

1. HENRY v. YANG, ET AL., 24CV2422

Application Pro Hac Vice

TENTATIVE RULING # 1: THE APPLICATION IS GRANTED AS REQUESTED. NO
APPEARANCE REQUIRED.

2. SLATER v. RALEY'S SOUTH Y CENTER, SC20210019

Motion to Continue Trial

On March 25, 2025, the court vacated the jury trial date set for April 28, 2025. Therefore, the instant motion is moot.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, MARCH 28, 2025, IN DEPARTMENT FOUR TO SELECT NEW MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

3. CITY OF SOUTH LAKE TAHOE v. HARRINGTON, ET AL., 24CV2833**Petition for Order to Abate and Appoint Receiver**

This matter was continued from January 31, 2025. Following the hearing, respondent Wells Fargo Bank, N.A., and interested nonparty the Federal National Mortgage Association (“Fannie Mae”) filed a response and objection to the petition. On March 3, 2025, respondent Stephen Harrington filed a separate response and opposition, and joined Wells Fargo’s opposition.

Pursuant to Evidence Code section 452, the court grants Wells Fargo’s request for judicial notice of Exhibit 1 (recorded deed of trust), and the fact that Fannie Mae has been in a federal conservatorship under the Housing and Economic Recovery Act of 2008 (“HERA”) since September 2008 (the conservator is the Federal Housing Finance Agency (“FHFA”)).

The pending petition asks the court to authorize the receiver to take full and complete possession and control of the Property, borrow funds and pay for remedial work, and that any such funds borrowed have “super-priority status over any other encumbrance on the Property excepting state and federal tax liens.” (Petn., ¶¶ 56–57.) This would encumber the Property with liens which would have priority over Fannie Mae’s Deed of Trust. Wells Fargo objects that petitioner’s request for a super-priority lien is prohibited under HERA, namely, 12 U.S.C. section 4617, subdivisions (f), (j)(3), and (a)(7).

The court agrees that HERA precludes this court from granting the receiver the ability to create a super-priority lien as the statutes are the supreme law of the land and limit this court’s authority to grant such a lien. Section 4617, subdivision (j)(3) provides: “No property of [an FHFA conservatorship] shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of [FHFA], nor shall any involuntary lien attach to the property of [FHFA].” The receiver-created lien would be an “involuntary lien.” To the extent that it had a super-priority, it would impact the property interest of FHFA. Accordingly, the petition for order to abate and appoint receiver is denied.

TENTATIVE RULING # 3: THE PETITION TO ABATE AND APPOINT RECEIVER IS DENIED. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

4. NAME CHANGE OF HOWE, 25CV0319

OSC Re: Name Change

Petitioner seeks to change the name of his minor son. The proof of service shows that the minor's mother was personally served with the order to show cause no less than 30 days before the hearing. (Code Civ. Proc., § 1277, subd. (a)(4).)

To date, there is no proof of publication in the court's file, as required under Code of Civil Procedure section 1277, subdivision (a)(2)(A).

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, MARCH 28, 2025, IN DEPARTMENT FOUR.

5. CHAIPAN-GAMBLE, ET AL. v. PICK 6 TAHOE, LLC, ET AL., 22CV0427

OSC Re: Dismissal

Default was entered against both defendants on June 2, 2022. To date, plaintiffs have not requested default judgment.

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY, MARCH 28, 2025, IN DEPARTMENT FOUR.

6. GABLER v. LENNEX, 23CV1351**Order of Examination Hearing**

The order of examination hearing was previously set for January 31, 2025. On January 29, 2025, proof of personal service was filed showing that judgment debtor Melissa Lennex was personally served with the order to appear for examination no less than 30 days before the date set for examination. (Code Civ. Proc., § 708.110, subd. (d).) On January 31, before the hearing, the parties submitted a stipulation to continue. The court granted the continuance. Proof of service filed March 6, 2025, shows that judgment debtor was electronically served with the January 31 minute order on February 10, 2025.

TENTATIVE RULING # 6: JUDGMENT DEBTOR'S APPEARANCE IS REQUIRED AT 1:30 P.M., FRIDAY, MARCH 28, 2025, IN DEPARTMENT FOUR.