

**TENTATIVE RULINGS**

**FOR: May 19, 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 James G. Fitch**

**17PR000091**

SPOUSAL PROPERTY PETITION

**TENTATIVE RULING:** The Petition lacks allegations necessary to establish the community property claim (date asset(s) acquired, date of marriage, manner in which asset acquired and how asset is community property). (Prob. Code §13651(a)(3)-(4).) Petitioner is to supplement the Petition with this information by May 31, 2017. Hearing on the Petition is continued to June 15, 2017 at 8:30 a.m. in Dept. C.

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**Conservatorship of Norman Bhatti**

**26-42035**

REVIEW HEARING

**TENTATIVE RULING:** After a review of the matter, the Court finds the Conservator is acting in the best interest of the Conservatee. Thus, the case is set for a biennial review hearing in two years, on May 16, 2019 at 8:30 a.m. in Dept. 2. The court investigator shall prepare a biennial investigator report for the next hearing date.

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**Conservatorship of Mary Diane Van Laanen**

**26-49772**

FOURTH ACCOUNT CURRENT AND REPORT OF CONSERVATOR, AND PETITION REQUESTING APPROVAL OF ACCOUNTING

**APPEARANCE REQUIRED.** Conservators shall present proof that a bond was obtained. (Prob. Code § 2320).

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**Conservatorship of Lee, Mary Margaret**

**26-58701**

REVIEW HEARING

**TENTATIVE RULING:** After a review of the matter, the Court finds the Conservator is acting in the best interest of the Conservatee. Based on the report of the court investigator, the Court determines by clear and convincing evidence that Conservatee can communicate a desire to participate in the voting process, and therefore orders Conservatee’s right to register to vote shall be restored, pursuant to Elections Code section 2209, subdivision (b). The case is set for a biennial review hearing in two years, on May 16, 2019 at 8:30 a.m. in Dept. 2. The court investigator shall prepare a biennial investigator report for the next hearing date.

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**Conservatorship of Rosalia Mendez**

**PR25788**

SEVENTH ACCOUNTING AND REVIEW HEARING

**TENTATIVE RULING:** GRANT petition, including fees as prayed. After a review of the matter, the Court finds the co-conservators are 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 May 17, 2019, at 8:30 a.m. in Dept. 2. 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. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)**

**Mary Doe v. Napa Valley Unified School Dist., et al.**

**16CV000234**

MOTION TO STRIKE (ANTI-SLAPP) CAUSES OF ACTION FROM GREGORY SADLER’S CROSS-COMPLAINT

**TENTATIVE RULING:** Plaintiff/cross-defendant Mary Doe’s (by and through her guardian ad litem Martha Borrayo) motion to strike (anti-SLAPP) the first cause of action for defamation, second cause of action for intentional infliction of emotional distress, third cause of action for frivolous lawsuit, and fourth cause of action for malicious prosecution from defendants/cross-complainants Gregory Sadler and Tameiya Sadler’s (by and through her guardian

ad litem Gregory Sadler) cross-complaint is MOOT. (Ntc. at p. 2:6-7.) Plaintiff filed a demurrer to these causes of action, which the Court sustained with leave to amend on May 2, 2017. The first amended cross-complaint was filed on May 9, 2017, in accordance with the demurrer order. The amended cross-complaint, therefore, was not filed to avoid the special motion to strike. The cross-complaint is no longer the operative pleading. The Court notes if the motion to strike is refiled and granted, plaintiff “shall” be entitled to recover costs and attorney’s fees. (Code Civ. Proc., § 425.16, subd. (c)(1).)