

**Tentative Rulings and Resolution Review Hearings  
August 14, 2017  
Department 3**

**NOTE: 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.**

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**8:30 a.m. – Law & Motion**  
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**GORDON VS. GORDON  
Case Number: 15CV337**

**Tentative Ruling on Application for Judgment Debtor Examination:** Judgment Creditor, Bruce Gordon seeks to conduct a debtor examination of Judgment Debtor, Joan Gordon. A proof of service has been filed showing timely personal service on the Judgment Debtor. The debtor examination shall proceed.

**HART VS. DENNISTON, ET AL.  
Case Number: 182645**

**Tentative Ruling on Motion for Summary Judgment, or, in the Alternative, Summary Adjudication:** Defendant, Jason Ray Penta (“Defendant”) moves for summary judgment or in the alternative summary adjudication pursuant to CCP § 437c.

A motion for summary judgment is required to be served 75 days before the hearing. CCP § 437c (a)(2). This timeframe is increased by 5 days if served by mail. CCP § 437c(a)(2). This motion was served on July 6, 2017 and therefore it was served only 39 days before the hearing. The motion is therefore untimely in violation of CCP § 437c(a)(2). Plaintiff’s opposition address only the notice issues and does not address the substantive legal merit of the motion. Therefore the Court finds that Plaintiff has not waived the notice issue. See *Robinson v. Wood* (2008) 168 Cal.App.4<sup>th</sup> 1258.

The motion is DENIED. A proposed order was lodged with the Court which will be modified to reflect the denial of the motion.

**IN RE JONES  
Case Number: 187271**

**Tentative Ruling on Petition for Change of Name:** Adult Petitioner seeks to change his name.

The Court requires proof of publication before the Petition may be granted. Additionally, the Court notes that the Declaration contained within the Petition is incomplete. The Declaration fails to identify whether the Petitioner *is* or *is not* a registered sex offender. If proper proof is provided and the Petitioner appears to testify that he is not a registered sex offender, then the Petition may be granted and all future dates vacated.

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**9:00 a.m. – Review Hearings**  
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**MORA VS. WILLIAMS, ET AL**  
**Case Number: 177609**

This matter is on calendar for review regarding status of appeal. Judgment was entered as to most, but not all, of the parties in this case on September 9, 2015. An appeal was taken on October 15, 2015.

On May 5, 2017, this Court issued an order noting that neither judgment nor dismissal has been entered as to defendants U.S. Bank, N.A.; World Savings Bank FSB; or Flagstar Bank FSB. Today’s review hearing was set so the parties can apprise this Court as to the status of the appeal and to advise the Court what remains to be done as to the remaining defendants before the case can be closed.

On July 12, 2017, the Third Appellate District of the California Court of Appeal rendered an unpublished opinion affirming the judgment. The Court takes judicial notice of that opinion, and of the electronic docket in the appellate case, *Mora v. Williams* (C080581), pursuant to Evidence Code § 452. As jurisdiction has not yet returned to this Court via issuance of a remittitur (see CRC 8.272 and 8.512), today’s review hearing re Status of Appeal is continued to **Monday, October 23, 2017 at 9:00 a.m. in Department 3**. In the event the parties referenced above are dismissed or included in a separate judgment prior to that date, the review hearing will be vacated. Alternatively, if this Court resumes jurisdiction, it will consider issuing an Order to Show Cause re Dismissal of said parties. No appearance is necessary on today’s calendar.

**MOREIRA VS. HIXON, ET AL**  
**Case Number: 179250**

This matter is on calendar for review regarding status of binding arbitration and dismissal. Defendant’s status report indicates that the arbitration has been completed but that the arbitrator has not yet issued a decision. In light of the foregoing, this matter is continued to **Monday, October 16, 2017 at 9:00 a.m. in Department 3**. No appearance is necessary on today’s calendar.

**PARKER PLACE GROUP VS. SHASTA CROSSROADS**  
**Case Number: 183157**

This matter is on calendar for review regarding status of Final Statement of Decision and Judgment. On June 2, 2017, the Court issued an order modifying the previous Tentative Statement of Decision and directing Wingmen, LLC to prepare the Final Statement of Decision

and Judgment based on those modifications. The Court notes that the Final Statement of Decision it ordered was the result of the Court's consideration of substantial post-trial briefing. On August 1, 2017, Wingmen, LLC submitted a 26 page objection to the Court's Tentative Statement of Decision. The Court has already modified its Tentative Statement of Decision and ordered Wingmen to submit a Final Statement of Decision based on the Tentative Statement of Decision and the Court's modifications. Instead of filing the Final Statement of Decision and Judgment, Wingmen appears to be arguing the merits of the case which were already addressed at trial and with substantial post-trial briefing. The Court having spent extensive time reviewing the factual and legal issues in the post-trial briefing, preparing the initial Tentative Statement of Decision, and then considering further post-trial briefing to modify the Tentative Statement of Decision so a Final Statement of Decision could be prepared, sees no reason to address these issues again. Wingmen is again ORDERED to prepare and submit the Final Statement of Decision and Judgment. This matter is continued to **Monday, October 23, 2017, at 9:00 a.m. in Department 3.** No appearance is necessary on today's calendar.

**PRIME HEALTHCARE SERVICES VS. UNITED HEALTH**  
**Case Number: 185047**

This matter is on calendar for review regarding status of removal to federal court. On August 1, 2016, the Court received a "Notice to State Court and Plaintiff of Removal to the United States District 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 since the previous review hearing. No dismissal is on file. 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.

**WASON VS. GUJRAL, ET AL**  
**Case Number: 183255**

This matter is on calendar for review regarding status of dismissal. At the previous hearing on June 26, 2017, the Court was informed that this matter has settled. Plaintiff's counsel was ordered to file a notice of settlement. No notice of settlement has been filed. No dismissal has been filed. As previously noted by the Court, the trial setting has been postponed on numerous occasions. Despite yet another continuance and an order to counsel to submit a notice of settlement, no notice of settlement has been filed. Absent a showing of good cause, the Court intends to dismiss this matter pursuant to CRC 3.1385(b).