

**Tentative Rulings  
March 20, 2023  
Department 7**

This Court does not follow the procedures described in Rules of Court, Rule 3.1308(a). Tentative rulings appear on the calendar outside the court department on the date of the hearing, pursuant to California Rule of Court, Rule 3.1308(b)(1). As a courtesy to counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court’s website ([www.shasta.courts.ca.gov](http://www.shasta.courts.ca.gov)) and are available by clicking on the “Tentative Rulings” link. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

**In furtherance of compliance with the California Department of Public Health and CDC guidelines and recommendations, the Superior Court of California, County of Shasta is continuing to undertake precautionary measures to ensure the health and safety of the courthouse users. Persons are encouraged to make appearances telephonically, through CourtCall (888-882-6878; [courtcall.com](http://courtcall.com)).**

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**9:00 a.m.**

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**BROOMFIELD ET. AL. VS. ROSEBURG FOREST PRODUCTS  
Case Number: 23CV-0201610**

**Tentative Ruling on Petitions to Approve Minor’s Compromise:** The Court has received 129 separate minor compromise petitions filed in this case related to the Mill Fire. The Guardian Ad Litem applications and Petitions have been reviewed in detail and are addressed below:

**Guardian Ad Litem Applications:** The GAL applications were reviewed to ensure that they were complete and that the proposed GAL matched the GAL identified in the Second Amended Complaint.

GAL applications are missing for the following minors:

- Ishan-ari Parmar
- Krishna Citlalli Parmar
- Casey Alan Quinn
- Caleb Tate
- Noah Tate

Additionally, the following GAL applications have a defect that precludes execution by the Court:

- Elizabeth Cleland (the application fails to identify the relationship of the GAL in item 6a)
- Loren Ferner (Item 3 identifies Ceceila Ferner as the minor)
- Jayvon Thomas (Item 13 was marked but the minor did not execute the application)

Finally, the following GAL applications have invalid electronic signatures (See Local Rule 2.19 and Gov't Code § 16.5):

- Joseph Aguirre
- Malachi William Casey
- Adam Foster, Jr.
- Lukas Foster
- Alyssa Gant
- Jeremiah Gant
- Jazmine Seppi
- Nico Seppi
- Bradley Sonneveld
- Johann Sonneveld
- Lucas Sonneveld
- Aaliyah Thomas
- Elijah Thomas
- Jaylen Thomas
- Keandre Thomas
- Daniel Thurman

The above defects must be corrected before the GAL can be appointed and the Petition to approve the compromise can be approved. All other applications not listed above are approved, and the orders appointing those Guardians Ad Litem will be executed.

**Petitions to Approve Minors' Compromise:** Exhibit 3 to the Second Amended Complaint lists 131 minors named as Plaintiffs. Petitions have been filed for 129 of these minors and reviewed by the Court. The following minors have not submitted a Petition:

- Aiden Masson
- Casey Alan Quinn

Numerous Petitions have been signed electronically by the GAL. Only a few of the electronic signatures comply with Local Rule 2.19 and Gov't Code §16.5. The following Petitions have invalid electronic signatures:

- Joseph Aguirre
- Malachi William Casey
- Alyssa Gant
- Jeremiah Gant
- Ishan-ari Parmar
- Krishna Citlalli Parmar
- Bradley Sonneveld
- Johann Sonneveld
- Lucas Sonneveld
- Caleb Tate
- Noah Tate

- Aaliyah Thomas
- Elijah Thomas
- Jaylen Thomas
- Keandre Thomas
- Raelynn Rose Thomas

Numerous Petitions provide a Fee Agreement executed by an individual other than the GAL. The Court requires a Fee Agreement executed by the GAL. The following Petitions contain this defect:

- Aiden Harmse
- Benjamin Harmse
- Elijah Harmse
- Dean Huffman
- Ezra James Jacko
- LeJare James Jacko, Jr.
- Hunter Leach
- Paige Leach
- Clayton McWilliams
- Jackson McWilliams
- Ishan-ari Parmar
- Krishna Citlalli Parmar
- Amy Pflueger
- Hayden Pflueger
- Ava Schmidt
- Jazmine Seppi
- Nico Seppi
- Jason Michael Skeen
- Ella Stringer

The following Petitions have mathematical errors, in that the calculation of the the gross settlement, attorney's fees, and net settlement are not mathematically correct. This can be addressed and corrected by counsel at the time of the hearing:

- David Canada
- Thomas Canada
- Benjamin Harmse
- Dean Huffman
- Amy Pflueger
- Hayden Pflueger
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**Merits of Petitions:** CRC Rule 7.950 states that a petition for court approval of a minor's compromise must contain a full disclosure of all information that has any bearing upon the reasonableness of the compromise. The Petitions for which a valid GAL application has been filed and which do not have any of the above noted defects have been reviewed, and they provide the required information to approve the individual settlements.

A Hearing is required on the Petitions before they can be approved. The person seeking approval of the settlement on behalf of the minors and the minors are required to appear at hearing, unless good cause is presented for their non-appearance. CRC Rule 7.952. The Court notes that none of the minor plaintiffs are claiming any physical or ongoing injuries. The Court does not anticipate that the testimony of any witnesses, such as physicians, will be required at the hearing. Consequently, the court finds good cause to dispense with the personal appearance of the minors. The GALs for those Petitions that do not have any of the above defects are required to appear and will be subjected to voir dire regarding the following: the terms of the settlement; and whether the Petitioner understands that once approved, the settlement is final and binding on the minors. The GALs may appear via WebEx. Once satisfied, the Court intends to grant the Petitions that do not have a defect as noted above. Unless the defects are correct at or before the hearing, the remaining Petitions with defects will be continued to a future hearing date. **An appearance is required by the Petitioners/GALs as noted above and Counsel.**

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**1:30 p.m.**

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**NASON VS. C.F.B., INC**  
**Case Number: CVCV21-0197246**

**Tentative Ruling on Motion for Reconsideration:** Plaintiff Kevin Nason moves for reconsideration of the Court’s order dated February 6, 2023 denying his motion for a new trial and motion for judgment notwithstanding the verdict. The order found that the motions had not been filed in the statutorily required timeframe, and therefore the Court had no jurisdiction to rule on them.

A motion for reconsideration must be based on new or different facts, law or circumstances. CCP §1008. In this instance, Plaintiff alleges the prior motions were timely submitted on January 26, 2023, for filing but improperly rejected by the clerk’s office. This argument is without merit. A document is not “filed” if it has been tendered for filing but it taken back by attorney, or in this instance a filing service. *City of Los Angeles v. Superior Court of Los Angeles County* (1968) 264 Cal.App.2d 766, 771. This is true even if the filing was “rejected” by the clerk’s office. *Id.* The clerk’s office is obligated to file any filing upon demand. Based on the foregoing, the Court finds that the documents were not timely filed on January 26, 2023, and therefore there are no new or different facts to form the basis for a motion for reconsideration.

While the Court did not address the merits of either the motion for new trial or the motion for judgment notwithstanding the verdict when issuing its order on February 6, 2023, the court would have concluded that there was substantial evidence to support the jury’s verdict, and the Court would not have disturbed the jury’s verdict. The Court also notes that a Notice of Appeal has been filed from the Judgment, so the present ruling does not preclude plaintiff from obtaining review.

The motion is **DENIED**. Defendants shall prepare the order.