

TENTATIVE RULINGS

FOR: May 14, 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.

In the Matter of the Clarke Family Trust

19PR000035

PETITION FOR APPOINTMENT OF SUCCESSOR TRUSTEE AND FOR INSTRUCTIONS

APPEARANCE REQUIRED

.....

In the Matter of Celestino Nunes Perdigao Residuary Trust

19PR000080

FIRST AND FINAL ACCOUNT AND REPORT OF TRUSTEE AND PETITION FOR APPROVAL THEREOF, APPROVAL OF TRUSTEE’S FEES AND FINAL DISTRIBUTION

TENTATIVE RULING: GRANT petition, including fees as prayed.

.....

Estate of Donn L. Black

19PR000088

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

TENTATIVE RULING: GRANT petition.

.....

In the Matter of Deruelle E. Alexander, Jr. Trust

PR23720

PETITION FOR APPROVAL OF SECOND AND FINAL ACCOUNT OF TRUSTEE AND PAYMENT OF ATTORNEY FEES AND FOR DISTRIBUTION OF TRUST

TENTATIVE RULING: GRANT petition, including fees as prayed.

Judge Wood discloses that Cathy Zeller is a neighbor. Judge Wood is able to be fair and impartial in this matter.

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

Petersen-Dean, Inc. v. Kathy Ortiz

18CV001658

MOTION TO COMPEL INITIAL RESPONSES TO FORM INTERROGATORIES

TENTATIVE RULING: Plaintiff Petersen-Dean, Inc.’s motion to compel initial responses to form interrogatories (set one) numbers 101.1, 112.1, 115.2, 150.1-150.2, 150.4-150.5, 150.7-150.11 is GRANTED. Defendant Kathy Ortiz shall serve verified code-compliant initial responses, without objections, within 20 calendar days of service of notice of entry of order.

Plaintiff’s request for monetary sanctions for bringing its motion is DENIED. The request is not code-compliant. Plaintiff did not cite in the notice of motion any code section authorizing sanctions. (Code Civ. Proc., §§ 2023.030-2023.040; see Weil & Brown, Cal. Practice Guide: Civil Proc. Before Trial (Rutter Group 2018) at § 8:2000 [“The notice of motion must contain a request for sanctions and must: . . . Cite the *authority* for such sanctions.”].) Any reference to code sections or other rules in the memorandum of points and authorities is a violation of due process. Moreover, defendant did not oppose the motion, which means monetary sanctions are not warranted. (See Code Civ. Proc., § 2030.290, subd. (c) [providing that monetary sanctions are warranted against any party, person, or attorney who “unsuccessfully . . . opposes a motion to compel . . .”].)

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

Conservatorship of Phillip Warren

17PR000217

FIRST ACCOUNT AND REPORT OF CONSERVATOR; PETITION FOR ALLOWANCE OF FEES TO CONSERVATOR OF ESTATE AND ATTORNEY FOR CONSERVATOR

TENTATIVE RULING: GRANT petition, including fees as prayed. After a review of the matter, the Court finds the conservator is acting in the best interest of the conservatee. Thus,

the matter is set for a biennial review hearing and an accounting in two years, on May 14, 2021, at 8:30 a.m. in Dept. B. All accounting documents must be filed at least 30 days prior to the hearing. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

.....
In the Matter of the Esmeralda Perdigao Marital Trust

19PR000079

FIRST AND FINAL ACCOUNT AND REPORT OF TRUSTEE AND PETITION FOR APPROVAL THEREOF, APPROVAL OF TRUSTEE'S FEES AND FINAL DISTRIBUTION

TENTATIVE RULING: GRANT petition, including fees as prayed.

.....
In the Matter of The Leonardo Survivor's Trust

26-62877

EIGHTH ACCOUNT AND REPORT OF TRUSTEE AND PETITION FOR SETTLEMENT OF ACCOUNT AND FOR APPROVAL OF TRUSTEE FEES

TENTATIVE RULING: GRANT petition, including fees as prayed.

.....
At 9:00 a.m.

Conservatorship of Mercedes Catalina Castro

19MH000049

PETITION FOR APPOINTMENT OF LPS CONSERVATOR

APPEARANCE REQUIRED