

TENTATIVE RULINGS

FOR: June 28, 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.

CIVIL LAW & MOTION CALENDAR – Hon. Rodney Stone, Dept. C (Historic Courthouse)

Oakridge Berryessa Estates Inc. v. Angelo Tuvo, et al.

16CV000741

MOTION TO COMPEL DEPOSITION

TENTATIVE RULING:

Plaintiff Oakridge Berryessa Estates, Inc.'s motion to compel defendant Angela Tuvo's deposition under Code of Civil Procedure section 2025.450 is DENIED WITHOUT PREJUDICE. As of the filing of the motion, Tuvo had not yet failed to appear for his deposition. The motion is premature. (See Code Civ. Proc., § 2025.450, subd. (a).) The Court instructs Oakridge to review the applicable code provision before re-filing its motion, especially as it pertains to any request for the production of documents.

Oakridge's request for monetary sanctions is DENIED.

PROBATE CALENDAR – Hon. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)

Conservatorship of Michael C. Steele

26-57130

ACCOUNT AND REPORT OF CONSERVATOR

TENTATIVE RULING: The matter is continued to July 12, 2017, at 8:30 a.m. in Dept. F to allow for sufficient notice of the accounting filed on June 26, 2017.

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Conservatorship of Jill Pingitore

26-68192

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the conservator is acting in the best interest of the conservatee. In its March 24, 2016 Minute Order, the Court waived accountings as long as the requirements outlined in Probate Code section 2628 are met. Thus, the case is set for a biennial review hearing in two years, on June 28, 2019, at 8:30 a.m. in Dept. F. 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.)

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

26-67130

DEFENDANT SAFEWAY INC. § MOTION TO COMPEL ATTENDANCE AT DEPOSITION AND PRODUCTION OF DOCUMENTS OF THE PERSON MOST KNOWLEDGEABLE REGARDING MAINTENANCE AT JEFFERSON SQUARE SHOPPING CENTER; REQUEST FOR MONETARY SANCTIONS

TENTATIVE RULING: The Motion is DENIED. Defendant Safeway, Inc. failed to engage in a "reasonable and good faith attempt at an informal resolution of each issue presented by the motion." (Code Civ. Proc., § 2016.040.) "[T]he law requires that counsel attempt to talk the matter over, compare their views, consult, and deliberate." (*Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1439.) Here, Defendant's counsel sent a single inquiry letter, on April 27, 2017, consisting of a single sentence regarding the PMK deposition. The April 27, 2017 letter was in no way a meet and confer letter. There is no indication that Defendant Safeway, Inc. made any effort to actually meet and confer with Defendant Moyers before filing this motion. A failure to confer is a misuse of the discovery process pursuant to Code of Civil Procedure section 2023.010 and is subject to sanctions pursuant to Code of Civil Procedure section 2023.020. Sanctions in the amount of \$1,350 are awarded in favor of Defendant Moyers and against Defendant Safeway, Inc., to be paid within 10 days of this ruling.