

**TENTATIVE RULINGS**

**FOR: October 4, 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. 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. George V. Spanos, Dept. C (Historic Courthouse) at 2:00 p.m.**

**Conservatorship of Frank S Palagi, Jr.**

**17PR000099**

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

**TENTATIVE RULING:** GRANT petition, including attorney’s fees as prayed. The amendment clarifies the conservator is not seeking fees. 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 matter is set for a biennial review hearing and an accounting in two years, on October 6, 2020, at 8:30 a.m. in Dept. I. 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. The clerk also is directed to withdraw the bank statements filed with the petition on August 16, 2018, since the account numbers were not redacted in accord with California Rules of Court, rule 1.201. The redacted version of the bank statements was filed on October 2, 2018.

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**Conservatorship of Florence Clerici**

**17PR000126**

FIRST ACCOUNTING AND REPORT OF CONSERVATOR; PETITION FOR ALLOWANCE OF FEES TO CONSERVATOR OF PERSON AND ESTATE AND FOR ATTORNEY’S FEES

**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 October 6, 2020, at 8:30 a.m. in Dept. C. 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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**Conservatorship of Nisa Zamora**

**18MH000059**

PETITION FOR APPOINTMENT OF LPS CONSERVATOR

**APPEARANCE REQUIRED**

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**Conservatorship of Michael John McCormick**

**18PR000092**

PETITION TO TRANSFER CONSERVATORSHIP PROCEEDINGS

**TENTATIVE RULING:** The Petition is GRANTED. The case is transferred to the El Dorado Superior Court. The clerk is directed to transmit to the clerk of the court in El Dorado all papers in the proceeding. The case is set for a transfer review hearing on November 27, 2018, at 2:00 p.m. in Dept. C, at the Napa Superior Court. The hearing is to confirm receipt of the notification from the El Dorado Superior Court that it has received the transferred case. If the receipt is received, the hearing will be taken off-calendar.

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**Conservatorship of Corinne T. Rau**

**18PR000156**

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON;  
REVIEW HEARING AS TO THE CONSERVATORSHIP OF THE ESTATE

**APPEARANCE REQUIRED**

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**Conservatorship of Royce M. Seibold**

**26-66748**

SECOND ACCOUNT AND REPORT OF CONSERVATOR; PETITION FOR ALLOWANCE OF FEES TO CONSERVATOR OF PERSON AND 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. The

matter is set for a biennial review hearing and an accounting in two years, on October 6, 2020 at 8:30 a.m. in Dept. F. 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.

**CIVIL LAW & MOTION CALENDAR – Hon. George V. Spanos, Dept. C (Historic Courthouse) at 2:00 p.m.**

**Mike Timmons, et al. v. Konecranes, Inc., et al.**

**17CV001261**

MOTION FOR PRO HAC VICE ADMISSION

**TENTATIVE RULING:** Defendant Magnetek, Inc.'s motion for pro hac vice admission of Kevin J. English and Erin E. Connare is GRANTED.

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**Scott K. Maxwell, et al. v. William A. Papania, Jr., et al.**

**18CV000657**

MOTION TO RECOVER COSTS OF SERVICE

**TENTATIVE RULING:** Plaintiffs' motion to recover costs of service pursuant to Code of Civil Procedure section 415.30, subdivision (d), is DENIED WITHOUT PREJUDICE. The motion relies on a declaration from process server Susan B. Terrado, which was filed with plaintiffs' ex parte application on June 28, 2018. The evidence, however, was not attached to plaintiffs' current motion or the subject of a request for judicial notice. Nor was the declaration part of the motion materials served on defendants. Defendants, therefore, have not had an opportunity to view or properly oppose based on the evidence that is the subject of the motion.