

December 8, 2025 Truckee Civil Law & Motion Tentative Rulings

1. CL0003018 Bank of America, N.A. vs. Denise L Dambra

On the Court's own motion, the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed a proof of service evidencing service of the summons and complaint on the sole named defendant. The trial date remains as set.

2. CL0003068 Barclays Bank Delaware vs. Daniel S. Fitzgerald

On the Court's own motion, the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed a proof of service evidencing service of the summons and complaint on the sole named defendant. The trial date remains as set.

3. CL0003072 Cavalry SPV I LLC vs. Carrie M Bono

Appearance required by Plaintiff to show cause as to why this case should not be calendared for dismissal and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendant despite the fact this case has been pending for almost four (4) months. Absent good cause being shown, the Court intends to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for April 17, 2026 at 11:00 a.m.

4. CL0003076 Keith Abrahams vs. Juliet Candra Williams-Smith et al

Appearance required by Plaintiff to show cause as to why this case should not be calendared for dismissal and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendants despite the fact this case has been pending for almost four (4) months. Absent good cause being shown, the Court intends to set the matter for dismissal pursuant to CCP section 583.420.

5. CL0003094 CREDITORS ADJUSTMENT BUREAU, INC., vs. FRANCISCO MENDOZA

On the Court's own motion, the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed a proof of service evidencing service of the summons and complaint on the sole named defendant. The trial date remains as set.

6. CL0003110 LEXINGTON INSURANCE COMPANY , a corporation vs. ZACHARY BLISS et al

On the Court's own motion, the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed proofs of service evidencing service of the summons and complaint on both named defendants.

7. CU0002016 MARIA BERSABE MAGANA SANCHEZ v. THOMAS ALVEY, et al.

On the Court's own motion, the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed a proof of service evidencing service of the summons and complaint on the sole named defendant. On the Court's own motion, the Case Management Conference in this matter is continued to January 16, 2026 at 9:00 a.m. in Dept. A. Plaintiff shall provide notice of same.

8. CU0001398 Brianna Vigrass v. Avian Borden, et al.

Appearances required to address deficiencies and irregularities that still exist in the minor's compromise petition filed with the Court.

9. CU0002187 MA Construction et al v. Li, Jingwen et al

Appearance required by Plaintiff to show cause as to why this case should not be calendared for dismissal and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on defendants despite the fact this case has been pending for almost six (6) months. Absent good cause being shown, the Court intends to set the matter for dismissal pursuant to CCP section 583.420 and vacate the Case Management Conference date set for December 19, 2025.

10. CU14-080744 TIMOTHY P DEMARTINI et al vs. MICHAEL J DEMARTINI et al

Plaintiffs' unopposed requests for judicial notice are GRANTED.

Plaintiff's request the Receiver be ordered to deposit escrow funds into the Court's trust account is MOOT.

Plaintiffs' motion for distribution of funds is GRANTED subject to the below. The Receiver shall finalize it's accounting and, upon approval, submit any remaining funds to the Court for deposit into the Court's trust account to be held with the amounts currently held or, in the alternative, any claim for payment to the Court.

The Court does not view Plaintiffs' motion as a motion for reconsideration. The motion is a motion to enforce the terms previously ordered by the Court and related to depositing escrow proceeds into the Court's trust account (now moot in light of the filing by Receiver) coupled with a request for disbursement of one-half of those funds to Plaintiffs pursuant to the Court's ordering dissolution of the partnership at issue herein, the Court's reservation as to disbursement of funds, the current status of the case and in light of the passage of time.

The Court does not find the disbursement of funds in this matter are stayed pending outcome of appeals filed IN THIS ACTION by Defendants Michael and Renate DeMartini. These defendants failed to post an undertaking in this matter as was previously allowed to stay the proceedings including sale of the property. In addition, what is at issue at this juncture is solely whether funds from sale of partnership assets should be disbursed, in part, to Plaintiffs.

California Code of Civil Procedure section 916 provides:

(a) Except as provided in Section 917.1 to 917.9, inclusive, and in Section 116.810, the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.

(b) When there is a stay of proceedings other than the enforcement of the judgment, the trial court shall have jurisdiction of proceedings related to the enforcement of the judgment as well as any other matter embraced in the action and not affected by the judgment or order appealed from.

Further, California Code of Civil Procedure section 917.1(a)(1) provides:

Unless an undertaking is given, the perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order is for any of the following: (1) Money or the payment of money, whether consisting of a special fund or not, and whether payable by the appellant or another party to the action.

In this matter, Defendants/Appellants have failed to give an undertaking to stay the disbursement of funds. The Court notes they previously failed to post an undertaking to stay sale of the property as well. The Court also knows of no stay issued by the Third District Court of Appeal in this matter which would stay disbursement of funds.

Accordingly, the Court's orders regarding distribution of funds (i.e. payment of money) to Plaintiffs of one-half of the proceeds from the sale of the partnership assets is not stayed simply because an appeal has been filed.

However, the Receiver indicates he cannot finalize his accounting until this motion has been disposed of. Moreover, the amount presently held by the Receiver and amounts outstanding are not very disparate resulting in a likelihood the Receiver may be owed funds beyond those which were withheld or, in the alternative, may have additional funds to deposit with the Court. The Court is cognizant the pending motion and the Receiver needing to file a response to it was not contemplated when the Court determined the amount to be withheld from deposit with the Court.

Accordingly, the Receiver is directed to finalize his work on this matter and provide the Court and parties a final accounting. Following the Court's determination of final amounts owing to the Receiver which shall also determine whether additional amounts should be deposited into the Court's trust account or whether additional amounts should be paid to the Receiver from the Court's trust account, the Court will issue an order ordering disbursement of one-half of the remaining funds held in trust be disbursed to Plaintiffs. The Receiver's proposed order submitted with the final accounting should include direction that any amounts retained but not owed to Receiver shall be immediately deposited into the Court's trust account for the benefit of the parties as previously ordered.

No further hearing shall occur with respect to disbursement, and Plaintiff shall submit a proposed order to the Court within ten (10) days of the Court's final determination of amounts payable to the Receiver which proposed order shall be concurrently served on Defendants.