06-02-23
Dept. 9
Tentative Rulings

1. CITY OF ROCKLIN v. LEGACY FAMILY ADVENTURES PC20190309

(1) Motion for Attorney's Fees
(2) Motion to Compel

Motion for Attorney's Fees

Plaintiff requests attorney fees and costs in the amount of $152,067.50 as prevailing party on appeal for: 1) Case No. C091172 (Third District Count of Appeal); 2) Case No. S278391 (California Supreme Court) and 3) preparing the instant motion for attorney fees.

Procedural History

In an Order dated October 4, 2019, this court denied Defendant's ant-SLAPP motion and found Defendant's claims to be frivolous pursuant to Code of Civil Procedure § 425.16(c)(1). As a sanction, the court awarded plaintiff attorney's fees pursuant to Code of Civil Procedure § 128.5.

On November 25, 2019, the court granted Plaintiff's motion for attorney fees in the amount of $72,447.50, and costs in the amount of $1,053.31 that were incurred at trial, holding both Defendants jointly and severally liable. Defendants' counsel were not held liable for any of those fees or costs by the trial court.

Following Defendants/Appellants' appeal of the trial court's ruling, on December 21, 2022, the Third District Court of Appeal affirmed the trial court's award of attorney fees pursuant to Code of Civil Procedure § 128.5. Additionally, the Appellate Court held that Plaintiff/Respondent should also be awarded attorney fees and costs on appeal, not because it considered the appeal frivolous, but because plaintiff/respondent was the prevailing party on appeal:

> The order granting the City's motion for attorney fees and costs is affirmed. The City shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2).[1]) The matter is remanded for a determination of the City's attorney fees on this appeal.

City of Rocklin v. Legacy Fam. Adventures-Rocklin, LLC, 86 Cal. App. 5th 713, 738, reh'g denied (Jan. 6, 2023), review denied (Apr. 12, 2023).

[1] **California Rules of Court, Rule 8.278. Costs on appeal**
(a) Award of costs
(1) Except as provided in this rule, the party prevailing in the Court of Appeal in a civil case other than a juvenile case is entitled to costs on appeal.
(2) The prevailing party is the respondent if the Court of Appeal affirms the judgment without modification or dismisses the appeal. The prevailing party is the appellant if the court reverses the judgment in its entirety.

Defendant/appellant submitted a petition for review to the California Supreme Court on January 30, 2023, and the petition for review was denied on April 12, 2023.

Request for Judicial Notice

In support of this motion, Plaintiff lists 27 different items of which it requests the court to take judicial notice which are attached as Exhibits to the Declaration of Sean Filippini, all of which are judicial records of this court, the Third District Court of Appeal and the California Supreme Court that are judicially noticeable pursuant to Evidence Code § 452. The request for judicial notice is granted.

Joint and Several Liability

Plaintiff further requests the court to find the law firm that served as Defendant's counsel during the period of the appeal jointly and severally liable for the attorney fees/cost award. Defendant has since changed counsel, but during the appeal the law firm Weintraub Tobin Chediak Coleman Grodin ("Weintraub") was representing Defendant. On August 25, 2022, substitutions of attorney were filed by Defendant, substituting in Defendant's current counsel.

The appeal to the California Supreme Court was initiated on January 30, 2023, and the petition for review was denied on April 12, 2023. Brendan J. Begley of the Weintraub firm is listed as the attorney for appellant for that appeal from the date the petition for review was filed until the petition for review was denied.

Neither Defendants nor Defendants' current counsel filed a response to the motion for attorney fees and costs. However, Defendants' former counsel, Brendan Begley of the Weintraub law firm, filed an opposition stating that the award of attorney fees and costs as against the Weintraub firm is not justified as to the appeal because the appellate court merely affirmed the award of fees at the trial court level and did not find that the appeal itself was frivolous.

The Court of Appeal did find that the Defendants/Appellants' arguments were "devoid of merit."[2] It is true, as Plaintiff argues, that a trial court may order that an attorney who brings a frivolous anti-SLAPP motion may share in the liability for attorney fees as a sanction; however,

[2] Based on the language of the statute as well as our consideration of the legislative history, we conclude that "'any reasonable attorney would agree'" defendants' special motion to strike on the ground that the proposed theme park was an artistic work "'was totally devoid of merit.'" (*Alfaro, supra*, 82 Cal.App.5th at p. 37, 297 Cal.Rptr.3d 797.) Any reasonable attorney would agree Quarry Park Adventures is not of the same or similar character as those items appearing in section 425.17, subdivision (d)(2), and that it would not qualify as an artistic work.

City of Rocklin at 734.

the trial court in October, 2019 did not do so, and the appellate court's December, 2022 fee award was not based on malfeasance. Accordingly, it would not be appropriate to hold Defendants' former counsel jointly and severally liable for the attorney fees award.

Amount of Fees and Costs

The legal work undertaken by Plaintiffs included a Respondents' Brief in the Third District Court of Appeal and oral argument before the Third District Court of Appeal, as well as five additional opposition/amended opposition filings made in response to Plaintiff's appellate motions during the appellate process, and an Answer to the Petition for Review before the California Supreme Court.

Plaintiff's attorney's fees for the appeal of this issue ($141,622), and for preparing this motion for attorney's fees ($10,455.50) for a total of 333.4 hours of billed attorney time at an average rate of $424.78 per hour rate during the period over which these proceedings took place (2019-2023). The following attorneys participated in the appeal:

(1) Attorney Sean Fillipini, at a rate of $395-$450 per hour;
(1) Christopher Kolkey at the rate of $340-410 per hour;
(2) Jay-Allen Eisen at the rate of $630-660 per hour;
(3) Anthony Salaber at the rate of $285 per hour;
(4) Joseph Little at the rate of $285 per hour.

Plaintiff's claimed costs total $105.50 associated with the appeal.

As part of its opposition, to this motion, the Weintraub law firm filed a Declaration of Jennye Melendez, dated May 19, 2023, analyzing the reasonableness of the claimed attorney fees incurred during the appeal of this matter. Ms. Melendez raised the following questions about Plaintiff's bills:

1. 34.9 hours claimed for opposing requests for judicial notice that were granted, and drafting a request for judicial notice that was denied, Melendez Declaration at ¶4.
2. 5.4 hours "related to how it should respond to Defendants' petition for rehearing" although "rule 8.268(b)(20 bars a party . . . from filing any response to such a petition . . ." Melendez Declaration at ¶5.
3. 222.90 hours billed using a "block billing" approach such that it is not possible to tell what the entries are related to or whether they should be included in their total for attorney's fees." Melendez Declaration at ¶6.
4. 27.3 hours in "duplicative efforts by engaging in many conferenced with each other" that "do not specify the nature of the topic that required such a conference." Melendez Declaration at ¶7.
5. 93.8 hours of "entries containing descriptions that are virtually identical to one another, which suggests inefficient duplication". Melendez Declaration at ¶8.

6. 305.60 hours of "problematic entries" as more specifically described in the Declaration. Melendez Declaration at ¶10.

Plaintiff's counsel is ordered to review and re-submit its billing calculations based on the issues raised in the Melendez Declaration.

Recovery of attorney fees to prepare responses to non-party filings are disallowed.

TENTATIVE RULING # 1:

1. **PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IS GRANTED.**
2. **PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS IS CONTINUED TO 8:30 A.M. ON FRIDAY, JULY 14, 2023, IN DEPARTMENT NINE, AND PLAINTIFF'S COUNSEL IS ORDERED TO REVIEW THE CLAIMED BILLINGS IN LIGHT OF THE ISSUES IDENTIFIED IN THIS RULING.**
3. **RECOVERY OF ATTORNEY'S FEES FOR RESPONDING TO NON-PARTY FILINGS ARE EXCLUDED FROM THE ATTORNEY FEE AWARD.**
4. **DEFENDANTS' MOTION TO COMPEL FURTHER ANSWER TO FORM INTERROGATORY 15.1 (SECOND SET) IS CONTINUED TO 8:30 A.M. ON FRIDAY, JULY 14, 2023, IN DEPARTMENT NINE.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

2. JOHN MUIR v. GENERAL MOTORS PC20210130

Motion to Compel

TENTATIVE RULING # 2: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, AUGUST 18, 2023, IN DEPARTMENT NINE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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3. ADAMS v. LATROBE HILLS HOMEOWNERS ASSN. 22CV1352

(1) Motion to Strike
(2) Demurrer

Motion to Strike

On January 13, 2023, Plaintiffs filed a First Amended Complaint ("FAC") against Defendant Latrobe Hills Homeowners Association ("HOA") alleging 1) Breach of Declaration, 2) Breach of Fiduciary Duty, and 3) Declaratory Judgment. The HOA filed a motion to strike all prayers for recovery of attorney fees pursuant to Code of Civil Procedure § 1021, which limits recovery of attorney fees to those provided for by statute or by agreement of the parties. HOA asserts that, in compliance with Code of Civil Procedure § 435.5, the parties had met and conferred after the original Complaint was filed and HOA's counsel understood that prayers for attorney fees would be removed from the FAC.

Plaintiffs counter, in an opposition filed on March 30, that statutory authority for award of attorney fees is provided in Civil Code § 5975, which provides that a prevailing party in an action to enforce the terms of the governing documents (as defined in Civil Code § 4150) of a "common interest development" (as defined in Civil Code § 4100) "shall be awarded reasonable attorney's fees." Civil Code § 5975(c).

Defendant HOA responds that Plaintiff's Opposition was not timely filed and should be disregarded. The motion to strike was filed on February 16, 2023, for a hearing originally scheduled on April 7. Defendant argues that Plaintiff's opposition filing was due on March 24, 2023. Local Rules of the El Dorado County Superior Court, Rule 7.10.02(B) ("responsive papers to a calendared motion must be filed with the clerk by 3:00 p.m. no later than nine (9) court days prior to the date of hearing, excluding the date of filing but including the date of the hearing.") Whether to disregard an untimely filed document is within the court's discretion. Local Rules of the El Dorado County Superior Court, Rule 7.10.02(C). The court elects to exercise its discretion hear the matter on its merits.

Defendant HOA argues that even if Civil Code § 5975 is the purported basis for award of attorney fees is, the FAC fails to plead the statute in their complaint or to allege facts to support a purported violation of that statute, and that Plaintiffs must attach the relevant governing documents to their request for judicial notice in support of the opposition or to the FAC.

The court declines to adopt Defendant's narrow view of the statute. The FAC references the Declaration of Covenants and Restrictions of the HOA in paragraph 5, and realleges that paragraph within each of the three causes of action, first alleging a breach of the

Declaration, then alleging a breach of fiduciary duty arising from the Declaration, and finally requesting a declaratory judgment interpreting the Declaration. It is clear from the FAC that the Declaration is squarely at issue in each cause of action without the need to attach the document to the pleading. This view is supported by the California Supreme Court in its decision in Tract 19051 Homeowners Assn. v. Kemp, 60 Cal. 4th 1135, (2015), in which the Court upheld the award of attorney fees pursuant to Civil Code § 5975. In that case, even though the outcome of the litigation established that a common interest development did not actually exist, the Court held that "[w]hen a lawsuit is brought to enforce what the complaint expressly alleges are the governing documents of a common interest development", the nature of the action fell within the statute and award of attorney fees was justified. Id. at 1144.

In this case, the FAC alleges that the HOA was formed and became subject to the Declaration of Covenants and Restrictions, that Plaintiffs purchased property within the HOA, and the CC&Rs create certain obligations on the part of the HOA which have been breached in violation of the HOA's fiduciary duty. (FAC ¶¶5-10, 12, 17, 21)

Defendant's motion to strike is denied.

Demurrer

Defendant HOA argues that the FAC fails to state facts sufficient to constitute a cause of action. Code of Civil Procedure § 430.10(e).

Standard of Review

> A demurrer tests the sufficiency of a complaint by raising questions of law. (*Rader Co. v. Stone* (1986) 178 Cal.App.3d 10, 20, 223 Cal.Rptr. 806.) In determining the merits of a demurrer, all material facts pleaded in the complaint and those that arise by reasonable implication, but not conclusions of fact or law, are deemed admitted by the demurring party. (*Moore v. Conliffe, supra,* 7 Cal.4th at p. 638, 29 Cal.Rptr.2d 152, 871 P.2d 204; *Interinsurance Exchange v. Narula, supra,* 33 Cal.App.4th at p. 1143, 39 Cal.Rptr.2d 752.) The complaint must be construed liberally by drawing reasonable inferences from the facts pleaded. (*Flynn v. Higham* (1983) 149 Cal.App.3d 677, 679, 197 Cal.Rptr. 145.)
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> In addition to the facts actually pleaded, the court considers facts of which it may or must take judicial notice. (*Cantu v. Resolution Trust Corp., supra,* 4 Cal.App.4th at p. 877, 6 Cal.Rptr.2d 151.)

Rodas v. Spiegel, 87 Cal. App. 4th 513, 517 (2001).

Request for Judicial Notice

Defendant requests the court to take judicial notice of certain documents, including the FAC, the recorded Declaration of Defendant HOA and attached parcel maps, a grant deed recorded with the County Recorder's Office of El Dorado County, and a Superior Court judgment on appeal of a small claims court action (No. 45091, May 23, 1985).

Plaintiffs request judicial notice of the FAC, a filing with the Secretary of State's Office for the Latrobe Hills Homeowners Association, and a Superior Court judgment on appeal of a Small Claims Court action (No. 4447, October 7, 1983).

These documents constitute judicial records and recorded documents that are appropriately subject to judicial notice pursuant to Evidence Code §§ 451-453, including documents recorded with the County Recorder, Ragland v. U.S. Bank Nat'l Assn., 209 Cal. App. 4th 182, 194, (2012), and a Statement of Information filed with the Secretary of State. O'Gara Coach Co., LLC v. Ra, 30 Cal. App. 5th 1115, 1121, (2019); Perham v. Salazar, No. D079713, 2023 WL 227334, at *5-*6 (Cal. Ct. App. Jan. 18, 2023);. Aries Sec., LLC v. Mlodzianowski, No. C093275, 2021 WL 6111238, at *2 (Cal. Ct. App. Dec. 27, 2021).

Standing

As an initial matter, the HOA argues that the Plaintiffs lack standing because the FAC does not allege that they are members of the HOA. The HOA's Opposition states: "Plaintiffs allege that they are members merely by virtue of the easement recorded in 1977, but nothing in the subject easement bestowed on Plaintiffs association membership which would allow them to bring a cause of action for breach of the CC&Rs." Defendant Latrobe Hills Homeowners Association's Memorandum of Points and Authorities in Support of Demurrer to Plaintiff's First Amended Complaint ("Opposition ") at 5:10-13.

Plaintiffs counter that the HOA is estopped from arguing that they are not members of the association by the doctrine of *res judicata* and collateral estoppel based upon the Superior Court judgment on appeal of a small claims action that was entered on October 7, 1983 (No. 4447). This opinion described the admission of certain parcels owned by Mike Hartzell into the HOA which were later acquired by Barbara and Lewis Adams, the Plaintiffs in the instant case and the defendants in the small claims action. In that case the Adams complained of the lack of road maintenance, and the HOA responded that it was not required to maintain the roads because the roads were not included in the original CC&Rs, dated May 15, 1977. The court in that case affirmed judgment in favor of the Adams, holding that they should not be required to pay homeowners association dues if they were not receiving the benefits of road maintenance. Specifically, the court held:

> The court finds that, once defendant's parcels were admitted into membership with the plaintiff association, the defendants were not only subjected to the covenants, conditions and restrictions of membership, but they could also reasonable [sic] expect to receive the rights, benefits, and privileges of membership. One benefit they could reasonably expect to receive is maintenance of the roads adjacent to their property.

Plaintiffs' Amended Request for Judicial Notice in Support of Opposition to Defendant's Demurrer (Plaintiff's' Request for Judicial Notice"), Exhibit 3.

Defendant relies instead on the minutes of a Superior Court hearing held on appeal of the October 7, 1983, decision. Defendant Latrobe Hills Homeowners Association Request for Judicial Notice ("Defendant's Request for Judicial Notice"), Exhibit D. The final paragraph of the minutes of that trial de novo states that "If the parties are unable to come to an agreement the Court will appoint a neutral party to determine if the road is in a condition to be *turned over the association.*"(Emphasis added.) Defendant argues that this sentence indicates that the Plaintiffs' predecessors' parcels were not in fact granted membership in the HOA. This conclusion is hard to reconcile with the language of the Judgment itself, which states that "Homeowner's fees are waived" for a period of five years, which is hard to explain if the Court did not understand the property to be part of the Homeowners' Association.

Defendant also relies upon an October 27, 1977, easement deed to establish that Plaintiffs' predecessors were merely granted an easement, not membership in the HOA, notwithstanding the express finding of the Superior Court in the October 7, 1983 small claims judgment that the Plaintiffs' predecessors' parcels were admitted to the HOA on a unanimous vote of the Board of Directors on November 6, 1977. *See* Defendant's Request for Judicial Notice, Exhibit C; Plaintiffs' Request for Judicial Notice, Exhibit 3.

> Res judicata bars a subsequent claim when "'(1) the decision in the prior proceeding is final and on the merits; (2) the present proceeding is on the same cause of action as the prior proceeding; and (3) the parties in the present proceeding or parties in privity with them were parties to the prior proceeding.' [Citation.] Upon satisfaction of these conditions, claim preclusion bars 'not only ... issues that were actually litigated but also issues that could have been litigated.'" (*Ibid*.)
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> "The doctrine of collateral estoppel or issue preclusion is a secondary form of res judicata. [Citation.] It prevents a party who had a full and fair opportunity to litigate a particular issue in a prior proceeding from relitigating it in a subsequent proceeding. [Citation.] 'A prior determination by a tribunal will be given collateral estoppel effect when (1) the issue is identical to that decided in a former proceeding; (2) the issue was actually litigated and (3) necessarily decided; (4) the doctrine is asserted against a party to the former action or one who was in privity with such a party; and (5) the former decision is final and was made on the merits.' " (*McCutchen v. City of Montclair* (1999) 73 Cal.App.4th 1138, 1144, 87 Cal.Rptr.2d 95.)

Colombo v. Kinkle, Rodiger & Spriggs, 35 Cal. App. 5th 407, 416 (2019).

The court need not rely on *res judicata* and collateral estoppel principles to determine whether the Plaintiffs have alleged sufficient facts to support their standing to bring this case.

The FAC alleges that "Plaintiffs are, and were at all times relevant herein, owners within the HOA." (FAC ¶1) Further the FAC alleges that: "In 1977 the ADAMS predecessor in interest joined his parcels with the HOA and became a member of the HOA, his parcels then became subject to the Declarations of Covenants and Restrictions ("the Declaration") for the HOA." (FAC ¶5) And: "In or about 1983, the ADAMS purchased Lot D within the HOA located at 8400 Doublegrove Rd., Latrobe Hills, CA. (the 'Property')." (FAC ¶6) Plaintiffs have requested judicial notice of a Superior Court Judgment that expressly finds that Plaintiffs' property was "admitted into membership with the plaintiff association, . . ." Plaintiff's' Request for Judicial Notice, Exhibit 3. This is sufficient to find that the Plaintiffs have standing to maintain this action for the purpose of a demurrer.

Statute of Limitations

Defendant HOA further argues that the statute of limitations has run for Plaintiffs' claims, or at least that it is not possible to determine when the alleged breach took place because it is not stated in the FAC. However, the FAC does allege that "the HOA continues to refuse to maintain Doublegrove Road in the same condition as all other roads in the HOA, yet at the same time, charges the ADAMS with assessments for road maintenance." (FAC ¶9) Although the dispute between the parties apparently has a long history, this allegation references a state of facts that continues into the present. This also applies to the allegation of breach of a fiduciary duty, which the FAC alleges is a continuing breach.

Fiduciary Relationship

Defendant argues that, having failed to allege that their property is within the HOA membership, Plaintiffs have failed to allege the basis of a fiduciary duty that Defendant owes to them. This has been addressed under the discussion related to standing, above.

TENTATIVE RULING # 3:

1. **DEFENDANT'S MOTION TO STRIKE IS DENIED.**
2. **DEFENDANT'S DEMURRER IS OVERRULED.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.

RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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4. TATE ET AL V. FIESELER PC20080086

Motion to Rescind Easement

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, JUNE 2, 2023, IN DEPARTMENT NINE.

PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

5. NAME CHANGE OF PROK 23CV0497

Petition for Name Change

This petition for a name change was filed on April 10, 2023. Proof of publication was filed on May 8, 2023. A background check for Petitioner was filed on April 18, 2023.

TENTATIVE RULING # 5: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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6. PEOPLE OF THE STATE OF CALIFORNIA v. VALENCIA PC20200369

Petition for Forfeiture

On August 3, 2020 the People filed a petition for forfeiture of cash seized in the amount of $729,247.58 by the El Dorado County Sheriff's Department. The petition states: the funds are currently in the hands of the El Dorado County District Attorney's Office; and the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of various provisions of the Health and Safety Code. The People pray for judgment declaring that the money is forfeited to the State of California.

Claimant Valencia filed a Judicial Council Form MC-200 claim opposing forfeiture in response to a notice of petition.

"The following are subject to forfeiture: ¶ * * * (f) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of Section 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, or 11383 of this code, or Section 182 of the Penal Code, or a felony violation of Section 11366.8 of this code, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, or conspiracy to commit at least one of those offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first." (Health and Safety Code, § 11470(f).)

"(a) Except as provided in subdivision (j), if the Department of Justice or the local governmental entity determines that the factual circumstances do warrant that the moneys, negotiable instruments, securities, or other things of value seized or subject to forfeiture come within the provisions of subdivisions (a) to (g), inclusive, of Section 11470, and are not automatically made forfeitable or subject to court order of forfeiture or destruction by another provision of this chapter, the Attorney General or district attorney shall file a petition of forfeiture with the superior court of the county in which the defendant has been charged with the underlying criminal offense or in which the property subject to forfeiture has been seized or, if no seizure has occurred, in the county in which the property subject to forfeiture is located. If the petition alleges that real property is forfeitable, the prosecuting attorney shall

cause a lis pendens to be recorded in the office of the county recorder of each county in which the real property is located. ¶ A petition of forfeiture under this subdivision shall be filed as soon as practicable, but in any case within one year of the seizure of the property which is subject to forfeiture, or as soon as practicable, but in any case within one year of the filing by the Attorney General or district attorney of a lis pendens or other process against the property, whichever is earlier." (Emphasis added.) (Health and Safety Code, § 11488.4(a).)

"(a)(1) Any person claiming an interest in the property seized pursuant to Section 11488 may, unless for good cause shown the court extends the time for filing, at any time within 30 days from the date of the first publication of the notice of seizure, if that person was not personally served or served by mail, or within 30 days after receipt of actual notice, file with the superior court of the county in which the defendant has been charged with the underlying or related criminal offense or in which the property was seized or, if there was no seizure, in which the property is located, a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the property. An endorsed copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate, within 30 days of the filing of the claim…" (Health and Safety Code, § 11488.5(a)(1).)

"(c)(1) If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases. Notice of the hearing shall be given in the same manner as provided in Section 11488.4. Such a verified claim or a claim filed pursuant to subdivision (j) of Section 11488.4 shall not be admissible in the proceedings regarding the underlying or related criminal offense set forth in subdivision (a) of Section 11488. ¶ (2) The hearing shall be by jury, unless waived by consent of all parties. ¶ (3) The provisions of the Code of Civil Procedure shall apply to proceedings under this chapter unless otherwise inconsistent with the provisions or procedures set forth in this chapter. However, in proceedings under this chapter, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to the questions related to this chapter." (Emphasis added.) (Health and Safety Code, § 11488.5(c).)

"(d)(1) At the hearing, the state or local governmental entity shall have the burden of establishing, pursuant to subdivision (i) of Section 11488.4, that the owner of any interest in the seized property consented to the use of the property with knowledge that it would be or was used for a purpose for which forfeiture is permitted, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4. ¶ (2) No interest in the seized property shall be affected by a forfeiture decree under this section unless the state or local governmental entity has proven that the owner of that interest consented to the use of the property with knowledge that it would be or was used for the purpose charged. Forfeiture shall be ordered

when, at the hearing, the state or local governmental entity has shown that the assets in question are subject to forfeiture pursuant to Section 11470, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4." (Health and Safety Code, § 11488.5(d).)

"(e) The forfeiture hearing shall be continued upon motion of the prosecution or the defendant until after a verdict of guilty on any criminal charges specified in this chapter and pending against the defendant have been decided. The forfeiture hearing shall be conducted in accordance with Sections 190 to 222.5, inclusive, Sections 224 to 234, inclusive, Section 237, and Sections 607 to 630 of the Code of Civil Procedure if trial by jury, and by Sections 631 to 636, inclusive, of the Code of Civil Procedure, if by the court. Unless the court or jury finds that the seized property was used for a purpose for which forfeiture is permitted, the court shall order the seized property released to the person it determines is entitled thereto. ¶ If the court or jury finds that the seized property was used for a purpose for which forfeiture is permitted, but does not find that a person claiming an interest therein, to which the court has determined he or she is entitled, had actual knowledge that the seized property would be or was used for a purpose for which forfeiture is permitted and consented to that use, the court shall order the seized property released to the claimant." (Emphasis added.) (Health and Safety Code, § 11488.5(e).)

"In the case of property described in subdivision (f) of Section 11470 that is cash or negotiable instruments of a value of not less than twenty-five thousand dollars ($25,000), the state or local governmental entity shall have the burden of proving by clear and convincing evidence that the property for which forfeiture is sought is such as is described in subdivision (f) of Section 11470. There is no requirement for forfeiture thereof that a criminal conviction be obtained in an underlying or related criminal offense." (Emphasis added.) (Health and Safety Code, § 11488.4(i)(4).)

"(5) If there is an underlying or related criminal action, and a criminal conviction is required before a judgment of forfeiture may be entered, the issue of forfeiture shall be tried in conjunction therewith. Trial shall be by jury unless waived by all parties. If there is no underlying or related criminal action, the presiding judge of the superior court shall assign the action brought pursuant to this chapter for trial." (Health and Safety Code, § 11488.4(i)(5).)

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, JUNE 2, 2023, IN DEPARMENT NINE.

PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

7. PEOPLE OF THE STATE OF CALIFORNIA v. HARRIS PC20200368

Petition for Forfeiture

On August 3, 2020 the People filed a petition for forfeiture of cash seized in the amount of $285,347.90 by the El Dorado County Sheriff's Department. The petition states: the funds are currently in the hands of the El Dorado County District Attorney's Office; and the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of various provisions of the Health and Safety Code. The People pray for judgment declaring that the money is forfeited to the State of California.

On September 1, 2020, Claimant Harris filed a Judicial Council Form MC-200 claim opposing forfeiture in response to a notice of petition.

"The following are subject to forfeiture: ¶ * * * (f) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of Section 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, or 11383 of this code, or Section 182 of the Penal Code, or a felony violation of Section 11366.8 of this code, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, or conspiracy to commit at least one of those offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first." (Health and Safety Code, § 11470(f).)

"(a) Except as provided in subdivision (j), if the Department of Justice or the local governmental entity determines that the factual circumstances do warrant that the moneys, negotiable instruments, securities, or other things of value seized or subject to forfeiture come within the provisions of subdivisions (a) to (g), inclusive, of Section 11470, and are not automatically made forfeitable or subject to court order of forfeiture or destruction by another provision of this chapter, the Attorney General or district attorney shall file a petition of forfeiture with the superior court of the county in which the defendant has been charged with the underlying criminal offense or in which the property subject to forfeiture has been seized or, if no seizure has occurred, in the county in which the property subject to forfeiture is located. If the petition alleges that real property is forfeitable, the prosecuting attorney shall

cause a lis pendens to be recorded in the office of the county recorder of each county in which the real property is located. ¶ A petition of forfeiture under this subdivision shall be filed as soon as practicable, but in any case within one year of the seizure of the property which is subject to forfeiture, or as soon as practicable, but in any case within one year of the filing by the Attorney General or district attorney of a lis pendens or other process against the property, whichever is earlier." (Emphasis added.) (Health and Safety Code, § 11488.4(a).)

"(a)(1) Any person claiming an interest in the property seized pursuant to Section 11488 may, unless for good cause shown the court extends the time for filing, at any time within 30 days from the date of the first publication of the notice of seizure, if that person was not personally served or served by mail, or within 30 days after receipt of actual notice, file with the superior court of the county in which the defendant has been charged with the underlying or related criminal offense or in which the property was seized or, if there was no seizure, in which the property is located, a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the property. An endorsed copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate, within 30 days of the filing of the claim…" (Health and Safety Code, § 11488.5(a)(1).)

"(c)(1) If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases. Notice of the hearing shall be given in the same manner as provided in Section 11488.4. Such a verified claim or a claim filed pursuant to subdivision (j) of Section 11488.4 shall not be admissible in the proceedings regarding the underlying or related criminal offense set forth in subdivision (a) of Section 11488. ¶ (2) The hearing shall be by jury, unless waived by consent of all parties. ¶ (3) The provisions of the Code of Civil Procedure shall apply to proceedings under this chapter unless otherwise inconsistent with the provisions or procedures set forth in this chapter. However, in proceedings under this chapter, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to the questions related to this chapter." (Emphasis added.) (Health and Safety Code, § 11488.5(c).)

"(d)(1) At the hearing, the state or local governmental entity shall have the burden of establishing, pursuant to subdivision (i) of Section 11488.4, that the owner of any interest in the seized property consented to the use of the property with knowledge that it would be or was used for a purpose for which forfeiture is permitted, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4. ¶ (2) No interest in the seized property shall be affected by a forfeiture decree under this section unless the state or local governmental entity has proven that the owner of that interest consented to the use of the property with knowledge that it would be or was used for the purpose charged. Forfeiture shall be ordered

when, at the hearing, the state or local governmental entity has shown that the assets in question are subject to forfeiture pursuant to Section 11470, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4." (Health and Safety Code, § 11488.5(d).)

"(e) The forfeiture hearing shall be continued upon motion of the prosecution or the defendant until after a verdict of guilty on any criminal charges specified in this chapter and pending against the defendant have been decided. The forfeiture hearing shall be conducted in accordance with Sections 190 to 222.5, inclusive, Sections 224 to 234, inclusive, Section 237, and Sections 607 to 630 of the Code of Civil Procedure if trial by jury, and by Sections 631 to 636, inclusive, of the Code of Civil Procedure, if by the court. Unless the court or jury finds that the seized property was used for a purpose for which forfeiture is permitted, the court shall order the seized property released to the person it determines is entitled thereto. ¶ If the court or jury finds that the seized property was used for a purpose for which forfeiture is permitted, but does not find that a person claiming an interest therein, to which the court has determined he or she is entitled, had actual knowledge that the seized property would be or was used for a purpose for which forfeiture is permitted and consented to that use, the court shall order the seized property released to the claimant." (Emphasis added.) (Health and Safety Code, § 11488.5(e).)

"In the case of property described in subdivision (f) of Section 11470 that is cash or negotiable instruments of a value of not less than twenty-five thousand dollars ($25,000), the state or local governmental entity shall have the burden of proving by clear and convincing evidence that the property for which forfeiture is sought is such as is described in subdivision (f) of Section 11470. There is no requirement for forfeiture thereof that a criminal conviction be obtained in an underlying or related criminal offense." (Emphasis added.) (Health and Safety Code, § 11488.4(i)(4).)

"(5) If there is an underlying or related criminal action, and a criminal conviction is required before a judgment of forfeiture may be entered, the issue of forfeiture shall be tried in conjunction therewith. Trial shall be by jury unless waived by all parties. If there is no underlying or related criminal action, the presiding judge of the superior court shall assign the action brought pursuant to this chapter for trial." (Health and Safety Code, § 11488.4(i)(5).)

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, JUNE 2, 2023, IN DEPARMENT NINE.

PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

8. PEOPLE OF THE STATE OF CALIFORNIA v. BUTTERFIELD 21CV0167

Settlement Conference

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, JUNE 2, 2023, IN DEPARMENT NINE.

PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

9. PEOPLE OF THE STATE OF CALIFORNIA v. US CURRENCY 22CV0916

Petition for Forfeiture

On July 13, 2022, the People filed an amended petition for forfeiture of cash and other property seized by the El Dorado County Sheriff's Department. The petition states: $178,829.01 in U.S. Currency and jewelry valued at approximately $31,340 was seized by the El Dorado County Sheriff's Office; such funds are currently in the hands of the El Dorado County District Attorney's Office and the jewelry is booked as evidence in the custody of the Sheriff's Office; the property became subject to forfeiture pursuant to Health and Safety Code, § 11470(f), because that money was a thing of value furnished or intended to be furnished by a person in exchange for a controlled substance, the proceeds was traceable to such an exchange, and the money was used or intended to be used to facilitate a violation of various provisions of the Health and Safety Code. The People pray for judgment declaring that the money and jewelry is forfeited to the State of California.

On September 22, 2022, Claimants Thomas Henry Harris and Kim Thuy Harris each filed a Judicial Council Form MC-200 claim opposing forfeiture in response to a notice of petition.

"The following are subject to forfeiture: ¶ * * * (f) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of Section 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, or 11383 of this code, or Section 182 of the Penal Code, or a felony violation of Section 11366.8 of this code, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, or conspiracy to commit at least one of those offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first." (Health and Safety Code, § 11470(f).)

"(a) Except as provided in subdivision (j), if the Department of Justice or the local governmental entity determines that the factual circumstances do warrant that the moneys, negotiable instruments, securities, or other things of value seized or subject to forfeiture come within the provisions of subdivisions (a) to (g), inclusive, of Section 11470, and are not automatically made forfeitable or subject to court order of forfeiture or destruction by another provision of this chapter, the Attorney General or district attorney shall file a petition of forfeiture with the superior court of the county in which the defendant has been charged with the underlying criminal offense or in which the property subject to forfeiture has been seized

or, if no seizure has occurred, in the county in which the property subject to forfeiture is located. If the petition alleges that real property is forfeitable, the prosecuting attorney shall cause a lis pendens to be recorded in the office of the county recorder of each county in which the real property is located. ¶ A petition of forfeiture under this subdivision shall be filed as soon as practicable, but in any case within one year of the seizure of the property which is subject to forfeiture, or as soon as practicable, but in any case within one year of the filing by the Attorney General or district attorney of a lis pendens or other process against the property, whichever is earlier." (Emphasis added.) (Health and Safety Code, § 11488.4(a).)

"(a)(1) Any person claiming an interest in the property seized pursuant to Section 11488 may, unless for good cause shown the court extends the time for filing, at any time within 30 days from the date of the first publication of the notice of seizure, if that person was not personally served or served by mail, or within 30 days after receipt of actual notice, file with the superior court of the county in which the defendant has been charged with the underlying or related criminal offense or in which the property was seized or, if there was no seizure, in which the property is located, a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the property. An endorsed copy of the claim shall be served by the claimant on the Attorney General or district attorney, as appropriate, within 30 days of the filing of the claim…" (Health and Safety Code, § 11488.5(a)(1).)

"(c)(1) If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding shall have priority over other civil cases. Notice of the hearing shall be given in the same manner as provided in Section 11488.4. Such a verified claim or a claim filed pursuant to subdivision (j) of Section 11488.4 shall not be admissible in the proceedings regarding the underlying or related criminal offense set forth in subdivision (a) of Section 11488. ¶ (2) The hearing shall be by jury, unless waived by consent of all parties. ¶ (3) The provisions of the Code of Civil Procedure shall apply to proceedings under this chapter unless otherwise inconsistent with the provisions or procedures set forth in this chapter. However, in proceedings under this chapter, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to the questions related to this chapter." (Emphasis added.) (Health and Safety Code, § 11488.5(c).)

"(d)(1) At the hearing, the state or local governmental entity shall have the burden of establishing, pursuant to subdivision (i) of Section 11488.4, that the owner of any interest in the seized property consented to the use of the property with knowledge that it would be or was used for a purpose for which forfeiture is permitted, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4. ¶ (2) No interest in the seized property shall be affected by a forfeiture decree under this section unless the state or local governmental entity

has proven that the owner of that interest consented to the use of the property with knowledge that it would be or was used for the purpose charged. Forfeiture shall be ordered when, at the hearing, the state or local governmental entity has shown that the assets in question are subject to forfeiture pursuant to Section 11470, in accordance with the burden of proof set forth in subdivision (i) of Section 11488.4." (Health and Safety Code, § 11488.5(d).)

"(e) The forfeiture hearing shall be continued upon motion of the prosecution or the defendant until after a verdict of guilty on any criminal charges specified in this chapter and pending against the defendant have been decided. The forfeiture hearing shall be conducted in accordance with Sections 190 to 222.5, inclusive, Sections 224 to 234, inclusive, Section 237, and Sections 607 to 630 of the Code of Civil Procedure if trial by jury, and by Sections 631 to 636, inclusive, of the Code of Civil Procedure, if by the court. Unless the court or jury finds that the seized property was used for a purpose for which forfeiture is permitted, the court shall order the seized property released to the person it determines is entitled thereto. ¶ If the court or jury finds that the seized property was used for a purpose for which forfeiture is permitted, but does not find that a person claiming an interest therein, to which the court has determined he or she is entitled, had actual knowledge that the seized property would be or was used for a purpose for which forfeiture is permitted and consented to that use, the court shall order the seized property released to the claimant." (Emphasis added.) (Health and Safety Code, § 11488.5(e).)

"In the case of property described in subdivision (f) of Section 11470 that is cash or negotiable instruments of a value of not less than twenty-five thousand dollars ($25,000), the state or local governmental entity shall have the burden of proving by clear and convincing evidence that the property for which forfeiture is sought is such as is described in subdivision (f) of Section 11470. There is no requirement for forfeiture thereof that a criminal conviction be obtained in an underlying or related criminal offense." (Emphasis added.) (Health and Safety Code, § 11488.4(i)(4).)

"(5) If there is an underlying or related criminal action, and a criminal conviction is required before a judgment of forfeiture may be entered, the issue of forfeiture shall be tried in conjunction therewith. Trial shall be by jury unless waived by all parties. If there is no underlying or related criminal action, the presiding judge of the superior court shall assign the action brought pursuant to this chapter for trial." (Health and Safety Code, § 11488.4(i)(5).)

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, JUNE 2, 2023, IN DEPARMENT NINE. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

10. STUART v. CORDANO PC20210448

Motion for Summary Judgment

TENTATIVE RULING # 10: THIS MATTER IS CONTINUED TO 8:30 A.M. ON FRIDAY, AUGUST 18, 2023, IN DEPARTMENT NINE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.