

TENTATIVE RULINGS

FOR: March 13, 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. Diane Price, Dept. C (Historic Courthouse)

Conservatorship of Eleanor Leake

18PR000033

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE ESTATE

APPEARANCE REQUIRED. Petitioner shall file the proof of service on relatives within the 2nd degree and a proposed order conforming to the petition.

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In the Matter of Elizabeth M. Odella

18PR000041

PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY

TENTATIVE RULING: GRANT petition.

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Estate of Georgiana P. Borroughs

18PR000049

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

TENTATIVE RULING: GRANT petition.
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Estate of Dorothy Moody

18PR000055

APPLICATION FOR AN ORDER TO STAY FORECLOSURE

TENTATIVE RULING: Pursuant to stipulation, the hearing is continued to May 23, 2018, at 8:30 a.m. in Dept. C.

CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. C (Historic Courthouse)

In the Matter of Brandon Allen Smith

18CV000064

PETITION FOR CHANGE OF NAME

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

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

Conservatorship of Jeanne Marie Tarbox

17PR000243

PETITION FOR APPOINTMENT OF SUCCESSOR PROBATE CO-CONSERVATOR OF THE PERSON – LIMITED CONSERVATORSHIP

APPEARANCE REQUIRED. Conservatee need not appear.

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

John Dayan, et al. v. Rebecca Audiss

18CV000237

PETITION TO CONFIRM ARBITRATION AWARD AS JUDGMENT OF THE SUPERIOR COURT

TENTATIVE RULING: Petitioners John Dayan and Kelly Dayan’s unopposed Petition to Confirm Arbitration Award as Judgment of the Superior Court is DENIED WITHOUT PREJUDICE. The proof of service reflects that the petition was personally served in California on the attorney that represented Respondent Rebecca Audiss in the arbitration proceedings. This is inadequate. Code of Civil Procedure section 1290.4, subdivision (a) provides that “A copy of the petition and a written notice of the time and place of the hearing thereof and any other papers upon which the petition is based shall be served in the manner provided in the arbitration agreement for the service of such petition and notice.” The arbitration agreement attached to the

petition (Ex. A, § 22), does not specify a manner of service for the petition and notice. When the arbitration agreement is silent on the manner of service for the petition and notice, and the respondent has not previously appeared in the proceeding and service is made in the State of California, service must be performed as “provided by law for the service of summons in an action.” (Code Civ. Proc., § 1290.4, subd. (b)(1).) Respondent has not appeared in this proceeding and Petitioners have not demonstrated that the petition and notice were served on Respondent as if it were a summons. As a result, the Court may not confirm the award as presently presented. (Code Civ. Proc., § 1286 [to be confirmed petition must be “duly served and filed”].) If there is an agreement between the parties to serve Respondent’s counsel in lieu of serving Respondent personally, evidence of such agreement is not before the Court.