

**TENTATIVE RULINGS**

**FOR: January 30, 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.

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

**Conservatorship of Donna Brown**

**26-50972**

PETITION FOR REAPPOINTMENT OF CONSERVATOR OF THE PERSON

**APPEARANCE REQUIRED**

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

**Conservatorship of Paul M. Joseph**

**17MH000097**

PETITION FOR APPOINTMENT OF LPS CONSERVATOR

**APPEARANCE REQUIRED**

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**Estate of Ronald D. Hatton**

**17PR000119**

PETITION FOR FIRST AND FINAL ACCOUNT, FINAL DISTRIBUTION, EXECUTOR FEES AND ATTORNEY'S FEES

**TENTATIVE RULING: GRANT** petition, including fees as prayed.  
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**Estate of Lenora J. Gemmell**

**17PR000259**

SPOUSAL PROPERTY PETITION

**TENTATIVE RULING:** GRANT petition.

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**Estate of Rafaela Bedolla**

**18PR000007**

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

**TENTATIVE RULING:** GRANT petition, subject to a bond in the amount of \$140,000.

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**Estate of Joanne C. Conley**

**18PR000009**

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

**TENTATIVE RULING:** GRANT petition. Counsel shall file the proposed order and proposed letters conforming to the petition. Counsel is reminded to use DE-121 for the proof of service.

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

**Michael Hung Tran v. Tracy Tran, et al.**

**17CV000601**

MOTION TO SET ASIDE

**TENTATIVE RULING:** Defendant Tracy Tran’s motion to set aside the entry of default based on mistake, inadvertence, surprise, and excusable neglect pursuant to Code of Civil Procedure section 473, subdivision (b), is GRANTED. The opposition is baseless. Counsel should have been able to meet-and-confer to resolve this issue without resorting to motion practice. Tran shall file her proposed answer within 10 calendar days. Counsel shall meaningfully meet-and-confer before filing future motions.

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DEMURRER TO THE COMPLAINT

**TENTATIVE RULING:** Defendant Flora Springs Wine Co.'s demurrer to each cause of action in the complaint on the ground of failure to state sufficient facts is SUSTAINED WITH LEAVE TO AMEND. As defendant proffers, the complaint is comprised entirely of generic factual and legal conclusions that defendant violated various Labor Code provisions. There are no facts to support any of the claims. The pleading clearly is deficient. The matter should have been resolved during the meet-and-confer process. If she elects to do so, plaintiff Marcia Garcia shall file a second amended complaint within 10 calendar days of service of notice of entry of order. Garcia is instructed to correct the incorrect sequence of paragraph numbers in the amended complaint. If another demurrer is filed, Garcia is reminded of her obligation to indicate how she can amend her claims. Failure to do so will be an indication that the causes of action cannot be further amended.

MOTION TO BE RELIEVED AS COUNSEL

**TENTATIVE RULING:** The motion is DENIED WITHOUT PREJUDICE for insufficient service. Moreover, the declaration stating the reason for the withdrawal is deficient. Simply stating that plaintiff will not sign a consent to withdraw is not sufficient.