

**TENTATIVE RULINGS**

**FOR: September 6, 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.**

**Estate of Svein T. Karlsen**

**19PR000168**

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

**TENTATIVE RULING:** GRANT petition.

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**Conservatorship of Nicholas Gibbs Hayne**

**PR23422**

SECOND ACCOUNT AND REPORT OF CONSERVATORS AND REQUEST FOR APPROVAL OF PAYMENT OF ATTORNEY’S FEES

**TENTATIVE RULING:** GRANT petition, including fees as prayed, contingent on an increase in the bond amount to \$296,113.03. After a review of the matter, the Court finds the co-conservators are 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 September 7, 2021, at 8:30 a.m. in Dept. A. 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.

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

**Trust Estate of Hubbs, William Support Trust**

**26-16695**

FOURTEENTH ACCOUNT AND REPORT OF TRUSTEE; PETITION FOR ITS SETTLEMENT; FOR ALLOWANCE OF FEES TO TRUSTEE; FOR REIMBURSEMENT OF COSTS; FOR ALLOWANCE OF FEES TO ATTORNEY; PETITION TO TRANSFER FUNDS FROM BLOCKED ACCOUNT; AND TO TRANSFER FUNDS FROM BLOCKED ACCOUNT

**TENTATIVE RULING:** The matter is continued to October 18, 2019, at 8:30 a.m. in Dept. B to allow time for proper service. Paragraph 16 states U.S. Specialty Insurance Company is entitled to notice. The proof of service does not list this company as having received notice.

Moreover, the trust lost over \$350 in bank transfer and service fees. Before the next hearing date, the trustee shall submit a brief declaration explaining why these charges are appropriate, especially when there are banking options that do not charge such fees. The Court is concerned about the fees being incurred going forward when there may be better options.

In addition, the Court notes Local Rule 9.7(B) provides that generally a fee of 1% is considered reasonable compensation, not 1.5% as the trustee represents in paragraph 8.

Finally, in an effort to reduce attorney and paralegal costs for future accountings, the trustee may submit copies of the bank statements she receives such as via electronic delivery in a PDF format or a hard copy in the mail. The amount of time spent obtaining original statements is bordering on being unreasonable.

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

**Hall Vineland, LLC et al. v. City of St. Helena, et al.**

**19CV000897**

DEMURRER

**TENTATIVE RULING:** The hearing is CONTINUED to September 20, 2019, 8:30 a.m. in Dept. B. The Court directs the parties' attention to Local Rule 3.3. The parties shall deliver to the Court no later than September 10, 2019, courtesy copies of all documents related to the demurrer in excess of 15 pages.

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MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT

**TENTATIVE RULING:** The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9. Cross-defendant's counsel is directed to contact counsel for all parties who received notice and advise them of Local Rule 2.9 and the Court's tentative ruling procedure. If cross-defendant's counsel is unable to contact counsel for all parties prior to the hearing, cross-defendant's counsel shall be available at the hearing, in person or by telephone, in the event counsel for a party appears without following the procedures set forth in Local Rule 2.9.

Cross-defendant Polytronix Inc.'s request for judicial notice of the complaint, the doe amendment to that pleading, cross-complainant United California Glass & Door's cross-complaint, and the roe amendment to that cross-complaint is DENIED. Polytronix did not comply with California Rules of Court, rule 3.1306(c), requiring the filing of a copy of the material that is the subject of the request.

Polytronix's motion for determination of good faith settlement under Code of Civil Procedure section 877.6, subdivision (a)(1), is GRANTED. (*Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499; Joyce Decl., ¶¶ 4-9.)