

TENTATIVE RULINGS

FOR: May 16, 2017

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. These proceedings include civil law and motion hearings. If counsel want their civil law and motion hearing reported, they must arrange for a private court reporter to be present. 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. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)

Estate of Robert E Rota

16PR000125

FIRST AND FINAL REPORT OF EXECUTOR AND PETITION FOR SETTLEMENT, FOR ALLOWANCE OF COMPENSATION TO ATTORNEYS FOR ORDINARY SERVICES AND FOR FINAL DISTRIBUTION UPON WAIVER OF ACCOUNTING

TENTATIVE RULING: GRANT Petition.

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Estate of Judi A. Hunter

16PR000186

PETITION SETTLING FIRST AND FINAL ACCOUNT AND REPORT OF EXECUTOR, FOR ALLOWANCE OF STATUTORY ATTORNEY'S FEES, FOR REIMBURSEMENT OF COSTS ADVANCED, AND FOR FINAL DISTRIBUTION

TENTATIVE RULING: GRANT Petition.

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In the Matter of Savannah Rose Burback

17CV000455

PETITION FOR CHANGE OF NAME AND GENDER

TENTATIVE RULING: The Petition is GRANTED without need for appearance. Petitioner shall file a certified copy of the Court's decree within 30 calendar days with the California Secretary of State and since a new birth certificate is requested, with the State Registrar. (Health & Safety Code, § 103435.) Upon its receipt, the State Registrar shall establish a new birth certificate as provided in the Health & Safety Code.

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Estate of Joseph F. Greco

17PR000081

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

TENTATIVE RULING: Petition is GRANTED.

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Conservatorship Charles L. Dubin

26-62097

PETITION FOR ORDER AUTHORIZING PAYMENT OF FEES TO CONSERVATOR OF THE
PERSON AND ESTATE AND FOR ATTORNEY'S FEES

TENTATIVE RULING: The unopposed Petition is GRANTED.

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Conservatorship of Janice Johnson

26-66918

PETITION FOR ORDER AUTHORIZING PAYMENT OF FEES TO CONSERVATOR OF THE
PERSON AND ESTATE AND FOR ATTORNEY'S FEES

TENTATIVE RULING: The unopposed Petition is GRANTED.

**CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. F (Criminal Courts
Bldg.-1111 Third St.)**

Portfolio Recovery Associates, LLC v. Michael H. Field

16CV00036

MOTION FOR ORDER THAT MATTERS IN REQUEST FOR ADMISSION OF TRUTH OF
FACTS BE ADMITTED

TENTATIVE RULING: The unopposed Motion is GRANTED.

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Harley Del Rosario Roth, et al. v. Nahit M. Tatar, et al.

16CV000917

MOTION TO BE RELIEVED AS COUNSEL - CIVIL

APPEARANCE REQUIRED
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Jeanne Roney v. Ronald Moralde, et al.

17CV000195

PLAINTIFF'S MOTION FOR AN ORDER TO BEVERLY HEALTH AND REHABILITATION SERVICES, INC. DBA GOLDEN LIVING CENTER-NAPA TO SHOW CAUSE WHY PLAINTIFF'S MEDICAL RECORDS SHOULD NOT BE PRODUCED PURSUANT TO EVIDENCE CODE § 1158

TENTATIVE RULING: The Notice of Motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9. Plaintiff's counsel is directed to contact Defendant's counsel forthwith and advise Defendant's counsel of Local Rule 2.9 and the Court's tentative ruling procedure. If Plaintiff's counsel is unable to contact Defendant's counsel prior to the hearing, Plaintiff's counsel shall be available at the hearing, in person or by telephone, in the event Defendant's counsel appears without following the procedures set forth in Local Rule 2.9.

The Motion is DENIED. Plaintiff has not shown that this Motion was necessary to enforce Evidence Code section 1158 as Defendants produced the records requested on February 24, 2017, March 17, 2017 and April 4, 2017, with a duplicate copy of the records produced on February 24, 2017 produced again on April 14, 2017. Defendants state that they have produced all of their records, and Plaintiff's Motion does not clearly address what records are missing (date range, etc.) from the records produced. Even though it took Defendants more than five days to produce all of the records, the circumstances involved (new operator of the nursing facility and voluminous records) make the imposition of any sanctions unjust. (Code of Civil Procedure section 1985.7.) In regards to Defendant's request for sanctions, the request is DENIED. Defendants have not provided any authority to support an award of sanctions.



Bella Casa Property Services v. Michael Bello, et al.

26-67815

PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSION, SET NO. ONE, SPECIAL INTERROGATORIES, SET NO. ONE, SPECIAL INTERROGATORIES, SET NO. TWO, REQUESTS FOR PRODUCTION OF DOCUMENTS, SET NO. ONE TO DEFENDANT PREFERRED BANK

TENTATIVE RULING: Hearing on this matter is continued to May 23, 2017 at 8:30 a.m. in Dept. C. In addition, the parties are directed to Local Rule 2.9; the Notice of Motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9.

CIVIL LAW & MOTION CALENDAR – Hon. Thomas Warriner, Dept. H (Criminal Courts Bldg.-1111 Third St.)

Susan Veresh v. James R. Rose, et al.

16CV000836

MOTION TO COMPEL BINDING ARBITRATION

TENTATIVE RULING: The unopposed Motion is GRANTED.