

**TENTATIVE RULINGS**

**FOR: March 3, 2020**

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. A (Historic Courthouse) at 8:30 a.m.**

**Conservatorship of Cathy Cameron**

**16PR000146**

REVIEW HEARING

**TENTATIVE RULING:** The matter is continued to May 15, 2020, at 8:30 a.m. in Dept. A for a final accounting and termination of the conservatorship due to the death of the conservatee. If another continuance is needed, the conservator shall file a status update. The clerk is directed to send notice to the parties, including the conservator.

.....  
**Conservatorship of John Jotter**

**17PR000026**

REVIEW HEARING

**TENTATIVE RULING:** After a review of the matter, the Court finds the Conservators are acting in the best interest of the Conservatee. Thus, the case is set for a biennial review hearing in two years, on March 3, 2022, at 8:30 a.m. in Dept. A. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

.....

**Conservatorship of Charlotte M. Blakeney**

**18PR000262**

FIRST AND FINAL ACCOUNTING AND REPORT OF CONSERVATOR; PETITION FOR ALLOWANCE OF FEES TO CONSERVATOR OF PERSON AND ESTATE, FOR ATTORNEY’S FEES, AND FOR TERMINATION OF CONSERVATORSHIP

**TENTATIVE RULING:** The matter is continued to March 27, 2020, at 8:30 a.m. in Dept. A to allow for sufficient time for service. The conservator shall notice Richard Blakeney of the new hearing date.

Moreover, according to the attached timesheet, certified paralegal Connie Denning performed 1.5 hours of work at \$60.75 per hour. There is no paralegal declaration describing her education, qualification, etc., as required under California Rules of Court, rules 7.703 and 7.754. If the conservator seeks to collect fees for this time, a declaration shall be filed.

.....  
**Estate of Robert L. Nichols**

**19PR000034**

FIRST AND FINAL ACCOUNT OF ADMINISTRATOR AND PETITION FOR ITS SETTLEMENT, FOR DISTRIBUTION AND FOR FEES (Final Distrib., Pr.C. 11640)

**TENTATIVE RULING:** The Petition is GRANTED, including fees as prayed.

.....  
**Conservatorship of Earl Wiloth**

**26-54894**

REVIEW HEARING & ACCOUNTING

**TENTATIVE RULING:** The Court has been informed that the Conservatee is deceased. The matter is continued to April 14, 2020, for a final accounting and termination of the Conservatorship. The clerk is directed to send notice to the parties.

**PROBATE CALENDAR – Hon. Monique Langhorne, Dept. B (Historic Courthouse) at 8:30 a.m.**

**Conservatorship of Marcus Parra**

**18MH000009**

PETITION FOR RENEWAL OF APPOINTMENT OF LPS CONSERVATOR

**APPEARANCE REQUIRED**  
.....

**Conservatorship of Jennifer L. Harris**

**20PR000003**

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON

**TENTATIVE RULING:** The matter is continued to March 24, 2020, at 8:30 a.m. in Dept. B to allow the proposed conservator to: (1) file and serve an amended petition removing the requests under items 1.g and 9.b; (2) file the proof of service of the petition *and* citation on the conservatee (Judicial Council form GC-320) via personal service and anyone else entitled to notice; and (3) ensure the proposed conservatee's attorney is recorded as the attorney of record for the proposed conservatee such that the Court's concerns regarding the lack of representation is addressed.

.....  
**Estate of Salvador Marin**

**20PR000025**

SPOUSAL PROPERTY PETITION

**TENTATIVE RULING:** There is no proof of service in the court file. If a proof of service is filed before or at the hearing, the petition will be GRANTED. Otherwise, the matter will be continued to March 24, 2020, at 8:30 a.m. in Dept. B to allow for proper service.

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

**People of the State of California v. CRC Luxury Motors, LLC, et al.** 18CV001526

(1) MOTION TO DEEM ADMITTED REQUESTS FOR ADMISSIONS, COMPEL RESPONSES TO FORM INTERROGATORIES, AND IMPOSE EVIDENCE SANCTIONS FOR FAILURE TO PRODUCE DOCUMENTS

**TENTATIVE RULING:** The People's motion for an order establishing admissions [notice of motion numbers 1-3] is GRANTED. All objections are deemed waived. The truth of any matters specified in the requests for admissions (set one) are deemed admitted by defendants CRC Luxury Motors, LLC, Soscol Auto Repair dba Midas/Speedee LLC, and Curtis Correll (collectively, defendants). (Code Civ. Proc., § 2033.280, subd. (b).)

The People's motion to compel initial responses to form interrogatories (set one) from defendants [notice of motion numbers 4-6] is GRANTED. (*Id.*, § 2030.290, subd. (b.)) Defendants shall serve verified code-compliant initial responses, without objections, and documents within 20 calendar days of service of notice of entry of order.

The People's motion to compel initial responses to form interrogatories (set two) from Correll [notice of motion number 7] is GRANTED. (*Ibid.*) Correll shall serve verified code-compliant initial responses, without objections, and documents within 20 calendar days of service of notice of entry of order.

The People’s motion for an evidentiary sanction against defendants for failure to produce documents in accordance with the Court’s December 3, 2019 Order [notice of motion number 8] is GRANTED. Failure to comply with a court order to provide discovery constitutes a misuse of the discovery process. (*Id.*, § 2023.010, subd. (g).) Faced with misuse of the discovery process, the Court may impose whatever sanctions are just, including issue sanctions, evidence sanctions, terminating sanctions, and monetary sanctions. (*Id.*, § 2023.030.) It is the moving party’s burden to demonstrate the responding party’s failure to obey the earlier discovery order. (*Corns v. Miller* (1986) 181 Cal.App.3d 195, 201.) If such a showing is made, the burden of proof shifts to the party seeking to avoid sanctions to establish a suitable justification for his conduct. (*Ibid.*) Two facts are generally prerequisite to the imposition of non-monetary sanctions: (1) there must be a failure to comply with a court order; and (2) the failure must be willful. (*Liberty Mutual Fire Ins. Co. v. LcL Administrators, Inc.* (2008) 163 Cal.App.4th 1093, 1102.) ““The sanctions the court may impose are such as are suitable and necessary to enable the party seeking discovery to obtain the objects of the discovery he seeks, but the court may not impose sanctions which are designed not to accomplish the objects of discovery but to impose punishment.”” (*Laguna Auto Body v. Super. Ct.* (1991) 231 Cal.App.3d 481, 488, quoting *Motown Records Corp. v. Super. Ct.* (1984) 155 Cal.App.3d 482, 489.) The sanctions imposed must be tailored to “fit the crime.” (*Reedy v. Bussell* (2007) 148 Cal.App.4th 1272, 1293.) Ordering evidentiary sanctions is appropriate as the papers demonstrate defendants have failed to comply with a court order and the failure to do so is willful. Moreover, defendants have no intention of complying with the court order or producing discovery. Imposition of monetary sanctions, therefore, is not appropriate as it would not accomplish the objects of discovery. An evidentiary sanction is warranted under the circumstances. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 793.) Defendants are subject to the following evidentiary sanction: Defendants are prohibited from introducing any documents into evidence that they should have produced in response to the People’s request for production of documents served on April 16, 2019.

(2) MOTION TO CONTINUE TRIAL

**TENTATIVE RULING:** The People’s motion to continue the trial date and reset all deadlines is GRANTED. Appearance is required to discuss setting future dates.

.....  
**In the Matter of Andrea Robinson**

**20CV000045**

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.