

Tentative Rulings and Resolution Review Hearings

April 28, 2025

Department 63

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) 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) are generally permitted on the Law & Motion and Resolution Review calendars and can be made without leave of Court.

8:30 a.m. – Law & Motion

IN RE REED

Case Number: 25PB-0032794

Tentative Ruling on Petition to Approve Compromise of Person with Disability: A Petition for Approval of Compromise of Claim for a Person with Disability filed by the Public Guardian on behalf of conservatee, Marcus Reed. An Amended Petition was filed with the assistance of County Counsel on April 18, 2025. California Rule of Court, Rule 7.950 states that a petition for court approval of a compromise for a person with disability must contain a full disclosure of all information that has any bearing upon the reasonableness of the compromise. The Court has insufficient information to either approve or deny the Petition. The Court notes that Petitioner requests several additional orders in Item 20 that are not properly before the Court. This matter only includes the Petition for Approval of Compromise. The matter is continued to **Monday, August 25, 2025 at 9:00 a.m. in Department 63** for status of Petition as this will provide Petitioner sufficient time to determine what steps, if any, Petitioner intends to take in the cases listed in the Amended Petition.

IN RE REED

Case Number: 25PB-0032795

Tentative Ruling on Petition to Approve Compromise of Person with Disability: A Petition for Approval of Compromise of Claim for a Person with Disability filed by the Public Guardian on behalf of conservatee, Christopher Reed. An Amended Petition was filed with the assistance of County Counsel on April 18, 2025. California Rule of Court, Rule 7.950 states that a petition for court approval of a compromise for a person with disability must contain a full disclosure of all information that has any bearing upon the reasonableness of the compromise. The Court has insufficient information to either approve or deny the Petition. The Court notes that Petitioner requests several additional orders in Item 20 that are not properly before the Court. This matter only includes the Petition for Approval of Compromise. The matter is continued to **Monday, August 25, 2025 at 9:00 a.m. in Department 63** for status of Petition as this will provide Petitioner sufficient time to determine what steps, if any, Petitioner intends to take in the cases listed in the Amended Petition.

GUITON VS. GUITON

Case Number: 24CV-0204583

Tentative Ruling on Motion for Award of Reasonable Attorney Fees: Defendant Mark Guiton moves for an award of attorney fees. Plaintiff Lori Guiton filed an Opposition on April 22, 2025. The Opposition was untimely filed and will not be considered.

A prevailing party is entitled to costs. CCP § 1032. “Costs” may include attorney’s fees if they are provided by contract. CCP § 1033.5(a)(10). Civil Code § 1717 provides that on any action on a contract where the contract provides for attorney’s fees, the prevailing party on the contract shall be entitled to attorney’s fees in addition to other costs.

It is clear that Defendant is the prevailing party in this action given the ruling on Defendant’s Motion for Summary Judgment and the Judgment entered on February 3, 2025. CCP § 1032(a)(4). In the Notice of Motion, Defendant stated, “This motion will be made on the grounds that the Judgment entered in this matter provides that plaintiff Lori Guiton shall pay defendant Mark Guiton his reasonable attorney’s fees incurred in this action.” *Notice of Motion, p. 1, lns. 25-28.*

The Judgment filed on February 3, 2025 does not include any language regarding attorney fees. In the Memorandum of Points and Authorities, Defendant references a Settlement Agreement and Release as the contract upon which an award of attorney fees would be based. Defendant did not submit a copy of the Settlement Agreement and Release as an exhibit to his motion. However, Defendant did note that this Settlement Agreement and Release was attached as an exhibit to the Answer. *Memorandum of Points and Authorities, p. 2, lns.3-5.*

The Court, on its own motion, will therefore take judicial notice of the Settlement Agreement and Release pursuant to Evidence Code section 452(d), which allows the court to take judicial notice of court records.

A review of paragraph 13 of that document supports Defendant’s position that there was an attorney fee provision to a prevailing party that would be triggered by any “controversy, claim, or dispute” over the settlement of the trust. Under the terms of the contract, therefore, Defendant is entitled to recovery his attorney fees as the prevailing party in this matter.

The Court has reviewed Defendant’s evidence supporting the amount of attorney fees and finds both the number of hours expended and hourly rate reasonable. As Plaintiff’s opposition was filed late and not considered by the Court, the Court will award fees as if the motion were unopposed.

The motion is **GRANTED**. Defendant is entitled to recover attorney fees and costs totaling \$13,171.00. Defendant provided a proposed Order that will be modified to reflect the Court’s ruling.

HAMILTON VS. MOSHER, ET AL

Case Number: 23CV-0203697

Tentative Ruling on Order to Show Cause Re: Sanctions: An Order to Show Cause Re: Sanctions issued on March 13, 2025, to Plaintiff Robert Lee Hamilton, Plaintiff in pro per, for failure to appear on March 3, 2025, as ordered on January 13, 2025, and failure to provide the Court with information regarding status of default. Plaintiff filed a written response that provides sufficient excuse for his nonappearance. Plaintiff also provided updated information as to the status of the case. The Order to Show Cause is **DISCHARGED**. The Court confirms today’s review hearing set for 9:00 a.m.

J.G. WENTWORTH ORIGINATIONS, LLC VS. S.S.

Case Number: 25CV-0207306

Tentative Ruling on Petition for Approval for Transfer of Payment Rights: Petitioner J.G. Wentworth Originations, LLC seeks an order approving transfer of payment rights pursuant to California Insurance Code § 10134 et seq. Real Party in Interest/Transferor Shannon Sewell has agreed to transfer 240 monthly life contingent payments of \$500 each, increasing at 3% annually, beginning June 24, 2030 and ending May 24, 2050, in exchange for \$15,000.

Ins. Code § 10139.5(f)(2) requires notice of the proposed transfer and the application for its authorization must be served on all interested parties not less than 20 days prior to the scheduled hearing. The statute further requires that a copy of the current petition, proposed transfer agreement and disclosure form, annuity contract, and other documents be served along with the notice. Ins. Code § 10134(g) provides that “Interested parties” means, with respect to a structured settlement agreement, the payee, the payee’s attorney, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee’s death, the annuity issuer, the structured settlement obligor, and any other party who has continuing rights or obligations under the structured settlement agreement. The matter has been properly noticed.

The Court must determine whether the transfer is “fair and reasonable and in the best interest of the payee, taking into account the welfare and support of his or her dependents.” Section 10137(a).

Mr. Sewell has presented evidence that he is experiencing financial hardship and intends to use the funds to purchase a new pickup truck with towing capacity as the last one he purchased was impounded. He has no minor children and no support obligations. Mr. Sewell has completed several previous transfers of his annuity. His Declaration indicates that he understands the terms of the transaction, although he has not sought independent legal or financial advice. The annuity is from a 1986 personal injury settlement. It was not intended for future medical care or living expenses.

The Court finds the transfer to be fair, reasonable, and in Mr. Sewell’s best interest based on the factors set forth in Ins. Code § 10139.5(b). The Court expressly finds that each requirement set forth in Ins. Code § 10139.5(a) has been met. The Petition is **GRANTED**. Petitioner did not provide a proposed Order as required by Local Rule of Court 5.17(D). Petitioner is to prepare the Order.

LOMELI, ET AL. VS. DELIGHT FOODS, ET AL.

Case Number: CVCV18-0191244

Tentative Ruling on Hearing on Compliance: Final approval of a class action settlement was granted on August 12, 2024. At the Final Approval Hearing, the Court ordered Plaintiff to provide evidence that the settlement checks were mailed and any uncashed checks were tendered to *cypres* beneficiary, Legal Aid at Work, that PAGA checks were mailed, that all fees and costs have been paid, and that the LWDA received their portion of the PAGA settlement. The evidence was to be filed no later than April 14, 2025. Plaintiff has not filed any evidence for today’s hearing.

The Court notes that a Substitution of Attorney was filed on December 12, 2024 for Defendant Markit Del Rosario-Sabet only substituting out Swanson Law Office and substituting in NewPoint Law Group LLP. Prior to this, all Defendants were represented by Wells, Small, Fleharty and Weil as no Substitution of Attorney was filed reflecting a transfer of this case from Wells, Small, Fleharty, and Weil to Swanson Law Office. Accordingly, the clerk rejected documents that Swanson Law Office attempted to file on March 18, 2025. The Court has reviewed the letter from Jeffery J. Swanson dated April 23, 2025. Counsel cannot change representation without filing a Substitution of Attorney. Notice of Automatic Stay has not been filed.

An appearance by counsel for all parties is necessary on today’s calendar to discuss the status of the settlement, bankruptcy and when a Notice of Stay will be filed, and representation of all parties.

IN RE: MCMILLAN

Case Number: 25CV-0206924

Tentative Ruling on Petition for Change of Name: Petitioner Evan Hayes McMillan seeks to change his name to Evan Hayes Tolosano. 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: MONSON

Case Number: 25CV-0206829

Tentative Ruling on Petition for Change of Name: Petitioners seek to change the last name of their minor children. 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: REDDEKOPP

Case Number: 24CV-0206204

Tentative Ruling on Petition for Change of Name: Petitioner Chantal Louise Reddekopp seeks to change her name to Chantal Louise Brown and to change the names of her minor sons. The Court previously continued this matter to allow Petitioner to submit proper Proof of Publication and Proof of Service for the non-petitioning fathers. No proof of service has been filed. Without proper Proof of Publication and Proof of Service on each non-petitioning father, the Petition is **DENIED** without prejudice. All future hearing dates are vacated. The clerk is directed to close the file.

IN RE: ROBERTS

Case Number: 25CV-0206943

Tentative Ruling on Petition for Change of Name: Petitioner Sarah Faith Roberts seeks to change her name to Sarah Faith Tolosano. 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.

SHANE HUGHES CONSTRUCTION, INC. VS. BUSH

Case Number: 23CV-0203722

Tentative Ruling on Motion to Preserve Right to Jury Trial: This is an action for breach of contract and foreclosure of mechanic's lien brought by Plaintiff Shane Hughes Construction, Inc., dba Hughes Construction against Defendant Amber Bush. Bush is also a Cross-Complainant against Hughes and several others. The matter is on calendar today for hearing on Bush's Motion to Preserve Right to a Jury Trial. The Motion is unopposed. However, there is no proof of service of the Notice of Motion and Motion on file as required by CCP § 1005. Due to the lack of notice, the Motion is **DENIED** without prejudice. The Court notes that this matter is set for a jury trial on May 20, 2025. That date is confirmed.

IN RE: TODD

Case Number: 25CV-0206939

Tentative Ruling on Petition for Change of Name: Petitioner seeks to change the name of her minor child, Gia Aubrielle DeSantis, to Gia Aubrielle Ripinsky. When a petition to change the name of a minor is brought by one parent only, the non-petitioning parent must be personally served with the notice of hearing or Order to Show Cause at least 30 days before the hearing date. See CCP § 1277(a)(4). No proof of service has been filed. Proof of Publication has also not been submitted. A copy of the Order to Show Cause must be published in a newspaper of general circulation at least once a week for four consecutive weeks. CCP § 1277(a)(2)&(3). The Court requires Proof of Service on the Father and Proof of Publication before the Petition may be granted. If proper Proof of Service and Proof of Publication are provided, the Court intends to grant the Petition. **An appearance is necessary on today's calendar to discuss service on the father and status of publication.**

Disclosure by Bench Officer: The Court makes the following disclosure to all parties in this case. Judge Benjamin L. Hanna discloses that his spouse is an employee of the County of Shasta, working in the Office of the District Attorney. The Court has no reason to believe that Judge Hanna's spouse had any involvement in the investigation, management, prosecution or defense of this case, but does disclose the employment relationship between a party to the lawsuit (County of Shasta) and the Court's first degree relative as required by California Code of Judicial Ethics, Canon 3E(2).

Tentative Ruling on Motion for Discovery of Peace Officer Records: Plaintiff Derrick Wilson moves compel the production of documents and information related to Defendant Thomas Dodson's peace officer personnel records pursuant to Evid. Code §§ 1043 and 1045.

Merits of Motion. A motion to obtain a peace officer's personnel records or other documents maintained by a law enforcement agency related to a peace office is commonly known as a *Pitchess* motion. See *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. *Pitchess* motions have been codified in Evid. Code § 1043 which requires a written motion in both civil and criminal actions. Evid. Code § 1043(a). The motion shall include: "1) identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace or custodial officer whose records are sought, the governmental agency that has custody and control of the records, and the time and place at which the motion for discovery or disclosure shall be heard. 2) A description of the type of records or information sought" and "3) Affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that the governmental agency identified has the records or information from the records." Evid. Code § 1403(b).

The discovery motion must include, among other things, a description of the type of records or information sought and affidavits showing good cause for their discovery or disclosure. *Riske v. Sup. Ct.* (2016) 6 Cal.App.5th 647, 655. "Good cause for discovery of peace officer personnel records under the statutory scheme exists when the party seeking the discovery shows the 'materiality' of the information to the subject matter of the pending litigation and states upon "reasonable belief" that the agency has the type of information sought." *Id.* This initial burden is a "relatively low threshold for discovery". *Id.* A sufficient threshold showing is established if the party seeking records demonstrates through affidavits a "plausible factual foundation" for how the records are material to the subject matter of the pending litigation. *Id.* A "good cause" declaration may be made on information and belief and may be properly made by counsel. *Abatti v. Sup. Ct.* (2003) 112 Cal.App.4th 39, 51. If the threshold good cause is established, the second step is an *in-camera* review by the court in conformity with Evid. Code § 915 and the court shall disclose only that information falling within the statutorily defined standards of relevant. *Riske, supra* 6 Cal.App.5th at 655-56.

Here, Plaintiff has alleged cause of action for 1) negligence; 2) negligent hiring, retention, supervision and training; 3) premises liability; and 4) assault and battery. The Complaint alleges that Dodson shot and injured the Plaintiff, and, that at the time of the confrontation, Dodson represented himself as a Shasta County Deputy Sheriff. Plaintiff's motion seeks the production of the following categories of documents from Dodson's personnel records:

- A copy of Dodson's complete personnel file
- All documents related to Dodson's hiring and training, including documents showing his receipt and understanding.
- All Sheriff's Office policies, procedures, orders, rules and regulations concerning the use of a firearm against citizens and the possession of a personal firearm.

- All documents indicating or referring to all positions Dodson held while working for the Sheriff's Office.
- All documents indicating the location whether Dodson worked between October 1, 2023 and October 8, 2023.
- All records and documents showing when Dodson was in possession of or returned a Sheriff's Office weapon, from September 7, 2023, to the present.
- All records and documents recounting when Dodson discharged a weapon while on or off duty.
- All performance evaluations for Dodson, including any write-ups, reprimands, or criticisms within the last five years.
- All complaints against, witness statements, findings, and/or investigations of any allegations against Dodson alleging harassment, hostility, excessive force, or battery within the last 5 years.
- All summaries of all discipline and complaints brought against Dodson, including summaries of those complaints which the Sheriff's Office should have in its computer systems within the last five years.
- All documents, statements, and/or reports pertaining to any confrontation between Mr. Wilson and Dodson before the October 7, 2023, incident, within the last 5 years.
- All documents and reports not contained in the Sheriff's Office document production on June 12, 2024, relating to Dodson's discharge of a weapon on October 7, 2023.

The Court has reviewed each of the categories above in light of the evidence provided in the Declaration of Alex Farzan to determine whether good cause exists for each category. Given Plaintiff's allegations, the Court finds that the categories of documents, with limited exception, establish that the information and documents are material to Plaintiff's claims. The documents are relevant and would either be admissible or could potentially lead to the discovery of admissible evidence; especially in light of the allegations of negligent hiring, supervision and training. The only exception is the overbroad category seeking Dodson's entire personnel record. The relevant specific documents are identified in the remaining more particularized categories.

The Court will order an *in-camera* review of the documentation, except for the request for Dodson's entire personnel record. A proposed order was lodged with the Court and will be modified to reflect the Courts' final ruling. **An appearance is necessary on today's calendar to provide available dates to schedule an *in-camera* review.**

9:00 a.m. – Review Hearings

DAY VS. DAY

Case Number: 23CV-0203736

This matter is on calendar for review regarding status of dismissal. The Court has reviewed the Brief Regarding Order to Show Cause submitted by Plaintiff and notes that the Doe Defendants were dismissed on April 22, 2024. However, the provisions of CCP § 874.11, *et seq* apply as the parties are tenants in common. The Court encourages Plaintiff's counsel to review the current version of the Partition of Real Property Act as amended effective January 1, 2023. The matter is continued to **Monday, June 9, 2025 at 9:00 a.m. in Department 63** for status of judgment. **No appearance is necessary on today's calendar.**

HAMILTON VS. MOSHER, ET AL

Case Number: 23CV-0203697

This matter is on calendar for review regarding status of default. The Court notes that Plaintiff has provided a copy of a default judgment entered in the bankruptcy court. No default judgment has been entered in this case. **An appearance is necessary on today's calendar to provide the Court with an update.**

MOOK, ET AL. VS. JEANTETTE

Case Number: 22CV-0200414

This matter is on calendar for review regarding status of judgment. The Court notes that while the Court granted Plaintiffs' Motion for Summary Judgment on March 10, 2025, no proposed judgment has been submitted. A judgment must be filed in order to close the file. The matter is continued to **Monday, June 2, 2025 at 9:00 a.m. in Department 63** for status of judgment. **No appearance is necessary on today's calendar.**

ROCKY TOP RENTALS, LLC VS. ROBINSON, ET AL.

Case Number: 24CVG-00573

This matter is on calendar for review regarding status of default and trial setting. The Court has reviewed the Case Management Conference Statement filed by Plaintiff and notes that Plaintiff raised issues regarding the service of Defendant Carey Howard Robinson. The matter is continued to **Monday, June 23, 2025 at 9:00 a.m. in Department 63** for status of service and, if appropriate, trial setting. The Court expects Plaintiff to take the necessary steps to get the matter at issue prior to the next review hearing. **No appearance is necessary on today's calendar.**

TAYLOR VS. TA OPERATING, LLC

Case Number: 22CV-0200012

This matter is on calendar for review regarding status of arbitration. The Court has reviewed the parties' Joint Stipulation to Continue Hearing and Stay Proceedings Pending Settlement Approval. The matter remains stayed and will be on calendar on **Monday, April 20, 2026 at 9:00 a.m. in Department 63** for review regarding status of arbitration and settlement. **No appearance is necessary on today's calendar.**