

TENTATIVE RULINGS

FOR: April 19, 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. Cynthia Smith, Dept. B (Historic Courthouse) at 8:30 a.m.

Estate of Alma Tudal

16PR000026

MOTION TO BE RELIEVED AS COUNSEL

TENTATIVE RULING: The motion is GRANTED. The Court will sign the proposed order.

.....
Estate of Paul M. Hoff

19PR000053

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

TENTATIVE RULING: The Petition is GRANTED.

.....
Conservatorship of Knox, Kevin Douglas

PR22014

PETITION TO TRANSFER CONSERVATORSHIP PROCEEDINGS (Pr. C. §§ 2211 - 2215)

TENTATIVE RULING: Good cause appearing, the petition is GRANTED. The proceedings are ordered transferred to the Superior Court of California in and for the County of El Dorado.

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

Nancy L. Ryan v. Delta Consulting & Engineering of St. Helena, et al. 18CV000509

PLAINTIFF/CROSS-DEFENDANT NANCY RYAN’S MOTION FOR A PROTECTIVE ORDER

TENTATIVE RULING: Plaintiff/cross-defendant Nancy Ryan’s motion for a protective order staying her deposition by defendant/cross-complainant Bruce Tucker Construction Inc. (BTC) is GRANTED. Ryan has shown good cause to stay the deposition due to her scheduled hip surgery and corresponding recovery time based on representations from counsel and the letter from Dr. Steven Gross. (Code Civ. Proc., § 2025.420; Webster Decl., ¶¶ 4-5, Supp. Webster Decl., Ex. B [stating Ryan has an orthopedic condition requiring surgery, and will need to recover before being able to travel].) The Court realizes professional courtesies may have broken down in this case, which may have thwarted resolving this during the meet-and-confer process, but before the Court is a 78-year-old woman undergoing hip surgery who needs time to recover before sitting for her full deposition. The refusal to accommodate Ryan when she offered numerous optional deposition dates, and even expressed her willingness to sit for her deposition following her recovery, is entirely unreasonable. The Court will not subject Ryan to such “unwarranted annoyance, embarrassment, or oppression.” (Code Civ. Proc., § 2025.420.)

BTC’s argument that the motion is moot because the deposition Ryan sought to stay occurred on March 21, 2019, is not well-taken. The code envisions the filing of a motion before or after a deposition. (See *id.*, subd. (a)) [“[b]efore, during, or after a deposition, any party . . . may promptly move for a protective order”].) Ryan promptly filed her motion on March 21, 2019.

The parties shall meaningfully meet-and-confer to schedule a deposition date. The Court notes Ryan expressed her willingness to sit for her deposition following her purported recovery from hip surgery, and has offered to sit for her deposition from May 6 to May 10 and from May 13 to May 17, 2019.

BTC’s request for judicial notice of the complaint and the first amended complaint is GRANTED, but not for the truth of the matters asserted therein. (Evid. Code, § 452, subd. (d).)