

## **TENTATIVE RULINGS**

**FOR: March 6, 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.

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

**Western State Capital Corporation v. O’Gorman, D.**

**12CV00610**

THIRD PARTY GRANT REYNOLD’S REQUEST TO INTERVENE through his  
OBJECTIONS TO PRODUCTION OF DOCUMENTS

**TENTATIVE RULING:** Third-Party Grant Reynolds’ request to intervene is DENIED.

On November 5, 2012, this Court entered judgment in favor of Plaintiff Western State Capital Corporation against Defendant Debbie R. O’Gorman in the amount of \$16,459.01. Plaintiff has tried unsuccessfully to collect on the judgment. Plaintiff believes that Defendant has engaged in certain business transactions with Third-Party Grant Reynolds. Reynolds acknowledges that he holds a lien on certain of Defendant’s property. In an effort to explore these relationships, on or about November 14, 2018, Plaintiff applied to the Superior Court in and for the County of San Diego for an order of examination of Mr. Reynolds. Mr. Reynolds objected. In an apparent effort to focus its resources, Plaintiff withdrew that application.

On January 18, 2019, Plaintiffs filed an Application for Order directing Defendant to appear March 8, 2019, to furnish information to aid in the enforcement of judgment. On February 19, 2019, Third-Party Reynolds filed objections to the production of documents requested to be produced by Defendant.

On February 20, 2019, Reynolds filed a Motion for an order staying the present action and requiring Plaintiff to register with the California Secretary of State. Reynolds sought an order shortening time on his motion to Stay. The Court granted the order shortening time on the single issue of whether Reynolds may properly intervene in the present action.

“The court may permit a person claiming an interest in the property or debt sought to be applied in an examination proceeding to intervene in the proceeding and may determine the person’s rights in the property or debt pursuant to Section 708.180.” (Code Civ. Proc. § 708.190.) As Plaintiff correctly points out, it is not currently seeking to apply any of Defendants’ property. Rather, its Application for Examination is for the limited purposes of collecting information about such property. In arguing for intervention, Reynolds points only to his “fear that . . . the court might be persuaded through lack of appropriate pleading related to Code of Vivil Procedure section 3439.09(c), by an unrepresented lay person, to actually declare [Reynold’s] lien invalid . . .” In the present context, Reynold’s fear is misplaced. The validity of Reynold’s lien is not before the Court.

Reynolds has other more appropriate procedural avenues available to defend any interests he may have in Defendant’s property including a third-party claim under the California Enforcement of Judgments Law. (Code Civ. Proc. § 680.010 et seq.)

Reynolds next engages in a robust discussion of his privacy rights under California law. However, despite several lengthy briefs, Reynolds fails to identify what information Defendant could disclose that would violate Reynold’s rights to privacy.

For the forgoing reasons, Third-Party Grant Reynolds’ request to intervene in the present action is DENIED without prejudice.

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**In Re S. Bolt**

**19CV000035**

PETITION FOR APPROVAL FOR TRANSFER OF PAYMENT RIGHTS BY AND BETWEEN S. BOLT AND C.I. REUSE, LLC, PURSUANT TO CALIFORNIA INSURANCE CODE § 10134, ET SEQ.

**TENTATIVE RULING:** The Petition is DENIED without prejudice.

The Petition does not include a copy of the annuity contract, nor any evidence that a reasonable effort to locate and secure a copy was made. (Ins. Code § 10139.5, subds. 2(E) and (H).) The Petition does not include a copy of the underlying structured settlement agreement, nor any evidence that a reasonable effort to locate and secure a copy was made. (Ins. Code § 10139.5, subds. (f)(2)(G) and (H).) Petitioner’s attachment of the Order Confirming Good Faith Settlement does not satisfy this requirement.

**PROBATE CALENDAR – Hon. Monique Langhorne, Dept. B (Historic Courthouse) at 8:30 a.m.**

**In the Matter of the James L. Wiechers Living Trust**

**19PR000029**

PETITION FOR ORDER DETERMINING TITLE TO PROPERTY

**TENTATIVE RULING:** GRANT petition.

**CIVIL LAW & MOTION CALENDAR – Hon. Monique Langhorne, Dept. B (Historic Courthouse) at 8:30 a.m.**

**Citibank, N.A. v. Alberto Cuevas**

**18CV001295**

MOTION TO DEEM ADMITTED REQUESTS FOR ADMISSIONS

**TENTATIVE RULING:** Plaintiff Citibank, N.A.’s motion to deem admitted requests for admissions (set one) is GRANTED. Cuevas did not oppose. All objections are deemed waived. The truth of any matters specified in plaintiff’s requests for admissions are deemed admitted by Cuevas. (Code Civ. Proc., § 2033.280, subd. (b).)

A case management conference is set for June 6, 2019, at 8:30 a.m. in Dept. B. The clerk is directed to send notice.

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**Ledcor Builders, Inc. v. Alex Slusky, et al.**

**18CV001451**

MOTION TO CONSOLIDATE WITH LEAD CASE 18CV001451; AND PETITION TO COMPEL ARBITRATION AND STAY PROCEEDINGS

**TENTATIVE RULING:** Defendant Galleron Properties LLC’s motion to consolidate *Vaca Valley Excavating & Trucking, Inc. v. Ledcor Builders, Inc., et al.*, Case No. 18CV001527, with the current case, Case No. 18CV001451, and petition to compel arbitration of the claims set forth in Case No. 18CV001527 in a single arbitral proceeding and staying Case No. 18CV0001527, consistent with the Court’s order in Case No. 18CV001451 is GRANTED. The motion and petition are unopposed. The matter is set for a review hearing as to the status of the arbitration on June 28, 2019, at 8:30 a.m. in Dept. B.