

TENTATIVE RULINGS

FOR: March 5, 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. A (Historic Courthouse) at 8:30 a.m.

Conservatorship of Brian A. Saldivar

19PR000022

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON – LIMITED CONSERVATORSHIP

APPEARANCE REQUIRED. Proposed Conservatee need not appear.

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In the Matter of Earl and Frances Sherman Family Trust

19PR000048

PETITION FOR APPROVAL OF SETTLEMENT AGREEMENT

TENTATIVE RULING: Petition granted.

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

Mathfallu v. Pacey, et al.

18CV000144

(1) DEFENDANTS KAY PACEY AND KAY PACEY INSURANCE SERVICES, INC.’S MOTION TO COMPEL PLAINTIFF AMAR MATHFALLU TO PROVIDE FURTHER RESPONSES TO REQUESTS FOR PRODUCTION (SET ONE), TO COMPEL

COMPLIANCE WITH EXISTING RESPONSES, AND FOR MONETARY SANCTIONS IN THE AMOUNT OF \$2,020 AGAINST PLAINTIFF AMAR MATHFALLU

TENTATIVE RULING: Motion to Compel further responses to requests for production (Set One) GRANTED in its entirety.

The Court shall impose monetary sanctions against any party, person, or attorney who unsuccessfully *opposes* a motion to compel further responses to requests for documents, unless it finds that the one subject to sanctions acted with substantial justification. (Code Civ. Proc. § 2031.310, subd. (h).) No opposition having been filed to the present motion, the Court DENIES Defendants' Request for Monetary Sanctions.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9. Defendant's counsel is directed to contact Plaintiffs' counsel forthwith and advise Plaintiffs' counsel of Local Rule 2.9 and the Court's tentative ruling procedure. If Defendant's counsel is unable to contact Plaintiffs' counsel prior to the hearing, Defendant's counsel shall be available at the hearing, in person or by telephone, in the event plaintiffs' counsel appears without following the procedures set forth in Local Rule 2.9.

(2) DEFENDANTS KAY PACEY AND KAY PACEY INSURANCE SERVICES, INC.'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES (SET ONE) SERVED ON PLAINTIFF AMAR MATHFALLU AND FOR MONETARY SANCTIONS IN THE AMOUNT OF \$2,020 AGAINST PLAINTIFF AMAR MATHFALLU

TENTATIVE RULING: Motion to Compel further responses to special interrogatories (Set One) is GRANTED in its entirety.

The Court shall impose monetary sanctions against any party, person, or attorney who unsuccessfully opposes a motion to compel further responses to interrogatories, unless it finds that the one subject to sanctions acted with substantial justification. (Code Civ. Proc. § 2030.300, subd. (d).) No opposition having been filed to the present motion, the Court DENIES Defendants' Request for Monetary Sanctions.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9. Defendant's counsel is directed to contact Plaintiffs' counsel forthwith and advise Plaintiffs' counsel of Local Rule 2.9 and the Court's tentative ruling procedure. If Defendant's counsel is unable to contact Plaintiffs' counsel prior to the hearing, Defendant's counsel shall be available at the hearing, in person or by telephone, in the event plaintiffs' counsel appears without following the procedures set forth in Local Rule 2.9.

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Rang Dong Joint Stock Co. dba Rang Dong Winery
v. Angelena Checchi

18CV000214

(1) MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

TENTATIVE RULING: Plaintiff/cross-defendant Rang Dong Joint Stock Company's (RD Winery) motion for leave to file a first amended complaint is GRANTED.¹ RD Winery seeks to add Mia Sayles as a defendant, add allegations regarding Sayles, and add causes of action for aiding and abetting and civil conspiracy after learning about Sayles purported involvement from defendant/cross-complainant Angelena Checchi's recent discovery responses and document production. If Checchi believes there is a lack of duty or that the allegations are deficient, she may utilize the appropriate code provision to challenge the amended pleading. The liberality of permitting amendment of a pleading outweighs Checchi's asserted prejudice of delay in proceeding to trial and incurring additional fees. RD Winery shall file its proposed first amended complaint by March 15, 2019.

(2) HEARING TO RESET TRIAL DATES/DISCOVERY DATES

APPEARANCE REQUIRED

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In the Matter of Angelique R. Avila

18CV001567

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: The Court previously – through its January 8, 2019 Order to Show Cause – directed Petitioner to publish notice and file proof of publication. There remains no proof of publication in the court file. If one is filed before the hearing, the petition will be GRANTED without need for appearance. If no proof of publication is filed, the petition will be DENIED without prejudice.

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In the Matter of Dante Amico

19CV000038

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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¹ RD Winery represents that on January 16, 2019, the Court granted its motion to compel. (See Tran Decl., ¶ 6.) More accurately, on that date the Court deemed as moot RD Winery's motion to compel initial responses to form interrogatories, deemed as moot the motion to deem admitted requests for admissions, and granted the motion to compel initial responses to document requests.

In the Matter of Vallentin Tellez

19CV000146

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: The Court notes that due to an apparent clerical error, Petitioner’s current name is misspelled in the Public Notice. The Court finds no evidence that such error was intentional or caused by Petitioner. The Court further finds that the error is minor and does not materially impair notice by publication. Therefore, notice has been properly published and no written objections have been filed. The petition is GRANTED without need for appearance.

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

Conservatorship of Lynden Laseter

26-67781

ACCOUNTING AND REVIEW HEARING

TENTATIVE RULING: The matter is continued to March 27, 2019, at 8:30 a.m. in Dept. B to allow for proper notice. The clerk is directed to send notice to the parties.

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Conservatorship of Matsumoto, Tatsumi

PR20209

REVIEW HEARING

TENTATIVE RULING: Based on the report of the court investigator, the Court determines by clear and convincing evidence that the conservatee cannot communicate, with or without reasonable accommodation, a desire to participate in the voting process, and therefore orders the conservatee disqualified from voting pursuant to Elections Code section 2208.

After a review of the matter, the Court finds the conservator is acting in the best interest of the conservatee. Thus, the case is set for a biennial review hearing in two years, on March 5, 2021, at 8:30 a.m. in Dept. B. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

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

Cameron Baker, et al. v. Napa Valley Farm and Ranch Co., et al. **26-67467**

PLAINTIFFS/CROSS-DEFENDANTS CAMERON BAKER AND KATHERINE S. BAKER'S (AS TRUSTEES OF THE BAKER FAMILY REVOCABLE TRUST) MOTION TO CORRECT ERRORS WITH REGARD TO PHASE ONE OF TRIAL

TENTATIVE RULING: Plaintiffs/cross-defendants Cameron Baker and Katharine S. Baker's (as trustees of the Baker Family Revocable Trust) motion to correct the errors in phase one by rescinding the December 2, 2016 Order adopting the Special Master's recommendations or, in the alternative, motion to correct and remedy the errors in these proceedings by instructing the Partition Referee he should recommend an allocation of water and recommend the scope of access as part of the partition proceedings is DENIED. This is an untimely motion for reconsideration not supported with any new or different facts, circumstances, or law. (Code Civ. Proc., § 1008.) The untimeliness of the motion notwithstanding, the Court will not accept the Bakers' invitation to invoke its inherent power to reconsider the ruling based on the record submitted. (*Le Francois v. Goel* (2005) 35 Cal.4th 1094, 1109.)

The Court lifts the stay on the Partition Referee.

The March 28, 2019 case management conference is continued to April 2, 2019, at 8:30 a.m. in Dept. I.