

1.	22CV1378	T.C. v. DOE 1
Motion for Leave to Amend Complaint		

The Notice does not comply with Local Rule 7.10.05. Repeated violations will be grounds for sanctions pursuant to Local Rule 7.12.13.

Plaintiff filed a Motion for Leave to Amend the Complaint, which is opposed by County of Sacramento and County of Placer. The Court acknowledges California's liberal standard for amendment to pleadings, but this Motion does not comply with the Rules of Court as the proposed Third Amended Complaint has not been filed with any of the moving papers.

California Rules of Court, Rule 3.1324 states in pertinent part:

A motion to amend a pleading before trial must:

(1) Include a copy of the proposed amendment or amended pleading, which must be serially numbered to differentiate it from previous pleadings or amendments;

(2) State what allegations in the previous pleading are proposed to be deleted, if any, and where, by page, paragraph, and line number, the deleted allegations are located; and

(3) State what allegations are proposed to be added to the previous pleading, if any, and where, by page, paragraph, and line number, the additional allegations are located.

(Cal Rules of Ct 3.1324(a).)

TENTATIVE RULING #1:

MOTION FOR LEAVE TO AMEND COMPLAINT IS DENIED FOR FAILURE TO COMPLY WITH CALIFORNIA RULES OF COURT, RULE 3.1324.

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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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

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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.

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2.	23CV0827	MONTERO v. BARSOTTI JUICE CO.
Preliminary Approval of Class Action and PAGA Settlement		

The Notice does not comply with Local Rule 7.10.05. Repeated violations will lead to sanctions under Local Rule 7.12.13.

This is an unopposed motion for an Order for preliminary approval of a class action settlement and to make other orders required to facilitate such settlement. The underlying action involves claims against Defendant for unpaid wages in violation of various California Labor Code provisions as well as claims for civil penalties under the Private Attorney General Act ("PAGA").

Following mediation, the parties reached a Settlement Agreement. See Exhibit 2 to Declaration of Arrash Fattahi, dated July 18, 2025.

The proposed terms of the Settlement Agreement include:

Gross Settlement Amount	\$250,000
Defendant's Offset (payments already made to certain putative class members)	\$43,000
Attorney's Fees (not to exceed one third of Gross Settlement Amount)	\$83,333.33
Litigation Costs (not to exceed)	\$20,000
Administrator Costs (not to exceed)	\$2,480
PAGA Payment to Labor Workforce Development Agency	\$7,500
PAGA Payment to Aggrieved Employees	\$2,500
Plaintiff's Service Award (not to exceed)	<u>\$10,000</u>
Net Settlement Amount:	\$81,186.67

Individual Settlement Payments would be paid on a pro-rata basis based on the number of Compensable Workweeks during the Class Period. There are 60 class members. Defendant will pay the employer's share of payroll taxes on the portion of the Individual Settlement Amounts that are allocated as wages.

TENTATIVE RULING #2: THE MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT IS GRANTED. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON FRIDAY, AUGUST 22, 2025, TO SET THE DATE OF THE FINAL APPROVAL HEARING.

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3.	23CV2042	WELLS FARGO BANK v. MURRAY HOLDINGS et al
Review re Stay		

TENTATIVE RULING #3:

APPEARANCES REQUIRED ON FRIDAY, AUGUST 22, 2025, AT 8:30 AM IN DEPARTMENT NINE.

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4.	PC20210500	TYSON v. SUMMITVIEW CHILD & FAMILY SERVICES
Status		

This motion for final approval of the settlement of this Private Attorneys General Act (“PAGA”) class action lawsuit is unopposed. At a hearing on April 12, 2024, the court issued an Order Granting Preliminary Approval of a Class Action Settlement. On August 16, 2024, the Court issued an Order Granting Final Approval. This hearing is set for an OSC regarding Compliance with the Order and status of disbursements.

Pursuant to the Declaration of Cassandra Polites, all settlement checks were mailed, and 200 settlement checks totaling \$29,012.95 remain uncashed after the check cashing deadline. In accordance with the terms of the Parties’ Settlement Agreement, the necessary paperwork to report the unclaimed funds was sent on July 7, 2025, to the California State Controller’s Office - Unclaimed Property Fund. This process usually takes about 8-9 months until we receive the letter from the State Controllers’ Office instructing us when to send the money. ILYM Group estimates that all unclaimed funds from this Settlement will be distributed to the California State Controller’s Office - Unclaimed Property Fund in approximately September 2026.

TENTATIVE RULING #4:

HEARING CONTINUED TO FRIDAY, OCTOBER 10, 2025, AT 8:35 AM IN DEPARTMENT NINE.

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5.	24CV2236	COX v. BAZEMORE
Attorney Withdrawal		

Counsel for the Defendant has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362.

A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating that that the client has rendered it unreasonably difficult for the lawyer to carry out representation effectively and the client has breached a material term of an agreement with the lawyer.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Proof of service of the motion on counsel for Plaintiff was filed on July 3, 2025. The proof of service does not state that Defendant was served.

A Settlement Conference is currently scheduled on March 18, 2026, Motion Hearing – in Limine – and Issues Conference on May 8, 2026, trial confirmation on May 15, 2026, and those dates are not listed on the proposed Order as required by California Rules of Court, Rule 3.1362(e).

TENTATIVE RULING #5: HEARING CONTINUED TO FRIDAY, SEPTEMBER 19, 2025, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW COUNSEL TIME TO FILE AN AMENDED PROOF OF SERVICE AND AMENDED ORDER.

6.	24CV2136	DILLS et al v. JACQUES et al
Motion for Leave to File Cross-Complaint		

Maryanne Leslie Jacques and Steve Jacques seek leave to file a Cross-Complaint asserting a claim for indemnity against Defendants True North Consulting, LLC dba Sunbelt Business Brokers and Brett Sargent (collectively "True North"), which matter arises out of the same transaction or occurrence as the allegations in the Complaint.

California Code of Civil Procedure § 426.50 governs filing a motion for leave to file a compulsory cross-complaint. The statute is liberally construed to achieve the legislative mandate of avoiding forfeiture of a party's causes of action. (*Silver Organizations Ltd. v. Frank* (1990) 217 Cal.App.3d 94, 98-99.) A court must grant a motion for leave to file a cross-complaint unless the "bad Faith of the moving party is demonstrated where forfeiture would otherwise result." (*Id.* at 99.) "Factors such as oversight, inadvertence, neglect, mistake or other cause, are insufficient grounds to deny the motion unless accompanied by bad faith." (*Ibid.*) Bad faith implies that action or inaction was taken with ill will or with the intent to deceive. (*Id.* at 100.)

The Jacques argue that the Motion should be granted because it arises from the same transaction as the Plaintiffs' claims, it will not prejudice True North nor cause trial delays because the scope of discovery does not change, there is no delay, inadvertence, oversight or neglect by the Jacques, and the delay in filing was not due to bad faith or the intent to deceive, but rather from attempted negotiations outside of court.

The proposed Cross-Complaint is attached to the Motion as Exhibit A. There is no opposition.

TENTATIVE RULING #6:

MOTION FOR LEAVE TO FILE CROSS-COMPLAINT IS GRANTED.

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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7.	23CV0238	RUGER v. EL DORADO COUNTY et al
Motion to Set Aside Judgment		

Plaintiff moves the Court to set aside the judgment of dismissal and order granting demurrer pursuant to Code of Civil Procedure § 473(b). Plaintiff argues that because of her belief that the action was stayed pursuant to the bankruptcy filing of Defendant Wellpath, LLC, no opposition was made to Defendants' demurrer. Plaintiff argues that she should be given the opportunity to argue that the case relied upon by the Court of *Lucas v. City of Long Beach* (1976) 60 Cal. App. 3d 341, is factually distinguishable from the facts of the case at bar. Plaintiff further argues that the alleged defects of the First Amended Complaint ("FAC") asserted by the Court in its tentative ruling can be cured by an amendment to allege a violation of negligence under Government Code § 815.2 and also a failure to follow mandatory duties established by law as set forth in Government Code § 815.6.

Defendant El Dorado County opposes, arguing that the mandatory provision of § 473(b) does not apply to demurrers, that the Court should use the discretionary provision, that Plaintiff is not entitled to discretionary relief because there was no excusable neglect or mistake.

Given the liberal public policy in favor of granting § 473(b) relief and deciding cases on their merits, the Court sets aside the judgment and ruling sustaining the demurrer without leave to amend, and resets the hearing on the demurrer.

TENTATIVE RULING #7:

- 1. THE COURT'S APRIL 22, 2025, ORDER IS HEREBY SET-ASIDE.**
- 2. THE DEMURRER IS SET FOR HEARING ON FRIDAY, OCTOBER 24, 2025, AT 8:31 AM WITH ANY OPPOSITION AND REPLY TO BE TIMELY FILED BASED ON THAT DATE.**

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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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.

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8.	PC20210083	STINSON v. WEINER et al
Motion to Try Pleas in Abatement		

Plaintiff's Complaint filed February 26, 2021, contains the following Causes of Action pertaining to a supposed joint venture agreement of the Parties of May 7, 2003: 1. Conversion; 2. Breach of Agreement; 3. Breach of Fiduciary Duty; 4. Unjust Enrichment; 5. Fraud in the Inducement; 6. Accounting.

The Answer, filed December 1, 2021, asserted as Affirmative Defenses, #2 the Statute of Limitations and #3, Statute of Frauds, as follows:

2. STATUTES OF LIMITATION: The following Statutes of Limitation have expired before this case was filed: A. 1st Cause of Action Conversion CCP §338 3 Years; B. 2d Cause of Action Breach of Agreement CCP §339 2 Years (CCP §337 4 Years if written); C. 3d Cause of Action Breach of Fiduciary Duty CCP §338 3 Years or CCP §343 4 Years; D. 4th Cause of Action Unjust Enrichment CCP §339 2 Years; E. 5th Cause of Action Fraud in the Inducement CCP §338 3 Years; F. 6th Cause of Action Accounting CCP §343 4 Years.

3. STATUTE OF FRAUDS: Plaintiff's claims and remedies are barred by the Statute of Frauds, in that there is no written agreement.

Defendant and Cross-Complainant David Weiner moves the Court to try the abatement defenses first, on the grounds that if he prevails, there is no need to try Plaintiff's case.

CCP §597 provides that the Court may try abatement defenses first. When the answer pleads that the action is barred by the statute of limitations ... or sets up any other defense not involving the merits of the plaintiffs cause of action but constituting a bar or ground of abatement to the prosecution thereof, the court may, either upon its own motion or upon the motion of any party, proceed to the trial of the special defense or defenses before the trial of any other issue in the case, and if the decision of the court, or the verdict of the jury, upon any special defense so tried (other than the defense of another action pending) is in favor of the defendant pleading the same, judgment for the defendant shall thereupon be entered and no trial of other issues in the action shall be had unless that judgment shall be reversed on appeal or otherwise set aside or vacated ... If the decision of the court, or the verdict of the jury, upon the special defense or defenses so tried is in favor of the plaintiff, trial of the other issues shall thereafter be had either upon the court's own motion or upon the motion of any party, and judgment shall be entered thereon in the same manner and with the same effect as if all the issues in the case had been tried at one time. In such an event any and all decisions or verdicts upon the special defense or defenses, and all rulings on the trial thereof shall be deemed excepted to and may be reviewed on motion for a new trial or upon appeal from the judgment.

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In his Opposition, Plaintiff states he fundamentally agrees that the Court is authorized to bifurcate the trial to try the defenses first but opposes on the grounds that Defendant has provided no rationale for why the Court should do so. Plaintiff argues that bifurcating the trial is not likely to save time, but it is just as likely to lead to substantial duplication of effort by the parties, and a waste of the Court and a jury's time. Code of Civil Procedure § 598 provides factors that Courts may bifurcate civil cases "when the convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted thereby". (Code Civ. Proc. § 598.)

Plaintiff argues that Defendant's Statute of Limitations and Statute of Frauds defenses involve complex factual questions and there are major disputed factual issues that will affect when the statute of limitations of Plaintiff's various causes of actions accrued. (Declaration of Ryan Matthews ("Matthews Dec."), ¶ 2-4). Plaintiff further reserves the right to argue that equitable tolling should apply, which would require a full trial.

TENTATIVE RULING #8:

APPEARANCES REQUIRED ON FRIDAY, AUGUST 22, 2025, AT 8:30 AM IN DEPARTMENT NINE.

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9.	22CV1334	BLY-CHESTER v. EL DORADO COUNTY et al
Demurrer		

Meet and Confer Requirement

Code of Civil Procedure §430.41(a) provides: Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer.

Code of Civil Procedure §430.41(a)(3):

The demurring party shall file and serve with the demurrer a declaration stating either of the following:

(A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.

(B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.

Dumas v. Los Angeles County Bd. of Supervisors (2020) 45 Cal. App. 5th 348 (“If, upon review of a declaration under section 430.41, subdivision (a)(3), a court learns no meet and confer has taken place, or concludes further conferences between counsel would likely be productive, it retains discretion to order counsel to meaningfully discuss the pleadings with an eye toward reducing the number of issues or eliminating the need for a demurrer, and to continue the hearing date to facilitate that effort”).

Based on the declaration of J. Scott Smith, the Court finds that sufficient meet and confer efforts did not occur. Due to the number of issues raised and the fact that the Court has already ruled on a similar Demurrer to the Second Amended Complaint, the Court directs the parties to engage in meaningful meet and confer discussions, in an effort to reduce the number of issues or eliminate the need for a demurrer. The Court also notes the liberal policy in allowing a party leave to amend and encourages the parties to consider this.

TENTATIVE RULING #9:

HEARING CONTINUED TO FRIDAY, OCTOBER 10, 2025, AT 8:31 AM IN DEPARTMENT NINE. BEFORE SEPTEMBER 26, 2025, THE MOVING PARTY IS TO FILE A DECLARATION INFORMING THE COURT OF ANY ISSUES THAT HAVE BEEN RESOLVED OR WHETHER THE DEMURRER STILL NEEDS TO BE ADDRESSED.

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10.	PC20200294	ALL ABOUT EQUINE v. BYRD
Demurrer & Status Conference		

TENTATIVE RULING #10:

HEARING CONTINUED TO FRIDAY, FEBRUARY 27, 2025, AT 8:30 AM IN DEPARTMENT NINE. IF ANY PARTY BELIEVES A STATUS CONFERENCE IS NEEDED FOR AUGUST 22, 2025, USE THE ORAL ARGUMENT PROCEDURES TO NOTIFY THE PARTIES AND COURT.

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