

AMADOR SUPERIOR COURT CASE MANAGEMENT CONFERENCE TENTATIVE RULINGS

Civil Cases

2/24/2021

TO REQUEST A HEARING ON ANY MATTER ON THIS CALENDAR, YOU MUST CALL THE COURT AT (209) 257-2692 BY 4:00 P.M. ON THE DAY PRECEDING THE HEARING. NOTICE OF THE INTENTION TO APPEAR MUST ALSO BE GIVEN TO ALL OTHER PARTIES.

IF THE CLERK IS NOT NOTIFIED OF A PARTY'S INTENTION TO APPEAR, THERE WILL BE NO HEARING AND THE TENTATIVE RULING WILL BECOME THE ORDER OF THE COURT. NO FURTHER NOTICE OF THE COURT'S RULING WILL BE PROVIDED.

| Case Number | Primary Party / Attorney | Secondary Party / Attorney |
|--------------|--------------------------|----------------------------|
| 14-CVC-09050 | BOBADILLA, ANTHONY/ | LIZARRAGA, J/ |

TENTATIVE RULING: No appearances necessary. A Notice of Removal of this action was filed in the United States District Court for the Eastern District of California on February 4, 2016. Review of that court's docket shows the case was dismissed without further leave to amend, and the case was closed. No further case management conferences shall be set. On the court's own motion, the matter is set for an Order to Show Cause regarding dismissal due to the case removal to the US District Court. The Order to Show Cause hearing shall be set on April 27, 2021 at 10:00 a.m. in Department 3. Absent appearance and proof that the case may be remanded to this court, the matter will be dismissed. The Clerk of the Court shall provide notice of the OSC hearing.

TENTATIVE RULING: No appearances necessary. A Notice of Removal of this action was filed in the United States District Court for the Eastern District of California on December 7, 2018. Review of that court's docket shows plaintiff's motion to remand to the Amador County Superior Court was denied. No further case management conferences shall be set. On the court's own motion, the matter is set for an Order to Show Cause regarding dismissal due to the case removal to the US District Court. The Order to Show Cause hearing shall be set on April 27, 2021 at 10:00 a.m. in Department 3. Absent appearance and proof that the case may be remanded to this court, the matter will be dismissed. The Clerk of the Court shall provide notice of the OSC hearing.

| Case Number | Primary Party / Attorney | Secondary Party / Attorney |
|---------------------|---------------------------------|-----------------------------------|
| 19-CVC-11488 | VANN, OLIVER/ | OSAROBO OSEMWINGIE LVN/ |

TENTATIVE RULING: No appearances necessary. The court confirms the currently scheduled hearing on defendant's motion for summary judgment, scheduled to be heard March 29, 2021 at 8:30 a.m. in Dept 1. The matter is continued for further case management conference (CMC) to June 30, 2021 at 10:30 a.m. in Dept. 3.

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| 20-CVC-11701 | FRANKLIN, CHAD/ MORTL, ANDREW | WHITNEY, JACK/ SWETT, THOMAS |
|---------------------|--------------------------------------|-------------------------------------|

TENTATIVE RULING: No appearances necessary. After review of the file, the case is continued for further case management and trial setting conference to August 4, 2021 at 1:30 p.m. in Dept 3. Updated CMC statements are required to be filed and served at least 15 days in advance.

20-CVC-11705

MERCHANTS ACCEPTANCE CORPORATION/ OBRYANT, EURIK

FRAGA, JANET/

TENTATIVE RULING: No appearances necessary. Default entered as requested on December 14, 2020. The matter awaits entry of default judgment. The matter is continued for further CMC to June 23, 2021 at 1:30 p.m. in Department 3. Unless default judgment enters prior, a CMC Statement must be filed and served at least 15 days prior to the CMC.

20-CVC-11708

SAMS HEATING AND AIR INC/ BOOSKA, STEVEN

LUKOWICZ, STANLEY/

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court filed June 11, 2020. A proof of service is filed. The case awaits entry of default and default judgment. Plaintiff must obtain default judgment within 360 days of filing the complaint. (Cal. Rules of Court, Rule 3.740(f).) Failure to timely obtain default judgment shall result in the matter being set on the court's own motion for an order to show cause hearing and potential imposition of monetary sanctions. This matter is continued for further case management to June 23, 2021 at 1:30 p.m. in Dept 3.

20-CVC-11715

PORTFOLIO RECOVERY ASSOCIATES LLC/ PIERCE, EMILY

MACAULAY, RYAN/

TENTATIVE RULING: No appearances necessary. Notice of Conditional Settlement was filed February 5, 2021. A request for dismissal shall be filed by no later than February 28, 2023. The court's case management system is unable to docket an event this far in advance. As such, an annual CMC shall be calendared until such time as a request for dismissal is filed. Further CMC is scheduled to occur on December 29, 2021 at 1:30 p.m. in Department 3.

20-CVC-11717

LAGUNA GOLD MORTGAGE INC A CALIFORNIA
CORPORATION/ KEENE, PATRICK

WALLS, JIM/ GRAVINK, ERIC

TENTATIVE RULING: The parties, or counsel if represented, are ordered to appear personally or by telephone to update the court on the status of the case, and to discuss ADR.

20-CVC-11779

THE ESTATE OF JAMES LOUIS MARTIN/

**GAYLE MENDOZA TRUSTEE OF THE ROBERT MARTIN
TRUST/ ANDRADE, JAMES**

TENTATIVE RULING: No appearances necessary. After review of the file, the case is continued for further case management to June 2, 2021 at 1:30 p.m. in Dept 3. Updated CMC statements are required to be filed and served at least 15 days in advance.

20-CVC-11780

LEBLANC, CECILIA/ JACOBSEN, BRIAN

RUSSELL, REDLAN/ FOSTER, LUKE

TENTATIVE RULING: The parties or counsel if represented are ordered to appear personally or by telephone to update the court on the status of the case.

20-CVC-11782

THORNHILL, JAMEY/ SCHULTZ, STEVEN

BOWHAY MD, THOMAS/ MCKINLEY, STEVEN

TENTATIVE RULING: The parties, or counsel if represented, are ordered to appear personally or telephonically to discuss the status of the case, and to discuss settlement conference and trial dates. Parties are ordered to meet and confer in advance regarding mutually available dates.

20-CVC-11785

BRAGG INVESTMENT COMPANY INC/ ROBERTS, PATRICK

**BAGHOUSE AND INDUSTRIAL SHEET METAL SERVICES A
CAL/ RENFRO, AARON**

TENTATIVE RULING: No appearances necessary. After review of the file, the case is continued for further case management to May 5, 2021 at 1:30 p.m. in Dept 3. Updated CMC statements are required to be filed and served at least 15 days in advance.

20-CVC-11786

FREEDOM MORTGAGE CORPORATION/ KLEIN, BRADFORD

FAMULARO, CYNTHIA/

TENTATIVE RULING: No appearances necessary. After review of the file, the case is continued for further case management conference to June 2, 2021 at 1:30 p.m. in Dept 3. Updated CMC statements are required to be filed and served at least 15 days in advance.

20-CVC-11789

MIDLAND CREDIT MANAGEMENT INC/ SWEARINGENOJURI,
AMBER

DANDINI, REBECCA/

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court filed August 17, 2020. A proof of service is filed. The case awaits entry of default and default judgment. Plaintiff must obtain default judgment within 360 days of filing the complaint. (Cal. Rules of Court, Rule 3.740(f).) Failure to timely obtain default judgment shall result in the matter being set on the court's own motion for an order to show cause hearing and potential imposition of monetary sanctions. This matter is continued for further case management to August 25, 2021 at 1:30 p.m. in Dept 3.

TENTATIVE RULING: No appearances necessary. Plaintiff has not filed a proof of service of the summons and complaint. Plaintiff must file Proof(s) of Service prior to the next hearing. The matter is continued for further case management conference (CMC) to June 30, 2021 at 10:30 a.m. in Dept. 3.

18-CVC-10754

PASSARO, NATALIA/ SINCLAIR, KELLEN

SUTTER CREEK PRIMARY AND ELEMENTARY SCHOOL/
SHERMAN, JASON

TENTATIVE RULING: The parties, or counsel if represented, are ordered to appear personally or telephonically to discuss the status of the case and select settlement conference dates. Parties are ordered to meet and confer in advance regarding mutually available dates.

TENTATIVE RULING: The parties or counsel if represented are ordered to appear personally or by telephone to update the court on the status of the case. No Case Management Statement has been filed by either party. The failure to file a Case Management Statement constitutes a violation of CRC rules 3.712-3.715 and 3.721-3.730 and Local Court Rules, Rule 8.05 and 8.06, and subjects the party failing to comply to the imposition of sanctions.

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court filed September 26, 2019. A proof of service is filed. Plaintiff must obtain default judgment within 360 days of filing the complaint and has not done so. (Cal. Rules of Court, Rule 3.740(f).) On the court's own motion, the court sets the matter for an Order to Show Cause hearing as to why reasonable monetary sanctions should not be issued for failure to timely obtain default judgment. (See CRC 3.740(f).) The OSC shall be set for May 4, 2021 at 10:00 a.m. in Department 3 of this court. The clerk of the court shall mail separate notice re: same. This matter is continued for further case management to July 14, 2021 at 1:30 p.m. in Dept 3.

19-CVC-11364

PEREZ, SERGIO/ WOOD, CHRISTOPHER

RENWOOD WINERY/ SALAZAR, JOSEPH

TENTATIVE RULING: The parties, or counsel if represented, are ordered to appear personally or telephonically to discuss the status of the case, and to select settlement conference and trial dates. Parties are ordered to meet and confer in advance regarding mutually available dates.

19-CVC-11404

PETERS, TED/ GINGERY, JUSTIN

CEDAR MILL FARMS LLC/

TENTATIVE RULING: No appearances necessary. The Complaint was filed October 23, 2019. A Notice of Stay of Proceedings remains on file with the court. Other than periodic case management setting, no further action shall be taken until the stay is lifted. This matter is continued for further case management to September 29, 2021 at 1:30 p.m. in Department 3 of this Court. Counsel for Plaintiff is ordered to update the court if the stay is lifted prior, and may file an ex parte request to place the matter back on for case management.

19-CVC-11405

MCCLLOUD, KENNETH/

SUTTER CREEK POLICE DEPARTMENT/ LONGYEAR, VAN

TENTATIVE RULING: No appearances necessary. The court confirms the currently scheduled hearing on defendant's motion for summary judgment, scheduled to be heard July 15, 2021 at 8:30 a.m. in Department 1. The matter is continued for further CMC to August 25, 2021 at 1:30 p.m. in Department 3. A CMC Statement must be filed and served at least 15 days prior to the CMC.

19-CVC-11427

FENNEL, BARBETTE/ CARR, BRANDON

VILLA TOSCANO INC/ MCDONOUGH, DAVID

TENTATIVE RULING: The parties, or counsel if represented, are ordered to appear personally or telephonically to discuss the status of the case, and to select settlement conference and trial dates. Parties are ordered to meet and confer in advance regarding mutually available dates.

20-CVC-11518

BANK OF AMERICA NA/ HENRIQUES, JANALIE

BLOHM, RANIELLE/

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court. The Complaint was filed January 3, 2020. Proof of service is filed. Plaintiff must obtain default judgment within 360 days of filing the complaint. (Cal. Rules of Court, Rule 3.740(f).) This matter is continued for further case management to December 30, 2020 at 1:30 p.m. in Dept 3. Failure to obtain default judgment by or before the next case management conference will result in the matter being set for OSC for failure to comply with the rules of court, and the imposition of sanctions. The matter is continued for further case management to April 7, 2021 at 1:30 p.m. in Department 3.

20-CVC-11589

LVNV FUNDING LLC/ MANDARICH, CHRIS

PAYTON, JAMES/

TENTATIVE RULING: No appearances necessary. Notice of Conditional Settlement of Entire Case was filed February 8, 2021. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss pursuant to CRC 3.1385 in Dept. 3 at 10:00 AM on May 4, 2021.

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court. The Complaint was filed February 18, 2020. Proof of service is filed. Plaintiff must request entry of default. Plaintiff must obtain default judgment within 360 days of filing the complaint. (Cal. Rules of Court, Rule 3.740(f).) This matter is continued for further case management to June 30, 2021 at 1:30 p.m. in Dept 3. A CMC Statement must be filed and served at least 15 days prior to the CMC.

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court, filed February 19, 2020. Defendant has not been served in a timely manner pursuant to Cal. Rules of Court, Rule 3.740(d) (requiring service within 180 days from filing the complaint). The matter is set for an Order to Show Cause (OSC) hearing as to why monetary sanctions should not be imposed re: failure to timely serve as per Cal. Rules of Court, Rule 3.740(d) and (e). The OSC hearing will be set for May 11, 2021 at 10:00 a.m. in Department 3 of this Court and the Clerk of the Court shall send plaintiff notice of the same. If plaintiff obtains an order for publication of the summons and/or serves defendant and files proof of service, or dismisses the case, at least 10 days prior to the OSC hearing, the OSC will be vacated. The matter is continued for further case management to July 7, 2021 at 1:30 p.m. in Dept. 3.

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court, filed March 3, 2020. Defendant has not been served in a timely manner pursuant to Cal. Rules of Court, Rule 3.740(d) (requiring service within 180 days from filing the complaint). The matter is set for an Order to Show Cause (OSC) hearing as to why monetary sanctions should not be imposed re: failure to timely serve as per Cal. Rules of Court, Rule 3.740(d) and (e). The OSC hearing will be set for May 11, 2021 at 10:00 a.m. in Department 3 of this Court and the Clerk of the Court shall send plaintiff notice of the same. If plaintiff obtains an order for publication of the summons and/or serves defendant and files proof of service, or dismisses the case, at least 10 days prior to the OSC hearing, the OSC will be vacated. The matter is continued for further case management to July 7, 2021 at 1:30 p.m. in Dept. 3.

TENTATIVE RULING: No appearances necessary. This is a collections case, as defined in Rule 3.740 of the California Rules of Court, filed March 16, 2020. Defendant has not been served in a timely manner pursuant to Cal. Rules of Court, Rule 3.740(d) (requiring service within 180 days from filing the complaint). The matter is set for an Order to Show Cause (OSC) hearing as to why monetary sanctions should not be imposed re: failure to timely serve as per Cal. Rules of Court, Rule 3.740(d) and (e). The OSC hearing will be set for May 11, 2021 at 10:00 a.m. in Department 3 of this Court and the Clerk of the Court shall send plaintiff notice of the same. If plaintiff obtains an order for publication of the summons and/or serves defendant and files proof of service, or dismisses the case, at least 10 days prior to the OSC hearing, the OSC will be vacated. The matter is continued for further case management to July 7, 2021 at 1:30 p.m. in Dept. 3.