. *JKC3H8 v. Colton* (2013) 221 Cal.App.4th 468, 477.

The demurrer to the original complaint is therefore **OVERRULED** as moot.

**IN RE HALTER
Case Number: 189209**

Tentative Ruling on Petition for Change of Name: Petitioner Katie Halter seeks to change the name of her minor daughter from Paytonn Lee Hall to Payton Lee Halter. This matter was previously on calendar but the matter was continued to permit personal service on the non-petitioning father. A proof of service has been filed which reflects that the father was personally served on May 11, 2018. The proof of service is defective for two reasons. First, the proof of service reflects that the father was served with the only Order to Show Cause issued in this case which had the previous hearing date of April 9, 2018. Therefore the father was not given notice of today’s date. Second, the non-petitioning parent is required to be personally served at least 30 days prior to the hearing. CCP §§ 1277(a)(4) & 415.10. The father was served on May 11, 2018, less than 30 days before today’s hearing date. This matter is continued to **Monday, July 30, 2018, at 8:30 a.m. in Department 3.** Petitioner is ordered to file an amended Order to Show Cause that identifies the July 30, 2018 hearing date. The amended Order to Show Cause must be personally served on the father at least 30 days prior to July 30, 2018 and an appropriate proof of service filed which reflects service of the *amended* Order to Show Cause. No appearance is necessary on today’s calendar.

**IN RE JOHNSON
Case Number: 188831**

Tentative Ruling on Petition for Change of Name: Petitioner, Crystal Johnson seeks to change the name of her minor daughters. The Court requires proof of publication and proof of personal service on the father before the

petition may be granted. If Petitioner appears to provide proof of publication and proof of service at hearing, the Court intends on granting the Petition and vacating all future dates.

9:00 a.m. – Review Hearings

CACH, LLC VS. JOHNSON
Case Number: 17CV229

This matter is on calendar for review regarding status of settlement. At the trial scheduled for March 26, 2018, Plaintiff’s counsel appeared and informed the Court that this matter had settled. No Notice of Settlement has been filed. No Request for Dismissal has been filed. Plaintiff is ordered to appear to provide the Court with a status of the settlement and/or dismissal.

COUNTY OF SHASTA VS. LINCOLN GENERAL, ET AL
Case Number: 183767

This matter is on calendar for review regarding status of settlement. This action was filed on November 30, 2015. This Court was informed as far back as August 2017 that settlement negotiations were taking place. At the most recent review hearing on February 26, 2018 the Court was again informed that the parties were working on a settlement that included the revision of property line. Plaintiff and Defendant Lincoln General Insurance Company have filed case management statements which provided that Defendant Lincoln General is in liquidation proceedings in Pennsylvania and that Defendant, Kathryn Ecenbarger has recently filed bankruptcy. This matter would therefore appear to be stayed as to those parties. No stay would apply to Defendant, Mark Ecenbarger. The statements also provide that the Ecenbarger’s are pursuing a lot line adjustment and that the parties are attempting to resolve this matter. This particular status has been previously provided to the Court and provides no specifics or time estimates for dismissal. The parties are ordered to appear to provide the Court with a status of the settlement including specifics on the progress of the settlement negotiations, what more needs to be completed for settlement to occur and a specific realistic timeframe for this conduct to occur.

DEPT. OF FAIR HOUSING VS. CFB, INC, ET AL
Case Number: 187685

This matter is on calendar for review regarding trial re-setting. This matter is not yet at issue. Cross-Defendants, CFB, Inc. and Bill Carter have not yet appeared nor have their defaults been taken related to the Intervenor’s First Amended Complaint. Further, Intervenor’s has a motion pending for leave to file a Second Amended Complaint. A stipulation has been filed to allow the filing of the Second Amended Complaint but it was not accompanied by an order for the Court’s review. This matter is continued to **Monday, June 11, 2018 at 8:30 a.m. in Department 3** to coincide with the pending motion for leave to amend. No appearance is necessary on today’s calendar.

HUBBARD VS. WAMBAUGH, ET AL
Case Number: 187893

This matter is on calendar for review regarding trial re-setting. This matter is at issue. The Court designates this matter as a Plan II case and intends on setting this matter for trial no later than January 22, 2019. 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 result in the waiver of the right to a jury. The parties are ordered to appear to provide the Court

with available trial dates.

METALS DIRECT, INC. VS MILLER, ET AL

Case Number: 180247

This matter is on calendar for review regarding status of the default judgment. On March 26, 2018, the Court rejected a Request for Entry of Court Judgment that was filed on February 15, 2018. The Court's order stated that new supporting declarations were required. No further declarations have been submitted. Plaintiff is ordered to appear to provide the Court with a status of the default judgment.

PLATINUM CONSTRUCTION VS. J.G. CONSTRUCTION

Case Number: 184509

This matter was on calendar for review regarding status of arbitration. The case was dismissed on May 22, 2018 and today's hearing was vacated. No appearance is necessary on today's calendar.

SEMRAD, ET AL VS. MARSHALL, ET AL

Case Number: 184999

This matter is on calendar for review regarding status of settlement. Plaintiffs have dismissed their complaint. The Cross-Complaint filed by Defendants/Cross-Complainants has not been dismissed. The Status Conference Statements indicate that the Defendants/Cross-Complaints have agreed to dismiss the Cross-Complaint for a waiver of costs. No Request for Dismissal is on file. Defendants/Cross-Complaints attempted to file a Request for Dismissal but it inappropriately imposed a specific term that each side bear their own costs and attorney's fees. A Request for Dismissal cannot impose a term of this nature. For this reason the Request for Dismissal was appropriately rejected by the Clerk's Office. This matter is continued to **Monday, July 9, 2018 at 9:00 a.m. in Department 3.** If the Cross-Complaint is appropriately dismissed at least five (5) days before the continued hearing then the review hearing will be dropped from calendar. No appearance is necessary on today's calendar.

STATE FARM GENERAL INS. VS. BICKERT, ET AL

Case Number: 17CV465

This matter is on calendar for review regarding trial re-setting. This litigation is not yet at issue. At the previous hearing on February 26, 2018, Defendant's counsel appeared to advise the Court she was working on an issue of insurance coverage. The parties are ordered to appear to provide the Court with a status of the litigation including but not limited to insurance coverage and specific dates as to when this matter will be at issue for the purpose of trial setting.