

TENTATIVE RULINGS

FOR: September 12, 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.

Matter of the Audrie di Leonardo 1999 Trust

26-67220

PETITION PURSUANT TO PROBATE CODE SECTION 17200, SUBDIVISION (b)(5), FOR AN ORDER: [1] APPROVING SECOND AND FINAL ACCOUNT AND REPORT OF TRUSTEES AND PETITION FOR ITS SETTLEMENT AND FOR FEES; [2] TERMINATING AUDRIE'S TRUST AND DISCHARGING TRUSTEE; [3] APPROVING FIRST ACCOUNT AND REPORT OF TRUSTEE OF GIO'S TRUST; [4] APPROVING DISTRIBUTIONS TO GUARDIAN AD LITEM FOR BENEFIT OF MINOR BENEFICIARY OF GIO'S TRUST; [5] APPROVING PAYMENT OF ATTORNEY AND TRUSTEE FEES; AND [6] APPOINTING SUCCESSOR TRUSTEE OF GIO'S TRUST.

TENTATIVE RULING: The matter is CONTINUED to October 30, 2019, 8:30 a.m. in Dept. A. After reviewing the Petition, and finding no objections on file, the Court is prepared to grant each of the orders requested by Petitioner, except, those relating to approval of attorney's fees – for both trusts – and for appointment of successor trustees for Gio's Trust.

Regarding attorney's fees, it is unclear why counsel only generally requested approval of all acts, which included payment of attorney's fees, for Audrie's Trust, but specifically requested approval of attorney's fees for Gio's Trust. Either way, where, as here, an order approving fees is sought, there needs to be some supporting evidence from which the Court can conclude that the fees are reasonable. To that end, counsel is invited to either file a supportive declaration prior to the next hearing date, or to forego approval of the attorney fees.

With regard to the successor trustees, there is, on file, no proof of service on David A. Burns (successor trustee of Gio's Trust), Eliot Paisley, and Leonardo Paisley (proposed successor trustees). The Court finds that notice on these individuals is appropriate on Petitioner's request for an order terminating Mr. Burns and appointing Msrs. Paisley. Hearing on the

Petition is continued to permit such notice. Petitioner to serve Notice of continued hearing on all persons entitled to notice.

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

Kirk Mann v. Stephen Hishier, et al.

18CV000754

MOTION TO QUASH

TENTATIVE RULING: Plaintiff Kirk Mann’s motion to quash is DENIED. Although there is no proof of service in the Court file, it is apparent Mann did not comply with Code of Civil Procedure section 1005. Under section 1005, a motion must be filed and served at least 16 court days before the hearing. Mann filed his motion on August 28, 2019, which is well short of the 16-court day requirement.

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

Conservatorship of Israel Bartholomew

18PR000109

ACCOUNT AND REPORT OF CONSERVATOR AND PETITION FOR ITS SETTLEMENT AND FOR FEES

TENTATIVE RULING: GRANT petition, including fees as prayed. It has been brought to the Court’s attention that the Conservatee is deceased. Petitioner is discharged as Conservator of the person and estate of Israel Bartholomew. The conservatorship is terminated.

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Conservatorship of Joseph Schneider

18PR000111

ACCOUNT AND REPORT OF CONSERVATOR AND PETITION FOR ITS SETTLEMENT AND FOR FEES

TENTATIVE RULING: The Petition is GRANTED, including fees as prayed. After a review of the matter, the Court finds the Conservator is acting in the best interest of the Conservatee. The matter is set for a biennial review hearing and an accounting in two years on September 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.

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REVIEW HEARING

APPEARANCE REQUIRED: The Court's September 12, 2017 Minute Order noted Conservatee's wish to retain an attorney. The Court Investigator's August 26, 2019 Report recommends the Court "consider the appointment of legal representation on behalf of the Conservatee." The Court would like Conservator and Conservatee to address this issue at the hearing.