

TENTATIVE RULINGS

FOR: March 1, 2019

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. Parties are responsible for either making the appropriate request in advance or arranging for their own private court reporter. 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. Victoria Wood, Dept. B (Historic Courthouse) at 8:30 a.m.

Estate of Robert Fisher

17PR000272

REPORT AND WAIVER OF ACCOUNTING AND FOR ORDER SETTling REPORT, DIRECTING FINAL DISTRIBUTION, ALLOWING STATUTORY COMPENSATION, AND OTHER RELIEF

TENTATIVE RULING: GRANT petition, including fees as prayed.

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Estate of Robert Harold Jacob

19PR000018

PETITION FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY, AND AUTHORIZATION TO ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT

TENTATIVE RULING: Petition is GRANTED without need for appearance. Petitioner to file Proposed Order, Judicial Council of California Form DE-140.
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Estate of Phyllis Ann Brooks

19PR000036

PETITION FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY, AND FOR AUTHORIZATION TO ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT

TENTATIVE RULING: Petition is GRANTED without need for appearance.

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Estate of John Newburn Rottman

19PR000044

SPOUSAL PROPERTY PETITION

TENTATIVE RULING: The Proof of Service by Mail on file is undated and unsigned. The Hearing on the matter is CONTINUED to March 29, 2019, to enable Petitioner to serve and file a completed proof of service.

CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. B (Historic Courthouse) at 8:30 a.m.

RR Health Inc. v. BaseHealth, Inc.

18CV000435

(1) PLAINTIFF’S MOTION TO COMPEL COMPLIANCE WITH REQUESTS FOR PRODUCTION OF DOCUMENTS

TENTATIVE RULING: Plaintiff RR Health Inc.’s motion to compel compliance with requests for production of documents (set two) is deemed MOOT IN PART and GRANTED IN PART.¹ (Code Civ. Proc., § 2031.320, subd. (a).) The request to compel compliance is deemed moot because on February 1, 2019, defendant BaseHealth, Inc. produced 1,570 pages in electronic format. (Hein Supp. Decl., ¶ 4.) The request for a privilege log is granted as there is no indication defendant produced a supplemental privilege log. (Sakaguchi Decl., ¶ 11.) Defendant shall provide a supplemental privilege log if it believes that certain files are privileged. (Code Civ. Proc., § 2031.240, subd. (b); *Hernandez v. Super. Ct.* (2003) 112 Cal.App.4th 285, 291-92.) Defendant shall serve its privilege log within 10 calendar days of service of notice of entry of order.

Plaintiff makes much of the fact that defendant did not produce more internal-only documents and communications based on Ardy Arianpour’s deposition testimony that he worked remotely and was in email correspondence with Jason Pyle, Chief Executive Officer, Tamra St. Clare, Chief Operations Officer, Daniel Hoemke, then Vice President of Global Development, and Kazutaka Ohono, Chief Financial Officer. (Hein Supp. Decl., ¶¶ 4-12.) The Court does find it odd that there were not more produced internal emails between these parties, which implies

¹ Plaintiff moved to compel further responses to requests for production of documents in its notice of motion. The memorandum of points and authorities, however, makes clear plaintiff is seeking to compel compliance under Code of Civil Procedure section 2031.320. The Court so construes the motion.

discovery has not been exhausted. Resolving this issue without court involvement via the meet-and-confer process is appropriate. Plaintiff may file a motion, if necessary, after meeting-and-conferring with defendant.

Plaintiff's request for monetary sanctions is DENIED. Plaintiff did not move to compel compliance in its notice of motion. Plaintiff's notice of motion only seeks to compel further responses to document requests. Plaintiff's reference to Code of Civil Procedure section 2031.320, subdivision (b), in its memorandum of points and authorities is improper. The code provision authorizing sanctions must be raised in the notice of motion. Plaintiff additionally cites to Code of Civil Procedure section 2023.030 as authority for its request for monetary sanctions, which states the Court may impose monetary sanctions if a party misuses the discovery process. This code provision, however, makes clear that the Court's authority to impose sanctions must be authorized by another provision of the Discovery Act.

Plaintiff's request for evidentiary sanctions is DENIED. The request was not developed in the memorandum of points and authorities.

(2) PLAINTIFF'S MOTION TO CONTINUE THE TRIAL DATE AND ASSOCIATED STATUTORY DEADLINES

TENTATIVE RULING: Plaintiff RR Health, Inc.'s motion to continue the trial date and associated statutory deadlines is GRANTED. Plaintiff seeks a 60-day continuance along with the reopening of discovery. The reopening of discovery appears appropriate due to the production of documents that occurred on February 1, 2019, the lack of a supplemental privilege log, and the possible failure to exhaust the discovery process via the production of internal email communications. The parties shall appear to discuss a new trial date.

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In the Matter of Casey Jarell Golvingo

19CV000063

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: Notice has been properly published and no written objections have been filed. The petition is GRANTED without need for appearance.

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In the Matter of Ariana Paras Golvingo

19CV000062

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: Notice has been properly published and no written objections have been filed. The petition is GRANTED without need for appearance.