

**Tentative Rulings and Resolution Review Hearings**  
**April 28, 2025**  
**Department 64**

This Court does not follow the procedures described in Rules of Court, Rule 3.1308(a). Tentative rulings are available online no less than 12 hours in advance of the time set for hearing. Tentative rulings may be found on the court's website ([www.shasta.courts.ca.gov](http://www.shasta.courts.ca.gov)) and are available by clicking on the "Tentative Rulings" link under the "Online Services" tab. A QR code that links to the tentative rulings is posted outside the courtroom. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

Per Local Rule 5.13, telephonic appearances through CourtCall (888-882-6878; [courtcall.com](http://courtcall.com)) are generally permitted on the Law & Motion and Resolution Review calendars and can be made without leave of Court.

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**8:30 a.m. Law and Motion**

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**IN RE: ALSPAUGH**

**Case Number: 25CV-0206814**

**Tentative Ruling on Petition for Change of Name:** Petitioner Marlene Lara Alspaugh seeks to change her name to Marlene Lara Lee. All procedural requirements of CCP §§ 1275 et. seq. have been satisfied. The Petition is **GRANTED**. All future dates will be vacated, and the file closed upon the processing of the Decree Changing Name.

**IN RE: CANEZ**

**Case Number: 25CV-0206836**

**Tentative Ruling on Petition for Change of Name:** Petitioner Rafael Rodriguez Canez seeks to change the names of his minor children Natalia Ruthann Rodriguez Canez, and Rafael Rodriguez Jr. Canez, by removing Canez from both names. All procedural requirements of CCP §§ 1275 et. seq. have been satisfied. The Petition is **GRANTED**. All future dates will be vacated, and the file closed upon the processing of the Decree Changing Name.

**CAPITAL ONE, N.A. VS. CUNNINGHAM**

**Case Number: 24CVG-00868**

**Tentative Ruling on Motion for Judgment on the Pleadings:** This credit card collection case was filed on June 20, 2024, by Plaintiff Capital One, N.A. against Defendant Tristam Cunningham. The Complaint alleged causes of action for Account Stated with a prayer for \$10,112.22 against Defendant. Defendant filed his Answer on August 7, 2024. On October 15, 2024, Plaintiff filed a motion to deem matters admitted. Defendant did not oppose the motion to deem matters admitted, and the Court granted the motion on November 18, 2024. Plaintiff moves for Judgment on the Pleadings, on the ground that the Complaint states facts sufficient to constitute a cause of action and, because matters in request for admission have now been deemed admitted, defendant does not state facts sufficient to constitute a defense. The Motion is unopposed.

Meet and Confer: "The moving party shall file and serve with the motion for judgment on the pleadings a declaration stating" the attempts made to meet and confer. CCP § 439(a)(3). The

Declaration of Laura D'Anna provides sufficient evidence of Plaintiff's meet and confer efforts.

Request for Judicial Notice: The Court GRANTS Plaintiff's request for judicial notice of Plaintiff's RFAs, and of the Court's November 18, 2024 Order that Matters in Request for Admission be Admitted, pursuant to Evid. Code § 452(d) and 453.

Merits of Motion: CCP § 438(c)(1)(A) provides a plaintiff may move for judgment on the pleadings if the complaint states sufficient facts to constitute a cause of action and the answer does not state facts sufficient to constitute a defense to the complaint. The grounds for the motion shall appear on the face of the challenged pleading or from any other matter of which the court may take judicial notice. CCP § 438(d). The Court may take judicial notice of responses to discovery records pursuant to Evidence Code §§ 452(d) and 453. *Arce v. Kaiser Foundation Health Plan, Inc.* (2010) 181 Cal.App.4th 471, 485.

The essential elements of an account stated are: (1) previous transactions between the parties establishing the relationship of debtor and creditor; (2) an agreement between the parties, express or implied, on the amount due from the debtor to the creditor; (3) a promise by the debtor, express or implied, to pay the amount due. *Leighton v. Forster* (2017) 8 Cal. App. 5th 467, 491. "A 'book account' is 'a detailed statement which constitutes the principal record of one or more transactions between a debtor and a creditor arising out of a contract or some fiduciary relation, and shows the debits and credits in connection therewith ....'" [Citations.] The creditor must keep these records in the regular course of its business and "in a reasonably permanent form," such as a book or card file. (Code Civ. Proc., § 337a.) "A book account is 'open' where a balance remains due on the account." [Citation.] *Pro. Collection Consultants v. Lujan* (2018) 23 Cal. App. 5th 685, 690–91.

This Court's Order, entered November 18, 2024, deemed admitted Plaintiff's requested admissions 1-13. The admissions establish that: Defendant had a credit account ending in 7003 issued by Capital One, N.A., Defendant received periodic statements regarding the account, Defendant used the card to make purchases, Defendant did not dispute any charges, cancel the card, or report it stolen, all payments made have been applied to the account by Plaintiff, and the balance owed on the account is \$10,112.22.

Defendant's admissions establish the required elements of the common counts cause of action. Plaintiff's Motion for Judgment on the pleadings is **GRANTED**. The admissions establish that a principal sum of \$10,112.22 is due and owing. That sum is awarded. Plaintiffs have also filed a memorandum of costs for \$579.00, which are also awarded. The total judgment is \$10,691.22. A proposed order has been lodged with the Court and will be executed.

## **CREDITORS ADJUSTMENT BUREAU, INC. VS. STRIKE FIRST SNIPERS LLC, ET AL.**

**Case Number: 22CVG-01048**

This matter is on calendar for continued judgment debtor examination. This matter was first on calendar on March 10, 2025. Plaintiff and Defendant appeared, and the examination proceeded. Upon the request of Plaintiff's Counsel, the Court continued this matter to today to permit Defendant to gather documents. An appearance is necessary on today's calendar to continue the debtor examination.

**HUMPHREY VS. JAMV, INC****Case Number: 23CV-0202578**

The Court is in receipt of the Stipulation and Proposed Order Re Dismissal of Plaintiff's Individual Claims with Prejudice and Dismissal of Plaintiff's Class and Representative Claims Without Prejudice, filed March 27, 2025. Counsel for both Plaintiff and Defendant have filed supplemental declarations pursuant to the Court's April 9, 2025 Order. Plaintiff's Counsel indicates that 224 class members were provided notice of this action in November 2024. Plaintiff's Counsel also briefly addresses the statute of limitations on each of the claims, but does not provide any discussion of how the class members may be prejudiced by the dismissal of this action. An appearance is necessary on today's calendar to discuss the Court's concerns regarding whether dismissal will be prejudicial to the putative class members, and whether notice of the proposed dismissal is appropriate. CRC 3.770(c).

**IN RE: KOKA****Case Number: 25CV-0206801**

**Tentative Ruling on Petition for Change of Name:** Petitioners Vahini Koka and Michael Thelen seek to change the name of their one-year-old daughter to remove the middle name Anjali. No proof of publication has been submitted. The Court requires a Certificate of Publication from the publishing newspaper before the Petition may be granted. If the Certificate of Publication is provided, the Court intends to grant the Petition, vacate all future dates and close the file.

**IN RE: MARTINS DE OLIVEIRA****Case Number: 25CV-0207093**

**Tentative Ruling on Petition for Change of Name:** Petitioner Laureen Ellen Martins de Oliveira seeks to change her name to Laureen Ellen Clair. No proof of publication has been submitted. The Court requires a Certificate of Publication from the publishing newspaper before the Petition may be granted. If the Certificate of Publication is provided, the Court intends to grant the Petition, vacate all future dates and close the file.

**MUNDAY VS. REDDING EAST STREET ASSOCIATES****Case Number: 24CV-0205299**

**Tentative Ruling on Order to Show Cause Re: Sanctions:** An Order to Show Cause Re: Sanctions issued to Plaintiff and Counsel on March 24, 2025, for failure to file a default judgment pursuant to California Rule of Court 3.110(h) and failure to request an extension. No written response to the Order to Show Cause was filed.

With no sufficient excuse for Plaintiff's failure to timely file a Default Judgment or request an extension, the Court will impose sanctions in the amount of \$250 against Plaintiff and Counsel. The clerk is directed to prepare a separate Order of Sanctions. The Court will also issue an Order to Show Cause Re: Dismissal for failure to file a Default Judgment or request an extension. There has been no activity on this matter since December 11, 2024. Plaintiff failed to appear for the Mandatory Settlement Conference on March 17, 2025. It appears that Plaintiff has abandoned this matter. Hearing on the Order to Show Cause Re: Dismissal will be **Monday, June 9, 2025, at 8:30 a.m. in Department 64.** The clerk is directed to issue an Order to Show Cause Re: Dismissal consistent with this ruling.

**IN RE: SINGLETON**

**Case Number: 24CV-0206061**

**Tentative Ruling on Petition for Change of Name:** Petitioner Joseph Thomas Singleton seeks to change his name to Jeffrey Thomas Sinclair's. No proof of publication has been submitted. The Court requires a Certificate of Publication from the publishing newspaper before the Petition may be granted.

Additionally, the Petition indicates that the Petitioner is under the jurisdiction of the Department of Corrections and Rehabilitation. Therefore, Petitioner is required to provide a copy of the petition for a name change to the Department of Corrections, in a manner prescribed by the department, at the time the petition is filed. Code of Civil Procedure section 1279.5(c). To show compliance with this requirement, Petitioner is directed to have a new Order to Show Cause issued for the continued hearing date and file a proof of service (using Judicial Council Form NC-121), showing he has provided a copy of the Petition and Order to Show Cause to the Department of Corrections. Proof of Publication must also be filed.

This matter is continued to **Monday, July 28, 2025, at 8:30 a.m. in Department 64** for further proceedings on the Petition. The clerk is directed to mail a copy of today's minutes to the Petitioner. **No appearance is necessary on today's calendar.**

**IN RE: SOUTER**

**Case Number: 25CV-0207099**

**Tentative Ruling on Petition for Change of Name:** Petitioner Stacia Erin Souter seeks to change her name to Stacia Erin McFarland. All procedural requirements of CCP §§ 1275 et. seq. have been satisfied, with the exception that Petitioner has failed to sign the Declaration at page 2 of the Petition. This appears to be a clerical error. The Court will swear in the Petitioner and ask her to confirm that she is not under the jurisdiction of the California Department of Corrections and Rehabilitation, and is not required to register under Penal Code 290. Pending that confirmation, the Court intends to **GRANT** the petition. All future dates will be vacated, and the file closed upon the processing of the Decree Changing Name.

If petitioner fails to appear today, the Court will continue hearing on this matter. Petitioner will be required to file an amended petition which completes the Declaration box at page 2. No new proof of publication will be required.

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**9:00 a.m. Review Hearings**

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**BUSTAMANTE VS. GARLAND**

**Case Number: 24CV-0205320**

This matter is on calendar for review regarding status of settlement. This matter settled at the March 17, 2025 Mandatory Settlement Conference. Plaintiff has filed a request for dismissal. Today's review hearing is VACATED. No appearances are necessary.

**CAL ELECTRO, INC. VS. JOHNSON, ET AL.**

**Case Number: 23CV-0203840**

This matter is on calendar for resetting trial. The jury trial set for April 2, 2025 was vacated upon the Court's own motion due to unavailability of a courtroom. The parties are ordered to appear to provide available trial dates.

**GUERCIO VS. JIFFY LUBE INTERNATIONAL, INC., ET AL.**

**Case Number: 23CV-0201996**

This matter is on calendar for review regarding status of judgment/dismissal. A Notice of Settlement was filed on January 23, 2025. Plaintiff filed a Request for Dismissal of the Entire Action on February 20, 2025. Jiffy Lube International, Inc. has not dismissed its Cross-Complaint. Nicholas Timothy Sass has not dismissed his Cross-Complaint. The Court intends to dismiss this case pursuant to California Rule of Court 3.1385(b) unless the parties appear at today's hearing and show good cause why the case should not be dismissed.

**MUNDAY VS. REDDING EAST STREET ASSOCIATES**

**Case Number: 24CV-0205299**

This matter is on calendar for review regarding status of default judgment. No default judgment has been filed. The Court intends to impose sanctions and issue an OSC re: Dismissal on this morning's 8:30 a.m. law and motion calendar. No appearance is necessary at 9:00 a.m.

**RIVERA VS. CAMPING WORLD HOLDINGS GROUP, INC., ET AL.**

**Case Number: 22CV-0200823**

This matter is on calendar for review regarding status of motion for preliminary approval of class action settlement. No motion has been filed. However, a Joint Case Management Conference Statement has been filed. The parties request a continuance to allow time for Defendant's counsel to review Plaintiff's motion for preliminary approval, and for Plaintiff to file the motion. Today's review hearing is continued to **Monday, June 23, 2025, at 9:00 a.m. in Department 64** for review regarding status of motion for preliminary approval of class action settlement. If the motion has been filed by that time, the review hearing will be vacated. No appearances are necessary on today's calendar.

**THE PEOPLE OF THE STATE OF CALIFORNIA VS. \$15,450.00 US CURRENCY**

**Case Number: 24CV-0206302**

This matter is on calendar for review regarding status. Real Party in Interest Joseph Chapman-James filed a Claim Opposing Forfeiture on October 24, 2024. The People have waived defects in service and filed a Petition for Forfeiture on February 6, 2025. An appearance is necessary on today's calendar to provide the Court with a status of the underlying criminal matter.