

TENTATIVE RULINGS

FOR: March 1, 2018

The Court may exercise its discretion to **disregard** a late filed paper in law and motion matters. (Cal. Rules of Court, rule 3.1300(d).)

Unlawful Detainer Cases – Pursuant to the restrictions in Code of Civil Procedure section 1161.2, no tentative rulings are posted for unlawful detainer cases and appearances are required.

Court Reporting Services – The Court does not provide official court reporters in proceedings for which such services are not legally mandated. These proceedings include civil law and motion hearings. If counsel want their civil law and motion hearing reported, they must arrange for a private court reporter to be present. Go to <http://napacountybar.org/court-reporting-services/> for information about local private court reporters. Attorneys or parties must confer with each other to avoid having more than one court reporter present for the same hearing.

PROBATE CALENDAR – Hon. Rodney Stone, Dept. I (Criminal Courts Bldg.-1111 Third St.)

Conservatorship of Diana Kingery

18PR000025

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON AND ESTATE

APPEARANCE REQUIRED

CIVIL LAW & MOTION CALENDAR – Hon. Rodney Stone, Dept. I (Criminal Courts Bldg.-1111 Third St.)

City of Napa v. Elm House Properties, LLC, et al.

17CV001205

CITY OF NAPA’S MOTION FOR AN ORDER FOR PREJUDGMENT POSSESSION AND ORDER TO TAX COLLECTOR

TENTATIVE RULING: In accordance with the Rules of Judicial Conduct, Judge Rodney Stone discloses that his stepdaughter, Sabrina Wolfson, is employed as Deputy City Attorney for the City of Napa, and is not involved in this case. Judge Stone believes he can be fair and impartial in this matter.

There is no proof of service on EDF Resource Capital. The hearing on this matter is continued to March 15, 2018 at 8:30 a.m. in Dept. I to either allow for proof of service to be filed, or for the City of Napa to file a supplemental briefing explaining how this Motion may proceed without service on EDF Resource Capital.



City of Napa v. Napa ES Hotel, LLC, et al.

17CV001209

CITY OF NAPA'S MOTION FOR AN ORDER FOR PREJUDGMENT POSSESSION AND ORDER TO TAX COLLECTOR

TENTATIVE RULING: In accordance with the Rules of Judicial Conduct, Judge Rodney Stone discloses that his stepdaughter, Sabrina Wolfson, is employed as Deputy City Attorney for the City of Napa, and is not involved in this case. Judge Stone believes he can be fair and impartial in this matter.

City of Napa's unopposed Motion is GRANTED as prayed.

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City of Napa v. Andrews Family Trust, et al.

17CV001210

CITY OF NAPA'S MOTION FOR AN ORDER FOR PREJUDGMENT POSSESSION AND ORDER TO TAX COLLECTOR

TENTATIVE RULING: In accordance with the Rules of Judicial Conduct, Judge Rodney Stone discloses that his stepdaughter, Sabrina Wolfson, is employed as Deputy City Attorney for the City of Napa, and is not involved in this case. Judge Stone believes he can be fair and impartial in this matter.

City of Napa's unopposed Motion is GRANTED as prayed.

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City of Napa v. Thomas M. Kearns, et al.

17CV001211

CITY OF NAPA'S MOTION FOR AN ORDER FOR PREJUDGMENT POSSESSION AND ORDER TO TAX COLLECTOR

TENTATIVE RULING: In accordance with the Rules of Judicial Conduct, Judge Rodney Stone discloses that his stepdaughter, Sabrina Wolfson, is employed as Deputy City Attorney for the City of Napa, and is not involved in this case. Judge Stone believes he can be fair and impartial in this matter.

City of Napa's unopposed Motion is GRANTED as prayed.

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City of Napa v. Michael Allen McDaniel, et al.

17CV001212

CITY OF NAPA'S MOTION FOR AN ORDER FOR PREJUDGMENT POSSESSION AND ORDER TO TAX COLLECTOR

TENTATIVE RULING: In accordance with the Rules of Judicial Conduct, Judge Rodney Stone discloses that his stepdaughter, Sabrina Wolfson, is employed as Deputy City Attorney for the City of Napa, and is not involved in this case. Judge Stone believes he can be fair and impartial in this matter.

City of Napa's unopposed Motion is GRANTED as prayed.

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City of Napa v. V Hospitality Partners, LLC, et al.

17CV001215

CITY OF NAPA'S MOTION FOR AN ORDER FOR PREJUDGMENT POSSESSION AND ORDER TO TAX COLLECTOR

APPEARANCE REQUIRED. In accordance with the Rules of Judicial Conduct, Judge Rodney Stone discloses that his stepdaughter, Sabrina Wolfson, is employed as Deputy City Attorney for the City of Napa, and is not involved in this case. Judge Stone believes he can be fair and impartial in this matter. The parties are to appear at the hearing to advise whether they have any issue with Judge Stone's disclosure. If there is no issue, the parties will then be provided with the Court's proposed ruling to review and then present oral argument on, if desired.

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Napa County v. Monticello Property Investment Group, et al.

26-62413

MOTION TO ENFORCE STIPULATED JUDGMENT

TENTATIVE RULING: Plaintiff Napa County's motion to enforce the stipulated judgment pursuant to Code of Civil Procedure section 664.6 is continued to March 29, 2018, at 8:30 a.m. in Dept. I to allow: (1) defendant Cliff Reno to file a proof of service showing service on County Counsel of his February 21, 2018 declaration in opposition to the motion; and (2) the County to file a supplemental declaration/reply. Reno shall file his proof of service on or before March 8, 2018. The County shall file its supplemental declaration/reply on or before March 15, 2018.

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First American Title Company of Napa v. Larry Frattini, et al.

18CV000164

OSC RE: PRELIMINARY INJUNCTION

TENTATIVE RULING:

Defendants Larry Frattini, Mitchel Glotzer, and Leilani Sue Burguin's 19 evidentiary objections are SUSTAINED IN PART AND OVERRULED IN PART. Objection numbers 1-10 and 18-19 are overruled. Objection numbers 11-17 are sustained.

Plaintiff First American Title Company of Napa's OSC re: preliminary injunction is GRANTED IN PART AND DENIED IN PART. Plaintiff has demonstrated it is likely to prevail on the merits of its complaint and the relative balance of harm favors plaintiff. (Karpuck Decl., ¶¶ 12-13; Burguin Decl., ¶ 12; compare Frattini Decl., ¶ 2 and Glotzer Decl., ¶ 1 with Farpuck Supp. Decl., Exs. A, C; *Jay Bharat Developers, Inc. v. Minidis* (2008) 167 Cal.App.4th 437, 443; see also *WhIT Corp. v. Cnty. of Imperial* (1983) 35 Cal.3d 63, 72.) There is a strong likelihood that fiduciary duties were breached and trade secrets (NAF List and Broker List) were misappropriated. However, the request to stop the solicitation of plaintiff's employees is denied. Plaintiff has not met its burden. In all other respects, the request for a preliminary injunction is granted.