

TENTATIVE RULINGS

FOR: January 10, 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. 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. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)

American General Finance Services, Inc. v Ogrady, M.

26-40162

MOTION TO VACATE RENEWAL

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

The Motion is GRANTED. Defendant asserts that she was never served the summons and complaint in this case, and Plaintiff has not filed any opposition. “[T]he undisputed failure to have served the summons and complaint also provides a basis for a motion to vacate a renewed judgment.” (*Fidelity Creditor Service, Inc. v. Browne* (2001) 89 Cal.App.4th 195, 202, citing Code Civ. Proc., § 683.170(a).)

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Brian John Deutsch v. Michael Perreault, et al.

26-66780

MOTION FOR ORDER TO USE SETTLED STATEMENT

TENTATIVE RULING: The Motion is GRANTED. The court clerk is to send notice pursuant to California Rules of Court, rule 8.137(c)(1); Plaintiffs/Appellants are to serve and file a proposed statement within 30 days. A status review hearing is set for March 23, 2018 at 8:30 a.m. in Dept. F. If the Court certifies the statement on appeal prior to that date, the hearing will be vacated.

PROBATE CALENDAR – Hon. Rodney Stone, Dept. I (Criminal Courts Bldg.-1111 Third St.)

In the Matter of Kay Pearson

17PR000071

TRUST CONTEST AND PETITION FOR DETERMINATION OF INVALIDITY OF TRUST,
AND FOR ORDER FOR JOAN STURGES TO RETURN ASSETS BACK TO TRUST

APPEARANCE REQUIRED to discuss setting the matter for trial.

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Estate of Zuilfikar R. Sayani

17PR000213

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

TENTATIVE RULING: GRANT petition. Bond is not required because the petition shows no assets. If that changes during administration, petitioner shall contact the Court to arrange a bond unless Azeem Sulfigar Sayani files a waiver.

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Estate of Robert Fuchs

17PR000268

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

TENTATIVE RULING: The Petition is GRANTED.

CIVIL LAW & MOTION CALENDAR – Hon. Rodney Stone, Dept. I (Criminal Courts Bldg.-1111 Third St.)

Vincent Eckerson, et al. v. Jonathan Ward, et al.

16CV000679

PETITION TO APPROVE COMPROMISE OF PENDING ACTION FOR MINOR

APPEARANCE REQUIRED. There is no proof of service in the court file. Petitioner shall prepare and file the Judicial Council proposed order.