

**Tentative Rulings and Resolution Review Hearings**

**July 7, 2017**

**Department 7 (Butte Exchange)**

**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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**Butte Exchange Calendar – 1:30 p.m.**

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**GANT VS NORINE**

**Case Number: 187101**

**Tentative Ruling on Further Proceedings and Setting:** The present matter was filed on April 4, 2017. On April 14, 2017, Defendant, Jonz Norine, filed an anti-SLAPP motion which set a hearing date of May 15, 2017. Thereafter multiple recusals were entered and all dates, including the anti-SLAPP hearing date, were vacated. This matter has been re-assigned to the Butte Exchange for all purpose effective June 20, 2017. At today’s hearing the Court intends on setting dates for trial and the mandatory settlement conference. The Court also re-sets the anti-SLAPP motion for **Friday, September 1, 2017 at 1:30 p.m. in Department 7 (Butte Exchange)**. The deadlines for the opposition and reply will be governed by CCP § 1005(c). The parties are ordered to appear at today’s hearing to provide the Court with available dates for trial and the mandatory settlement conference.

**HAMILTON VS KOERPERICH**

**Case Number: 186500**

**Tentative Ruling on Special Motion to Strike (anti-SLAPP):** The Special Motion to Strike pursuant to CCP § 425.16 is continued to **Friday, September 1, 2017 at 1:30 p.m. in Department 7 (Butte Exchange)** to provide both parties with additional time to brief the following issues:

1. whether the precedent set forth in *Barry v. State Bar of California* (2017) 2 Cal.5th 318 (i.e. that the second prong of an anti-SLAPP analysis may consider non-merit-based reasons why a plaintiff may not have a probability of prevailing) should apply to the non-merit-based rule that “[a] court may properly refuse to entertain [an] action for declaratory relief” “when another action is pending in which the party seeking declaratory relief may secure all relief sought in the declaratory relief action” (26 Cal. Jur. 3d Declaratory Relief § 25, citing *Sterling v. Santa Monica Rent Control Bd.*, 1985) 168 Cal.App.3d 176, also citing *Ferreira v. Keller* (1970) 4 Cal.App.3d 292, also citing *Walker v. Munro* (1960) 178 Cal.App.2d 67), and
2. whether the existing proceedings before the Labor Commissioner are such that this Court should properly refuse to entertain the present action for declaratory relief.

Both parties may submit simultaneous briefing on the issue raised above, limited to five pages, by the close of

business August 4, 2017. Failure to submit timely briefing on the issues set forth above may be deemed a waiver or submission on the issue.

Both parties are **ORDERED** to comply with CCP § 425.16(j) and provide notice of the present motion and opposition to the Judicial Council and are **ORDERED** to file proof of service reflecting compliance with CCP § 425.16(j) by the close of business on August 4, 2017. The Court notes that, other than the dates set forth above, there are no future hearing dates on calendar in this matter.