

**TENTATIVE RULINGS**

**FOR: November 1, 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. Victoria Wood, Dept. JAR (Historic Courthouse) at 2:00 p.m.**

**Estate of Otis V. McNeil**

**17PR000264**

PETITION TO DETERMINE HEIRSHIP

**TENTATIVE RULING:** On October 29, 2018, the Public Administrator amended its response to the petition. The Public Administrator spoke with the McNeil family who stated Mae Francis McNeil is Ada Mae’s daughter but had a different biological father, Ellis George. But the Public Administrator was able to locate and speak with Mae, who is claiming to be decedent’s biological daughter. She produced a non-certified birth certificate to the Public Administrator’s office which lists decedent as her father.

In light of this new evidence, petitioner shall serve Mae with the petition for letters of administration, the order for probate and letters, the inventory and appraisal, the current motion/petition papers, the responses from the Public Administrator, the answer from respondents Willis McNeil and Donnie McNeil, the response from the California Department of Veterans Affairs, and all minute orders by November 2, 2018. If Mae is seeking a stake in decedent’s estate as an heir, she shall file a response to the petition to determine heirship by December 4, 2018. Any party may file a supplemental brief by December 11, 2018, based on the evidence and responses submitted. The matter is continued to December 18, 2018, at 2:00 p.m. in Dept. JAR.



**Conservatorship of Atsuko Chrivia**

**26-66917**

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. Thus, the matter is set for a biennial review hearing and an accounting in two years, on November 3, 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.

**CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. JAR (Historic Courthouse) at 2:00 p.m.**

**Nenad Zivkovic v. Michael Scott Grigsby, et al.**

**18CV000516**

MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT

**TENTATIVE RULING:** Defendants JMB Construction, Inc. and Jose de Jesus Barrera Ortega’s motion for determination of a good faith settlement with plaintiff Nenad Zivkovic under Code of Civil Procedure section 877.6, subdivision (a)(1), is DENIED WITHOUT PREJUDICE. Substantial evidence (e.g., factual declarations) showing the nature and extent of the settling defendants’ liability is required. Without such evidence, a “good faith” determination is an abuse of discretion. Moreover, the declaration needs to address the factors set forth in *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499.

.....  
**Tamara R. Slaughter v. Safeway, Inc. et al.**

**26-67130**

DEFENDANT SAFEWAY INC.’S MOTION TO DETERMINE GOOD FAITH SETTLEMENT

**TENTATIVE RULING:** Defendant’s Request for Judicial Notice is GRANTED. The unopposed Motion is GRANTED. The settlement reached, which includes a proposed payment of \$80,000, appears to be within the ballpark of reasonableness, pursuant to *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488.