

Dept. 2

Civil Law and Motion Tentative Rulings for Friday, August 14, 2026, at 8:30 a.m.

If you wish to appear for oral argument, you must so notify the Court at (209) 533-6633 and/or (209) 588-2316, and all other parties, by 4:00 p.m. on the court day preceding the hearing, consistent with CRC 3.1308. The tentative ruling will become the ruling of the Court if notice for oral argument has not been received/provided.

1. CV66705 Pagni v. City of Sonora et al

Hearing on: Motions for Leave to File Third Amended Petition and
 Augment the Administrative Record
Moving Party: Petitioner
Tentative Ruling: n/a

This case was assigned to Hon. Carrillo, who has recused herself due to previous employment with the law firm that represents the City as defense counsel. The matter has been reassigned to Judge Beyersdorf. Please review Department Three (3) tentative rulings.

2. CV66850 S.F. (minors et al) v. County of Tuolumne CWS

Hearing on: CMC
Moving Party: n/a
Tentative Ruling: n/a

This case was assigned to Hon. Carrillo, who has recused herself due to previous employment as County Counsel and involvement in prior representation of the County of Tuolumne in this matter. The matter has been reassigned to Judge Beyersdorf. Please review Department Three (3) tentative rulings.

3. CVL60863 United of Omaha Life Ins. Co. v. Pereira et al

Hearing on: Motion to Disburse Funds
Moving Party: Co-defendant Fowler
Tentative Ruling: Continue for POS

This dispute involves a contract claim to life insurance benefits. It is generally alleged that Patricia Clement died on or about 12/26/2016, leaving behind a \$10,000 life insurance policy made payable to her son Richard Pereira. Her daughter, Laura Fowler, was the previously-designated beneficiary, and claims that the designation change to her brother was ineffective. The insurance company deposited the net proceeds (\$7,663.00) here via interpleader on 11/16/2017.

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It is common for the holder of life insurance benefits to interplead in the face of conflicting claims. See *Farmers New World Life Ins. Co. v. Rees* (2013) 219 Cal.App.4th 307, 316-317. This is true even if the dispute is less about who takes all/nothing, but instead how to allocate percentages in a settlement context. See *Hood v. Gonzales* (2019) 43 Cal.App.5th 57, 73-74. Once the funds are deposited, the merits of the dispute are ordinarily set for a bench trial. See *Shopoff & Cavallo LLP v. Hyon* (2008) 167 Cal.App.4th 1489, 1512-1514. That did not occur here. Instead, in January of 2018, Hon. Seibert (ret) ordered the siblings to work out a resolution to “split” the funds. The siblings have not resolved this matter, and unfortunately the case fell through the cracks. Now, 8 ½ years later, co-defendant has filed a motion seeking what amounts to a summary judgment.

The motion cannot proceed on the merits at this time as there is no proof of service for the party likely to object, Richard. Moreover, there is no statutory predicate for defendant’s motion. Instead, the motion most closely resembles a request to set the matter for trial. The problem, of course, is that CCP §583.310 provides that “an action shall be brought to trial within five years after the action is commenced” and this case has been sitting dormant for much longer than five years. See also CCP §583.120 [five-year requirement applies to all civil actions]; CCP §583.360 [action must be dismissed if not tried within five years]. If both defendants agree to waive the dismissal (see CCP §583.330) the case can proceed; otherwise, the case must be dismissed and the funds will escheat to the state (see CCP §1431).

Review hearing and OSC re dismissal will be set for September 18, 2026, at 10:00 a.m. in Department Two (2).