

TENTATIVE RULINGS

FOR: February 8, 2019

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. Parties are responsible for either making the appropriate request in advance or arranging for their own private court reporter. 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. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

In the Matter of the Wilkins Survivor’s Trust Dated August 13, 2005 18PR000248

PETITION FOR ORDER CONFIRMING SUCCESSOR TRUSTEE, AND TRUST ASSETS

TENTATIVE RULING: The Court previously continued this matter to allow petitioner an opportunity to provide proper notice under Probate Code section 851. Petitioner re-noticed and re-served the petition, but the notice still does not comply with Probate Code section 851. Specifically, the notice does not describe the subject property sufficient to provide adequate notice to any party who may have an interest in the property under subdivision (c). The notice also does not contain a statement advising any person interested in the property that they may file a response to the petition. The matter is continued to March 22, 2019, at 8:30 a.m. in Dept. A to allow petitioner a second opportunity to comply with Probate Code section 851.

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Estate of Ralph Edward Schroeder

19PR000001

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

TENTATIVE RULING: Judge Wood discloses that Cathy Zeller is a neighbor. Judge Wood still is able to be fair and impartial in this matter.

On January 29, 2019, the Court set a review hearing after learning the original will was in a safe deposit box in a bank, which petitioner could not access without being appointed executor.

The Court appointed petitioner as executor with limited authority, and stayed/suspended all powers other than those necessary to access the safety deposit box. Petitioner has submitted the original will and it is self-proving. The Court will sign the amended proposed order and proposed letters granting petitioner full authority to act under the IAEA. The Court will strike reference to “administrator” in the caption of the amended proposed order. The petition is GRANTED.

CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

In the Matter of Megan E. Canavan

18CV001741

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: Notice has been properly published and no written objections have been filed. The petition is GRANTED without need for appearance.

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Judith Giusti v. Daniel Masluk, MD, et al.

17CV001132

PLAINTIFF JUDITH GIUSTI’S EX PARTE APPLICATION TO AUGMENT EXPERT WITNESS INFORMATION

TENTATIVE RULING: For the reasons set forth in Defendant Daniel Masluk, M.D.’s opposition papers, the Court exercises its discretion and Plaintiff’s Ex Parte Application to Augment Expert Witness Information is DENIED.

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Kim Potvin v. High Lob, LLC

18CV000053

MOTION TO RE-OPEN DISCOVERY AND COMPEL MEDICAL EXAMINATION

APPEARANCE REQUIRED. The exhibits identified in the Schori declaration were not attached. Defendant shall file the exhibits before the hearing or bring them to the hearing for the Court’s review.

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Leea Robinson, et al. v. Adventist Health Clearlake Hospital, Inc. et al.

18CV000301

MOTION TO CONTINUE TRIAL DATE

TENTATIVE RULING: There being no filed opposition, and good cause appearing, the court is inclined to GRANT the motion to continue the June 17, 2019 trial in this matter. However, the motion is continued to February 21, 2019, at 8:30 a.m. in Dept. A, to give counsel

an opportunity to meet and confer regarding mutually agreeable trial dates. If the parties are able to agree upon a new trial date or potential dates, a stipulation and proposed order may be submitted to the court ex parte. The proposed order would also need to include a change of dates for the trial management conference and mandatory settlement conference, if agreed upon. Otherwise, all parties shall appear on February 21, 2019, for a ruling on the motion to continue and, if granted, to select new dates.