

**Judge Mosbarger – Law & Motion – Wednesday, October 2, 2024 @ 9:00 AM
TENTATIVE RULINGS**

1. 23CV01933 SORENSON, KAJ ET AT V. CHARLES J. MARCOTTE, LLC

EVENT: Plaintiff's Motion for Trial Preference

The Court finds that the Plaintiffs have failed to carry their burden under *Code of Civil Procedure* §36(a) for trial preference there being no showing that the health of either Plaintiff is such that preference is necessary to prevent prejudicing a party's interest in the litigation, nor how the interests of justice would be served in the granting of such request. The Motion is DENIED. Counsel for the Defendant shall submit a form of order within two weeks. Additionally, the Court advances to October 2, 2024 at 9:00 a.m. the Case Management Conference on calendar October 9, 2024 at 10:30 a.m. and intends to set the following dates: Mandatory Settlement Conference on January 13, 2025 at 8:30 a.m. with Judge Deems via Zoom; Trial Readiness Conference on February 20, 2025 at 1:30 p.m.; and Jury Trial on February 24, 2025 at 8:00 a.m. with a three day estimate. The Court will conduct a Case Management Conference and counsel are to appear. However, this is not an invitation to present oral argument in regard to Plaintiff's Motion for Trial Preference. If counsel wishes to argue the tentative ruling, they must comply with Butte County Local Rule 2.9 and California Rules of Court Rule 3.1308(a)(1).

2. 24CV01881 DUTRO, MARK V. DUTRO, LAWRENCE ET AL

EVENT: Defendant Ed Dutro Corporation's Motion Under California Corporations Code Section 800(c)

Defendant Ed Dutro Corporation's Motion Under California Corporations Code Section 800(c) is DENIED without prejudice, the Court finding that Defendant has failed to satisfy his burden to show that there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the corporation or its shareholders. Counsel for the Plaintiff shall submit a form of order consistent with this ruling within two weeks.

3. 24CV02102 MARGARET J. SHANNON, AT TRUSTEE OF THE SURVIVOR'S TRUST CREATED UNDER THE REVOCABLE TRUST OF GEORGE M. SHANNON AND MARGARET J. SHANNON DATED NOVEMBER 14, 1989 V. RESENDZ, MARIA G ET AL

EVENT: Motion to Enter Judgment

The Court reduces the amount of attorney's fees requested by \$700 for the anticipated time of two hours for responding to any opposition and appearing at the hearing, as neither of those were necessary. The Motion is otherwise granted. The Court awards attorney's fees of \$7,672.35 and costs of \$676.26 for a total of \$8,348.61. The Court will sign the form of order with modification as indicated.