Tentative Rulings and Resolution Review Hearings
June 26, 2017
Departments 8

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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Law and Motion – 8:30 a.m.

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CHILSON, ETAL VS CALDERA MEDICAL, INC.
Case Number: 175814

Tentative Ruling on Order to Show Cause re Monetary Sanctions: This is a products liability case. The case was filed October 4, 2012. A Notice was filed on March 15, 2013, apprising this Court that a Coordination Trial Judge had been assigned to handle this case, among others. That case is JCCP No. 4733.

On April 3, 2017, the case came on for Resolution Review re Status of Judgment/Dismissal. No status reports were filed prior to that hearing. The Court continued the review hearing to May 8, 2017, ordered the plaintiffs to file a Status Report five days prior to that hearing, and directed the clerk to serve a copy of the minutes on all parties. The clerk served a copy of the minutes on the plaintiffs' counsel, among others, at 1999 Broadway, Suite 4150, Denver, CO 80202. That is the address of record on file for the plaintiffs, and the plaintiffs are responsible for updating their address of record with the Court. CRC 2.200. Nevertheless, when the Court subsequently issued an Order to Show Cause re Monetary Sanctions to the plaintiffs and their counsel on May 24, 2017, a courtesy copy was delivered to 7171 W. Alaska Dr., Denver, CO 80226, which is the address contained on the most recent filing by the plaintiffs (the September 26, 2016 Status Report) and on the State Bar of California's publicly-available attorney search information for plaintiffs' counsel Attorney Aimee Wagstaff, and which the Court judicially notices pursuant to Evidence Code § 452. The service on the 1999 Broadway was returned by the post office marked "Return to Sender" and "Not Deliverable as Addressed." For the reasons set forth above, the Court nonetheless finds that proper service has been made on counsel for the plaintiffs.

This Court has reiterated on multiple occasions that the present case has been *stayed*, not *transferred*, and thus requires annual administrative monitoring. Minutes (10/07/13); Minutes (10/06/14). It has been noted in the bankruptcy context that a "stay" does not limit the imposition of sanctions or a court's inherent power to both monitor and enforce its own rules and orders aimed at facilitating the administration of justice. See *Papadakis v. Zelis* (1991) 230 Cal.App.3d 1385, 1389 (citations omitted); see also *In re Jeanette H.* (1990) 225 Cal.App.3d 25, 34-35 (citations omitted).

Disposition. Monetary sanctions in the amount of $250.00 shall be imposed. The clerk is **directed** to prepare a separate Order of Sanctions *and to serve a courtesy copy on Andrus Wagstaff, P.C., 7171 W. Alaska Dr., Denver, CO 80226*.

An Order to Show Cause re Monetary Sanctions in the amount of $500.00 shall issue to the plaintiffs and their counsel for failure to comply with the Court Order of April 3, 2017 by failing to file a Status Report apprising this Court of the coordinated matter (JCCP No. 4733) and of the pending settlement. The Order to Show Cause re Monetary Sanctions in the amount of $500 shall be set for **Monday, August 21, 2017 at 8:30 a.m. in Department 8**. The clerk is **directed** to prepare a separate Order to Show Cause re Monetary Sanctions *and to serve a courtesy copy on Andrus Wagstaff, P.C., 7171 W. Alaska Dr., Denver, CO 80226.*

The Resolution Review re Status of Judgment/Dismissal is **confirmed**. The Court notes that, other than the dates set forth above, there are no future hearing dates on calendar in this matter.

HOUSTON CASUALTY COMPANY VS. KINGSWAY INDUSTRIES, INC.
Case Number: 185384

Tentative Ruling on Motion for Order Vacating and Setting Aside Judgment: This is a case about a fire extinguisher that allegedly malfunctioned. The case was filed July 18, 2016. The causes of action are for negligence and strict liability. The summons and complaint were served on the sole defendant, Kingsway Industries, Inc., via substituted service on August 8, 2016. The person authorized to accept service on behalf of defendant Kingsway is David Mahrt. The substituted service was made on Shairty Mahrt, who is described in the proof of service as the "office manager." On October 20, 2016, default was entered against defendant Kingsway. On January 18, 2017, the Court entered judgment against Kingsway in the amount of $133,344.35. On April 14, 2017, defendant Kingsway filed a present Motion for Order Vacating and Setting Aside Judgment. On May 22, 2017, that motion was denied without prejudice for failure to give notice.

On May 25, 2017, defendant Kingsway filed a Motion for Reconsideration of Prior Order Denying Motion, and for Order Vacating and Setting Aside Judgment. On June 13, 2017, the plaintiffs opposed. No reply has been filed. The matter is set for hearing on June 26, 2017.

Merits of Motion. The present motion is brought under CCP § 1008(a), which is the statute that authorizes a motion for *reconsideration* or a prior ruling. The ruling at issue is the May 5, 2017 ruling denying the Motion for Order to Vacate and Set Aside Judgment. That ruling denied the prior motion on procedural grounds for failure to give notice, and the denial was *without prejudice*—i.e. the Court's ruling did not preclude the defendant from bring an entirely new motion to set aside. The defendant has nonetheless chosen to move for reconsideration through the lens of CCP § 1008, rather than file a new motion. . As such, the Court views the present motion through the lens of the motion for reconsideration statute, CCP § 1008(a).

The statute upon which the original motion to set aside was based, CCP § 473(b), must be brought within six months of a judgment, dismissal, order, or other proceeding. (As an aside, the Court notes that the defendant is relying on the *permissive* clause of CCP § 473(b), not the *mandatory* clause that applies where an affidavit of attorney mistaken, inadvertence, surprise, or neglect is provided, as none has been provided here.) Here, the default was entered on October 14, 2017, the judgment was entered on January 18, 2017, and the original motion to set aside was filed on April 14, 2017

A motion for reconsideration under CCP § 1008(a) provides that "within 10 days after service upon the party of written notice of entry of the order and based upon new or different facts, circumstances, or law, [any party affected by the order may" make application to the same judge or court that made the order, to reconsider the matter and modify, amend, or revoke the prior order." It further provides that "the party making the application shall state by affidavit what application was made before, when and to what judge, that order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown." CCP § 1008(a). The arguments made in the moving papers do not satisfy this requirement.

Though the prior ruling provided some analysis of the merits of the motion, there was no appearance at the hearing on the motion and the Court's ultimate decision was based solely on the *procedural ground of failure to give notice*.

The defendant argues in his new moving papers that the prior motion was properly noticed. To support this argument, the defendant points to a proposed order that was lodged with a proof of service stapled to it as page two. The Court notes that the timing of that submission is not known because it was was lodged and the clerk's office does not stamp proposed orders with either a "received" or a "filed" stamp. It indicates that the original motion to set aside was served on counsel for the plaintiff by U.S. Mail on April 14, 2017. This argument is problematic for several reasons.

First, this does not appear to be "new" information as required for a motion for reconsideration. CCP § 1008(a). The defendant claims that this document is "found in the court's file." If it was lodged at the time of the filing of the motion, the defendant failed to appear at the hearing to raise this issue and point it out to the Court. See Minutes (05/22/17) (indicating no appearances were made at the hearing on the original motion to set aside). Since the notice issue was expressly set forth in the Court's tentative ruling, an appearance to address this issue based upon a document that was, as the defendant claims, "found in the court's file" would have addressed the issue. Failure to do so at the proper time does not create a "new" or "different" fact, law, or change of circumstance.

Second, the proof of service being referenced has not been "filed." It remains an unofficial document.

Third, whether or not the prior motion was actually served is directly at issue on reconsideration and is subject to being contested. In that regard, plaintiff has produced evidence, in the form of a declaration from plaintiff's counsel, indicating that the prior motion to set aside was never received by his office. Cummins Decl. (06/13/17), ¶¶ 3 and 7. The moving party has not filed a reply responding to plaintiff's declaration. The proof of service is hearsay and is not evidence of actual service. As such, the Court finds that the moving party has not met its burden on reconsideration to establish that the prior motion was properly noticed – which is the threshold issue for unlocking that prior ruling and giving any further reconsideration to the underlying merits raised therein.

Disposition. The Motion for Reconsideration of Prior Order Denying Motion and for Order Vacating and Setting Aside Judgment is **DENIED**. A proposed order has been submitted and will be modified and executed. The Court notes that there are no future hearing dates on calendar in this matter.

IN RE CONCORDIS GROUP, LTD
Case Number: 187340
Tentative Ruling on Petition for Transfer of Structured Settlement: The Payee, Jerry Whipp, seeks to transfer a portion of his future annuity payments pursuant to California Insurance Code § 10134 et seq.

The Court has reviewed the Petition, Notice of Hearing, Erratas and Supplement to the Notice of Hearing and finds that: 1) The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents; 2) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received that advice or knowingly waived, in writing, the opportunity to receive the advice; 3) The transferee has complied with the notification requirements pursuant to paragraph (2) of subdivision (f), the transferee has provided the payee with a disclosure form that complies with Section 10136, and the transfer agreement complies with Sections 10136 and 10138; 4) The transfer does not contravene any applicable statute or the order of any court or other government authority; 5) The payee understands the terms of the transfer agreement, including the terms set forth in the disclosure statement

required by Section 10136; and 6) The payee understands and does not wish to exercise the payee's right to cancel the transfer agreement.

Based on the foregoing findings, the Petition is GRANTED. Petitioner shall prepare the order.

IN RE S. DILLON
Case Number: 187074

Tentative Ruling on Petition for Transfer of Structured Settlement: This is a petition for transfer of structured settlement. The petitioner is MS Direct, LLC ("Petitioner"). The payee is Stephanie Dillon ("Payee"). On its own motion and pursuant to Evidence Code § 452(d), the Court takes judicial notice of the full file for the following related cases, all of which are prior transfer of structured settlement petitions involving Payee Stephanie Dillon:

- *In re Dillon*, Shasta County Case No. 171075,
- *In re Dillon*, Shasta County Case No. 172708,
- *In re Dillon*, Shasta County Case No. 173597,
- *In re Dillon*, Shasta County Case No. 178704,
- *In re Dillon*, Shasta County Case No. 183215, and
- *In re Dillon*, Shasta County Case No. 184530.

Together, these prior petitions provide a lengthy history of the Payee's financial situation, and raise numerous concerns as to whether, in light of that history, the present transfer is in the Payee's best interest.

In Case No. 171075, filed in December 2011, the Payee's declaration references her "low credit rating" and indicates that the funds being obtained via the sale of structured settlement payments were, in part, for the purpose of paying rent and avoiding eviction. The Payee's most recent declaration, made in March 2017 in connection with the present Petition, indicates she "will be using the funds from this transfer to pay off debt in efforts to improve [her] credit score." Dillon Decl., ¶ 11. In other words, from December 2011 to March 2017, the Payee's low credit score has not been improved, which casts doubt on the veracity of her present representations that she intends to use the funds to improve her credit score—particularly in light of the fact that her credit rating has been referenced in similar petitions in the meantime and in light of the fact that she received $26,000 around February 2011 (Case No. 171075), $41,500 around December 2015 (Case No. 183215), and $103,789.37 around June 2016 (Case No. 184530) and yet there is no evidence that her credit score has improved. Indeed, her most recent declaration indicates, to the contrary, that she continues to make financial decisions that place her credit score at risk—such as co-signing a bail bond in the amount of $7,000. Dillon Decl., ¶ 11.

There are additional concerns as to the veracity of the Payee's declaration statements. Specifically, when the Payee sought approval of her most recent transfer in June 2016 for the large sum of $103,789.37, she indicated that she intended to put the funds to use "to set up accounts for [her] children to use after [she] pass[es] away." Case No. 184530, Notice of Hearing on Petition for Approval of Transfer of Structured Settlement Payment Rights (F: 04/28/16), Ex. 7, ¶ 7. The Court took this into consideration in approving the large transaction, noting the "Stephanie Dillon sets forth that she wishes to set up an estate plan for her children; i.e., accounts for her children upon her death." Case No. 184530, Minutes (05/23/16), p. 1. However, the Payee's most recent declaration in March 2017 states that those funds were ultimately used "to give my daughter money for her college admission fees and tuition, as well as buy her a car for college and buy myself a new vehicle." Dillon Decl., ¶ 9. New vehicles are not estate planning accounts, and college tuition, while more akin to planning for the future, are still not consistent with the estate planning representation that was made by the Payee.

Other representations over the course of the several related petitions are also suspect. For example, the first petition back in December 2010 indicated that the Petitioner needed help paying back rent. The third petition nearly a year later indicated that the Payee was on food stamps, that her rent was $595 per month, and that her remaining monthly annuity (after she transferred away $500 per month of the original monthly annuity amount of $1,352.37) was $852.37. In other words, the Payee was originally entitled to $1,352.37 per month, which would have been more than enough to cover rent of $595 per month. Now, roughly 7 years (and 9 petitions, including those brought in New York) later, the Payee is suffering from the same financial situation—she is "unhappy where [she] currently live[s] and would like to move somewhere [she] can find a fulltime job and afford to live in a better area." Dillon Decl, ¶ 11.

Overall, there is a pattern here of bad financial decisions and of requesting funds for one purpose and then later putting those funds toward a different purpose. In light of the considerations set forth above, the Court cannot conclude that the present transaction is in the Payee's best interest.

Furthermore, to the extent that the Payee indicates a desire to relocate to New Mexico, her representations are merely that she is "strongly considering" a move to New Mexico and has "been looking" at apartments there. Dillon Decl., ¶ 11. These representations are not concrete. The Court noted this issue when this matter was last on calendar on May 22, 2017 and continued the hearing on this matter to today's date to provide the Petitioner with an opportunity to supplement the information provided. The Petitioner filed a declaration on June 19, 2017, which included as an attachment a declaration of the Payee. When the Court first noted this issue, it indicated as follows:

> [The representations in the original Petition] do not include any specific information about the cost of living in New Mexico, specific living arrangements that the Payee intends to secure, a sampling of the locations she is specifically considering, an assessment of the cost of first and last months' rent, security deposit, moving costs, travel costs, or costs of living. Because of the overall history with regard to the structured settlement at issue, *the Court would require specific, concrete, and detailed financial projections* as to exactly how the Payee intends to complete a relocation and how she intends to sustain herself and meet her day-to-day living expenses once the move is complete.

Minutes (05/22/17) (emphasis added). The supplemental Declaration filed June 19, 2017 attempts to address this issue by providing a Trulia advertisement for a mobile home and a job posting for a "Cleaner-Basic Part-Time" position. It further indicates that the seller of the mobile home has indicates "she is willing to come down on price or negotiate a lease to own contract with me." Notice of Filing of Declaration of S. Dillon (f: 06/19/17), Dillon Decl., ¶ 11. These are not concrete terms. They leave open the question of how much the seller will reduce the price or what "least to own" terms will be offered. In context, the immediate money to be received by the Payee under the transfer of structured settlement proposed is $33,000. Of that money, $7,000 is already earmarked to pay off a bail bond debt, which leaves $26,000. The seller would have to reduce the price of the mobile home, which is currently listed at $38,000, by approximately one-third in order to bring the price into the range of the Payee's funds. Even if that were achieved (and there has been no evidence, such as a declaration from the seller to indicate that such a reduction in price would be offered), that would leave virtually no funds to cover the costs of moving or the cost of the real estate transaction. Furthermore, the information provided by the Payee, such as the estimated $100 per month utilities and the estimated $500 per year property tax and insurance, while provided under penalty of perjury, are not supported by any financial statements to show how the Payee is reaching these numbers. As the Court previously set forth, the Payee's history with regard to use of settlement funds has created a credibility issue such that "*specific, concrete, and detailed*

financial projections" would be required. A mobile home listing is not the kind of "specific, concrete, and detailed" information that will pass muster. Likewise, the job posting submitted by the Payee is just that—a posting. It is not an offer of employment. The Payee states in her declaration that "I have *applied*" for this job. Notice of Filing of Declaration of S. Dillon (f: 06/19/17), Dillon Decl., ¶ 11. Finally, the Payee has not met with a financial advisor at the expense of the Petitioner. In light of the overall nature of the present transaction, the failure to meet with a financial expert to discuss all of the issues that may arise in pursuing a transaction of this nature does not provide the Court with the necessary level of certainty in finding that the present transaction is in the Payee's best interest. Insurance Code § 10139.5(a)(1).

Disposition. The petition is **DENIED**. A proposed order has been submitted and will be modified and executed. The Court notes that there are no future dates on calendar in this matter. The clerk shall **close** the file.

SELVEY VS. CHAPDELAINE
Case Number: 184184

Tentative Ruling on Order to Show Cause re Dismissal: This is a personal injury case regarding an altercation that took place on the premises of a mobile home park on August 6, 2014. The complaint was filed on February 11, 2016. The plaintiff is Donald Selvey. The defendant is Randy Chapdelaine. Default was initially entered against the defendant, but was set aside on November 21, 2016. The defendant answered on November 30, 2016.

The case came on for settlement conference on May 30, 2017. The defendant appeared at that time through counsel, Attorney Jeffrey Ogilvie. The plaintiff did not appear. The Court issued an Order to Show Cause re Dismissal pursuant to Government Code § 68608(b) as a result of that failure to appear, and it was served on both parties at their addresses of record. The service on plaintiff Donald Selvey was returned by the post office marked "Return to Sender" and "Unable to Forward."

On its own motion, the Court takes judicial notice of the records and file in the case of *Davalos v. Burney Falls Module Estates, et al.* (183584) pursuant to Evidence Code § 452(d). In particular, the Court notes that a Stipulation to Continue Trial was recently filed on June 21, 2017 in *Davalos v. Burney Falls Module Estates, et al.* (183584). Donald Selvey, the plaintiff in the instant action, is represented by counsel in that case, and his counsel signed the Stipulation indicating that "DONALD JAMES SELVEY, owner of BURNEY FALLS MODULE ESTATES, died on or about May 1, 2017" and indicating that "it will now be necessary to appoint a personal representative of the Estate of… DONALD JAMES SELVEY so that the matter can proceed." *Davalos v. Burney Falls Module Estates, et al.* (183584), Stipulation to Continue Trial (f: 06/21/17), ¶¶ 2-3.

The present action is for physical injuries and for emotional distress. While "[a] pending action does not abate by reason of the death of a party if the cause of action survives," "no damages are recoverable for *decedent's* pain, suffering or disfigurement, except in elder abuse cases." Weil & Brown, *Cal. Prac. Guide: Civ. Proc. Before Trial* (The Rutter Group, 2016) ¶ 2:500, citing CCP §§ 337.21 and 377.34, also citing Welfare and Institutions Code § 15657(b) (emphasis in original). In light of the factual circumstances of the instant case, where the notice of the Order to Show Cause re Dismissal has been returned undeliverable by the post office, where it appears (though has not been established via evidence) that the plaintiff died on or about May 1, 2017, and where it appears that a personal representative of the estate may be appointed, the Court will continue this matter to provide time for such an appointment, if any, to take place.

Disposition. The Order to Show Cause re Dismissal is continued to **Monday, July 31, 2017 at 8:30 a.m. in Department 8**.

This matter is set for Resolution Review re Status of Appointment of Personal Representative of Estate on **Monday, July 24, 2017 at 9:00 a.m. in Department 8**. All parties are ordered to file a Status Report at least five (5) court days prior to that hearing date apprising the Court of: (1) whether the plaintiff is alive and (2) the status of any proceedings to appoint a representative of the plaintiff's estate. The clerk is **directed** to serve a copy of today's minutes on all parties.

The trial set for June 27, 2017 is **vacated**. The Court notes that, other than the dates set forth above, there are no future hearing dates on calendar in this matter.

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Resolution Review – 9:00 a.m.

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CHILSON, ETAL VS CALDERA MEDICAL, INC.
Case Number: 175814

Resolution Review re Status of Judgment/Dismissal: This matter is on today's 8:30 a.m. law and motion calendar for hearing on an Order to Show Cause re Monetary Sanctions for failure to provide the Court with a Status Report as ordered on April 3, 2017. When this matter was last on calendar for Resolution Review re Status of Judgment/Dismissal, it was continued to today's date in light of the issuance of the Order to Show Cause re Sanctions for failure to provide a Status Report.

Disposition. In light of the Court's ruling on today's hearing on that Order to Show Cause re Sanctions, this matter is continued to **Monday, August 21, 2017 at 8:30 a.m. in Department 8** to coincide with hearing on the new Order to Show Cause re Monetary Sanctions in the heightened amount of $500.00. The clerk is **directed** to serve a copy of today's minutes on all parties *and to serve a courtesy copy on Andrus Wagstaff, P.C., 7171 W. Alaska Dr., Denver, CO 80226.*

EVENSEN VS. YOUNG
Case Number: 185158

Resolution Review re Status of Judgment/Dismissal: This is an auto accident case. The complaint was filed June 30, 2016. The plaintiff is Rachel Evensen. The defendant is Brittany Young. The sole cause of action alleged is for motor vehicle negligence. The defendant answered on October 21, 2016. A Conditional Notice of Settlement was filed on January 26, 2017. It indicated that a Request for Dismissal would be filed no later than April 23, 2017.
Disposition. A Request for Dismissal was filed June 23, 2017 dismissing the entire action. As such, no appearance is necessary at the Resolution Review hearing and the Clerk may close the file.

GIBBONS VS. HAWKLEY, ET AL
Case Number: 185590

Resolution Review re Setting of Settlement Conference and Trial: This is an auto accident case. The complaint was filed August 24, 2016. The plaintiff is Nicholas Gibbons. The defendants are Jacob Hawkley and McPearson Enterprises, Inc. The sole cause of action is for motor vehicle negligence. The defendants answered on December 13, 2016. Pursuant to a stipulation of the parties, the Court issued an Order Continuing Trial on April 24, 2017, which set today's Resolution Review re Setting of Settlement Conference and Trial. There is no proof of service on file to indicate that the Order Continuing Trial was served on any of the parties.

Disposition. If appearances are made by both parties, the Court will proceed to discuss setting this matter for settlement conference and for trial. Otherwise, the Court will issue new trial and settlement conference dates and notice will be sent to the parties. The Court notes that, other than any dates set at today's hearing, there are no future hearing dates on calendar in this matter.

LANE VS SINGER
Case Number: 185570

Resolution Review re Status of Service: This is an auto accident case. The complaint was filed August 22, 2016. The plaintiff is Leticia Lane. The defendant is Terry Singer. The sole cause of action is for motor vehicle negligence. There is no proof of service on file as to the defendant. When this matter came on for settlement conference on April 24, 2017, counsel for the plaintiff apprised the Court of the status of service and, as a result, the matter was set for today's Resolution Review re Status of Service and the trial date was vacated.

On April 24, 2017, the plaintiff filed a Corrected Settlement Statement indicating that the plaintiff and the defendant had a friendly personal relationship at the time of the accident, that cooperation and settlement was anticipated, and that the present action was filed because, when settlement was not immediately forthcoming, the statute of limitations needed to be preserved. It further indicates that efforts to personally serve the defendant in Anderson, California were not fruitful and that investigatory work has uncovered that the defendant is now having her mail forwarded to Arizona.

"The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint." CRC 3.110(b). "If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed." CRC 3.110(f). While the Court is mindful of the challenges presented in locating the defendant, the length of the delay at issue is approximately ten months—approximately five times the amount of time provided for serving a complaint. Thus, while the Court notes that the plaintiff "anticipated cooperation in service of process from Defendant Singer," the plaintiff has known for approximately eight months that the defendant would not cooperate *within the time frame imposed by the law*. CRC 3.110(b).

Disposition. An Order to Show Cause re Monetary Sanctions in the amount of $250 shall issue to the plaintiff and counsel for failure to serve and file pleadings as required under CRC 3.110(b) and (f). To provide time for the plaintiff with adequate time to locate and serve the defendant, the hearing on the Order to Show Cause re Sanctions shall be set for **Monday, September 25, 2017 at 8:30 a.m. in Department 8**. The clerk is **directed** to prepare a separate Order to Show Cause re Monetary Sanctions. If proper proof of service is filed prior to that date, the Court will vacate the Order to Show Cause hearing and issue an order setting this matter for settlement conference and for trial. The Court notes that, other than the dates set forth above, there are no future hearing dates on calendar in this matter.

MCKINNEY VS BLUE SHIELD OF CA LIFE & HEALTH INSURANCE CO.
Case Number: 183766

Resolution Review re Status of Approval of Settlement: This is a wage and hour class action lawsuit. The complaint was filed November 30, 2015. The plaintiff is Theresa McKinney. She is suing "as an aggrieved employee pursuant to the Private Attorneys General Act (PAGA)." The defendant is California Physicians' Service d/b/a Blue Shield of California.

The plaintiff filed a Motion for Preliminary Approval of Class Settlement on March 8, 2017. It was denied by the Court on April 24, 2017, but the Court noted that the deficiencies appeared as if they may be able to be addressed and/or corrected such that a subsequent Motion for Preliminary Approval of Class Settlement might be successful. That ruling set today's Resolution Review re Status of Approval of Settlement and ordered the parties to submit Status Reports regarding the status of approval of the settlement at least five days in advance of today's hearing. A copy of that ruling was served on the defendant on April 28, 2017. No Status Reports have been filed. However, a Renewed Motion and Renewed Motion for Preliminary Approval of Class Action Settlement was filed on June 16, 2017 and is set for hearing on July 17, 2017.

Disposition. The Resolution Review re Status of Approval of Settlement is continued to **Monday, July 31, 2017 at 9:00 a.m. in Department 8**. The parties are **ORDERED** to file Status Reports regarding the Status of Approval of Settlement at least five (5) days in advance of that hearing date. If the a Renewed Motion and Renewed Motion for Preliminary Approval of Class Action Settlement is granted, the Resolution Review re Status of Approval of Settlement will be vacated. The plaintiff is **ORDERED** to serve a copy of today's minutes on all parties. The Court notes that, other than the dates set forth above, there are no future hearing dates on calendar in this matter.