TENTATIVE RULINGS

FOR: April 20, 2021

If you do not see a tentative ruling for a scheduled matter, then attendance at the hearing is required.

Remote appearances via Zoom are mandatory to prevent the spread of COVID-19. Please use Zoom at the links listed below. COURTCALL IS NO LONGER AVAILABLE.

If you have cases scheduled in both courtrooms at the same time, first log-in to the Zoom session for the department that has your quickest matter(s), and upon check-in, ask the clerk to email the clerk in the other department to advise that you will be late to the other Zoom session.

Dept. A Zoom
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https://us02web.zoom.us/j/85897874559?pwd=Nk1VTnNQZmIzNXQwbVNiUk1iQTNCZz09
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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.

Estate of Ruth Lynch **18PR000034**

CONFIRM DEPOSIT

TENTATIVE RULING: The Court received confirmation of a deposit of the funds into a blocked account for Cayden. Pursuant to the April 6, 2021 minute order, the hearing is vacated.

Conservatorship of Guadalupe Torres **26-50344**

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the co-conservators are acting in the best interest of the conservatee. Thus, the case is set for a biennial review hearing in two years, on April 20, 2023, at 8:30 a.m. in Dept. A. 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. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

Renee Cazares, *et al. v.* Beckstoffer Vineyards **16CV000228**

MOTION FOR ATTORNEY FEES

TENTATIVE RULING: The motion is DENIED.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 2.9. Moving party/counsel is directed to contact the opposing party/ies forthwith and advise of Local Rule 2.9 and the Court's tentative ruling procedure. Notwithstanding the procedures set forth in Local Rule 2.9, the moving party/counsel shall appear at the hearing, by Zoom, unless it is confirmed that no party requests oral argument.

Plaintiffs move the Court "for an order awarding prevailing party attorneys' fees pursuant to the contract between the parties and after having prevailed on Defendant's Motion to Vacate the Arbitration Award rendered on December 8, 2021." (Notice of Motion at 2:1-3.)

The notice of motion must state exactly what relief is sought and upon what grounds that relief is sought. (See Code Civ. Proc. §1010 ["the notice of a motion, other than for a new trial, must state…the grounds upon which it will be made"]; see also Rules of Court, Rule 3.1110 ["[a] notice of motion must state in the opening paragraph the nature of the order being sought and the grounds for issuance of the order"]; see also *People v. American Sur. Ins. Co.* (1999) 75 Cal.App.4th 719, 726.)

The Court finds that the foregoing requirements are satisfied by the notice of motion.[1]

"In any action on a contract, where the contract specifically provides that attorney's fees and costs, which are incurred to enforce that contract, shall be awarded either to one of the

[1] The Court notes that: (1) the Notice of Motion is silent as to the *authority* under which Plaintiff seeks the award; and (2) in their memorandum Plaintiffs cite to section 1717 of the Code of Civil Procedure while quoting section 1717 of the Civil Code. The Court is aware of no requirement that the specific authority be included in the Notice of Motion. And in the interest of judicial economy, the Court reasonably construes the motion as one brought pursuant to section 1717 of the Civil Code.

parties or to the prevailing party, then the party who is determined to be the party prevailing on the contract, whether he or she is the party specified in the contract or not, shall be entitled to reasonable attorney's fees in addition to other costs." (Civil Code §1717, subd. (a).) "Reasonable attorney's fees shall be fixed by the court, and shall be an element of the costs of suit." (*Ibid*.) The Contract at issue provides that "[i]f any Party or Broker brings an action or proceeding involving the Premises to enforce the terms hereof or to declare rights hereunder, the Prevailing Party (as hereafter defined) in any such proceeding, action, or appeal thereon, shall be entitled to reasonable attorneys' fees." (Declaration of Kenneth Frucht at ¶ 3, Exh. 1 at ¶ 31 (Frucht Decl.).)

"The [party] seeking such an award 'is not necessarily entitled to compensation for the value of attorney services according to [their] own notion or to the full extent claimed by [them]. [Citations.]' [Citation.]" (*Levy v. Toyota Motor Sales, U.S.A., Inc.* (1992) 4 Cal.App.4th 807, 815-816 (*Levy*).) Rather, the party moving for an award of attorneys' fees bears the burden of showing "that the fees incurred were 'allowable,' were 'reasonably necessary to the conduct of the litigation,' and were 'reasonable in amount.'" (*Id*. at 816.)

"In determining a reasonable attorney fee award under fee-shifting statutes, the trial court begins by calculating a lodestar figure based on the hours reasonably spent, multiplied by the prevailing hourly rate for private attorneys in the community conducting litigation of the same type." (*Rey v. Madera Unified School Dist.* (2012) 203 Cal.App.4th 1223, 1240 (*Rey*).) "Generally, in calculating the lodestar, '[t]he reasonable hourly rate is that prevailing in the community for similar work.' [Citation.] However, in the 'unusual circumstance' that local counsel is unavailable a trial court may consider out-of-town counsel's higher rates. [Citation.] Nevertheless, the use of the higher rates for out-of-town counsel requires a sufficient showing that hiring local counsel was impracticable. [Citation.] A plaintiff must at least make ''a good-faith effort to find local counsel.' ' [Citation.]" (*Id*. at 1241.) Finally, "[t]he determination of what constitutes reasonable attorney fees is committed to the discretion of the trial court. [Citation.] The experienced trial judge is the best judge of the value of professional services rendered in his or her court." (*Id*. at 1240.)

In the present matter, Plaintiffs present evidence that counsel spent 31.5 hours opposing Defendant's motion to vacate the arbitration award. (See Frucht Decl. at ¶¶ 4-5.) Even in light of the complexity of issues involved, the Court is unable to conclude that 31.5 hours were reasonably necessary to prepare the opposition papers and appear and argue the matter at hearing.

The motion suffers from a more fundamental deficiency however. Plaintiffs fail to present any evidence of the "prevailing hourly rate for private attorneys in the community conducting litigation of the same type."[2] (*Rey v. Madera Unified School Dist.*, *supra*, 203 Cal.App.4th at 1240.) Plaintiff's evidence relating to rates consists entirely of the following. "Our standard hourly billing rates are $700.00 an hour." (Frucht Decl. at 2:18-20.) Plaintiff's counsel is an Oakland-based law firm. (See Frecht Decl. at masthead.) In the Court's experience, Oakland based law firms are able to command significantly higher rates than is typical in the Napa community for the same type of work, and for attorneys of comparable backgrounds. As

[2] Plaintiffs also fail to present evidence of the other factors that are often a part of a Court's determination of reasonable fees under the loadstar method, as discussed herein above.

noted, herein above, moreover, Plaintiffs are "not necessarily entitled to compensation for the value of attorney services according to their own notion or to the full extent claimed by [them]." (*Levy, supra,* at 815-816.) By failing to present evidence of the prevailing hourly rate for private attorneys in the community conducting litigation of the same type, Plaintiffs fail to carry their burden of showing that the rates requested were reasonable in amount. (*Id*. at 816.)

On reply, Plaintiffs argue that they are not required to make such showing because the contract containing the fee shifting provision provides that, "[t]he attorneys' fees award shall not be computed in accordance with any court fee schedule, but shall be such as to fully reimburse all attorneys' fees reasonably incurred." (Frucht Decl. at Exh. 1, ¶ 31.) Plaintiffs argue that, "[t]his contract language means that the parties agreed that local court fee schedules, i.e., what the prevailing lawyer hourly rates are, should not be the standard by which a fee award should be made." (Reply at 3:24-26.)

The Court does not find Plaintiffs' interpretation of the contract supportable. The Court does not find it reasonable that the parties to the Contract intended the phrase "court fee schedule" to mean "evidence of the reasonable hourly rate prevailing in the community for similar work." Pursuant to the plain contract language quoted, the Court may not compute an award in accordance with a court fee schedule. The Court does not, however, seek to do so. Rather, pursuant to that language the Court *is required* to determine whether "attorneys' fees [are] reasonably incurred." (Frucht Decl. at Exh. 1, ¶ 31.) Pursuant to the governing authority, the Court seeks to apply the loadstar method to make that determination. (See *Rey, supra,* 203 Cal.App.4th at 1240.) Plaintiffs motion fails because they fail to present any evidence from which the Court can determine "[t]he reasonable hourly rate is that prevailing in the community for similar work." (*Id*. at 1241.)

Duncan Mackenzie Miller, *et al.* v. Deborah Jeanne Miller, *et al.* **19CV001035**

MOTION FOR PROTECTIVE ORDER BARRING IN-PERSON DEPOSITION OF SHYLENE MOIZE

TENTATIVE RULING: The motion is GRANTED.

Non-party Shylene M. Moize (formerly Shylene M. Lawson) moves the Court, pursuant to Code of Civil Procedure sections 2025.310 and 2025.420, for a protective order requiring Plaintiff to depose Ms. Moize, if at all, only by video technology, and further precluding Plaintiff, Plaintiff's counsel and/or any of their representatives from being in the same physical location as Ms. Moize during such deposition.

"The court, for good cause shown, may make any order that justice requires to protect any…deponent…from unwarranted…oppression, or undue burden and expense." (Code Civ. Proc. §2025.420, subd. (b).) "This protective order may include…[¶]…(5) That the deposition be taken only on certain specified terms and conditions…[and]…(8) That the testimony be recorded in a manner different from that specified in the deposition notice." (*Ibid*.)

The Court takes judicial notice of the fact that the COVID-19 pandemic continues to pose a significant threat to individuals in our community, and particularly to individuals with compromised immune systems and other pre-existing medical conditions. (See Evidence Code §452, subds. (g) & (h).) The Court finds that this fact alone justifies issuing the requested protective order. As Ms. Moize notes in her moving papers, and as stated in the Court's Tentative Rulings, "Remote appearances [for Civil Law & Motion] are mandatory to prevent the spread of COVID-19." The rationale behind this directive supports Ms. Moize's request. The Court finds further justification for granting the motion in the evidence that Ms. Moize lives with her elderly father who has significant pre-existing conditions that substantially increase the risks of exposing Ms. Moize to the disease. (See Declaration of Shylene Moize at ¶ 2.)

Plaintiff concedes that he is amenable to taking the deposition electronically rather than in person. (See Opposition at 3:23-24.) Plaintiff then pivots and argues that Ms. Moize's "resistance to an in-person deposition has the effect of allowing Ms. Moize to avoid having an original signature in her notary journal examined." (*Id*. at 5:25-26.)

Issues regarding the availability of Ms. Moize's notary journal for inspection were not raised in the notice of motion. However, on Reply, Ms. Moize addresses the subject at some length. (See *Id*. at 3:29-4:15.) The Court finds that the issue of Plaintiff's right to examine the notary journal in person is not properly before the Court. However (in an effort to help move discovery forward) the Court notes that it does not seem an impossible task to design conditions under which Plaintiff's counsel may examine the notary journal in Ms. Moize's presence, albeit from a safe distance and/or under safe circumstances (for example, outside or in a conference room from a distance). (See Gov. Code § 8206, subd. (g).) Moreover, the Court notes the Government Code provision requiring the notary to certify copies of the journal if requested. (See *Id*.)

Ultimately, the Court does not find that Plaintiff's interest in examining the journal requires that Ms. Moize's deposition be conducted in person.

For the foregoing reasons, the motion is GRANTED.

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

Conservatorship of Diana Kingery **18PR000025**

ACCOUNT AND REPORT OF CONSERVATOR AND PETITION FOR ITS SETTLEMENT AND FOR FEES

TENTATIVE RULING: The matter is continued to May 11, 2021, at 8:30 a.m. in Dept. B, to allow the Conservator to prepare an accounting. The clerk is directed to send notice to the parties.

PLAINTIFFS' MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET ONE

TENTATIVE RULING: The motion is GRANTED. Plaintiff shall contract with a third-party administrator to distribute opt-in letters and reply cards in substantially the form attached as Exhibit E to the Declaration of Lukas I. Pick (Pick Decl.). Plaintiff shall bear all costs and expenses associated with the third-party administration. Defendant shall produce the information identified in the subject interrogatories to the third-party administrator upon request. The third-party administrator shall not disclose any of said information to any party, including Plaintiff, except as specifically authorized pursuant to validly executed reply cards.

Plaintiff moves for an order compelling Defendant Napaidence Opco, LLC dba Napa Post Acute to provide further responses to Plaintiff's Special Interrogatories, Set One, on the ground that Defendant did not provide sufficient responses and that Defendant's objections are without merit. Specifically, the motion seeks to compel substantive responses to two interrogatories from that set: number 17 which asks Defendant to "identify any residents residing at the facility at the same time Plaintiff was residing at the facility"; and number 18 which asks Defendant to "identify the responsible party for any resident that was residing at the facility at the time Plaintiff was residing at the facility." (Plaintiff's Separate Statement at 2:2-4, 11:11-12 (SS).)

A. Procedural Matters

1. Request for Judicial Notice

Plaintiff's request for judicial notice is DENIED. The subjects of the request are not relevant to the Court's resolution of the matters raised through the motion.

2. Meet and Confer

The Court finds that Plaintiff satisfied her meet and confer obligations pursuant to Code of Civil Procedure sections 2030.300, subdivision (b)(1) and 2016.040. (See Declaration of Lukas I. Pick at ¶¶ 9-10, 13, Exh. G. Moreover, Defendant presents no authority by which the Court could deny the present motion based solely on a failure to meet and confer. (See Opposition at 5:20-22.)

B. Legal Analysis

A civil litigant's right to discovery is broad. "[A]ny party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action… if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." (Code Civ. Proc., §2017.010; see *Davies v. Super. Ct.* (1984) 36 Cal.3d 291, 301 ["discovery is not limited to admissible evidence"].) "A trial court must be mindful of the Legislature's preference for discovery over trial by surprise, must construe the

facts before it liberally in favor of discovery, may not use its discretion to extend the limits on discovery beyond those authorized by the Legislature, and should prefer partial to outright denials of discovery." (*Williams v. Super. Ct.* (2017) 3 Cal.5th 531, 540.)

Defendant argues that it is Plaintiff's burden to show good cause for obtaining the subject discovery. (See Opposition at 5:28-6:1.) Not so. The rule articulated by Defendant, and the authority provided, relate to the burden on a motion to compel production of documents. (See *Glenfed Dev. Corp. v. Super. Ct.* (1997) 53 Cal.App.4th 1113, 1118.) The burden on a motion to compel further interrogatory responses is materially different. (See *Coy v. Super. Ct.* (1962) 58 Cal.2d 210, 220–221 ["the burden of showing good cause, which the authorities mention in regard to motions for inspection and some other discovery procedures, does not exist in the case of interrogatories"]; see also *Williams v. Super. Ct.*, *supra*, 3 Cal.5th at 541.)

While the party propounding interrogatories bears the burden of filing a motion to compel if it finds the answers it receives unsatisfactory, generally the party who failed to respond bears the burden of justifying such failure as well as any objection raised to the interrogatory. (*Coy v. Super. Ct.*, *supra*, 58 Cal.2d at 220–221.)

Defendant next argues that disclosure of the subject information would infringe on the rights to privacy of the persons who fall within the categories described in the subject interrogatories.

"[T]he right of privacy protects the individual's reasonable expectation of privacy against a serious invasion." (See *Pioneer Electronics (USA), Inc. v. Super. Ct.* (2007) 40 Cal.4th 360, 370.) As to interrogatory number 17, the Court finds that the names and contact information of persons who were residents of Defendant's skilled nursing facility is sensitive and confidential information. (*Hill v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1, 35-36 (*Hill*).) The Court further finds that such persons have a reasonable expectation that such identifying information will remain private. (*Id*. at 36-37.) Finally, the Court finds that disclosure of that information would be serious in nature and scope. (*Id*. at 37.)

As to interrogatory number 18, the Court finds that the so-called responsible persons' identifying information is less sensitive and confidential in nature, that such persons have a reduced expectation that such information will remain private, and that disclosure would have a less serious impact. Nonetheless, the Court proceeds by assuming that such individuals also have a right to maintain the privacy of such information. (See *Hill*, *supra*, 7 Cal.4th at 35-37.)

Plaintiff consents, however, to a third-party administered system by which no third parties' private information would be disclosed unless and until that person affirmatively consents to the disclosure. (See Support Memo at 4:19-27; Pick Decl. at ¶ 7, Exh. E.) Under the system described, and the proposed opt-in letter and response card that would be at the heart of that system, the Court finds that the risks of violating a third-party's right to privacy is reduced to almost zero. (See *Williams* 3 Cal. 5th 531, 559 ["[t]he trial courts in exercising their discretion should keep in mind that the Legislature has suggested that, where possible, the courts should impose partial limitations rather than outright denial of discovery"].)

In this context, Defendant notes the public interest served by private civil actions under the Elder and Dependent Adult Abuse Act, such as the present case. (See, *e.g.*, Welf. & Inst. Code §15600, subd. (a).) The Court further notes that "[t]he disclosure of the names and addresses of potential witnesses is a routine and essential part of pretrial discovery." (*People v. Dixon* (2007) 148 Cal.App.4th 414, 442-443.) Finally, a party is generally permitted to use interrogatories to request the identity and location of those with knowledge of discoverable matters. (Code Civ. Proc., §2030.010.)

In light of the foregoing, the Court finds that Plaintiff's interest in discovering the subject information outweighs the scant privacy interests at issue under the proposed third-party administered system using an opt-in letter and reply card in substantially the form attached as Exhibit E to the Pick Decl.

Defendant has waived each of the other objections it raised in its responses to the subject interrogatories by failing to present argument as to those objections in opposition to the present motion.

Conservatorship of Ernest J. Slade **20PR000053**

REVIEW HEARING AND ACCOUNTING

TENTATIVE RULING: The Court has been informed that the conservatee is deceased. The matter is continued to June 22, 2021, at 8:30 a.m. in Dept. B, for a final accounting and termination of the conservatorship. The clerk is directed to send notice to the parties.

In the Matter of the Mary Ann Ponte 2011 Revocable Trust **21PR000002**

DEMURRER TO THE FIRST VERIFIED PETITION TO: (1) INVALIDATE TRUST AMENDMENT DUE TO LACK OF CAPACITY; (2) INVALIDATE TRUST AMENDMENT DUE TO UNDUE INLFLUENCE; AND (3) PROHIBIT USE OF TRUST FUNDS

TENTATIVE RULING: Respondents James T. Callanan, Jr. and Justin L. Callanan noticed fourteen "issues" for their demurrer to the first amended petition. Issue 10 was incorrectly labeled as Issue 16 thus throwing off the corresponding numbers for Issues 11-14. For ease of reference, the Court uses the numbers respondents utilized in their demurrer.

Respondents' demurrer to the first amended petition [Issues 2-4], first cause of action to invalidate trust amendment due to lack of capacity [Issues 6-7], and second cause of action to invalidate trust amendment due to undue influence [Issue 11] on the ground of uncertainty is OVERRULED. An uncertainty demurrer is strictly construed, even where a complaint is in some respects uncertain, because ambiguities can be clarified under modern discovery procedures. (See *Khoury v. Maly's of Calif., Inc.* (1993) 14 Cal.App.4th 612, 616.) A demurrer for uncertainty should only be sustained when the complaint is so bad that the defendant cannot reasonably respond. (*Ibid*.) Here, the pleading is certain enough to allow respondents to

understand the nature of the allegations, and the theory of liability to fashion an appropriate response.

Respondents' demurrer to the first cause of action to invalidate trust amendment due to lack of capacity and second cause of action to invalidate trust amendment due to undue influence [Issues 8 and 12] on the ground the claims fail because petitioner Kimberly Callanan cannot truthfully allege facts that would support all the elements of the causes of action and cure the defects is OVERRULED. There is no statutory basis for this ground for relief. (See Code Civ. Proc., § 430.10.)

Respondents' demurrer to the first cause of action to invalidate trust amendment due to lack of capacity [Issue 5] on the ground of failure to state sufficient facts is OVERRULED. Respondents argue the claim does not establish any element of a claim for lack of capacity because petitioner admits the inability to allege by alleging the need for a reasonable opportunity for future discovery. Respondents, however, do not set forth any authority detailing the elements of a claim for lack of capacity. The demurrer necessarily fails.

Respondents' demurrer to the second cause of action to invalidate trust amendment due to undue influence [Issue 9] on the ground of failure to state sufficient facts is OVERRULED. Respondents assert the claim fails because petitioner cannot establish every element of this cause of action. Respondents, however, do not set forth any authority detailing the elements of a claim for undue influence. The demurrer necessarily fails.

Respondents' demurrer to the second cause of action to invalidate trust amendment due to undue influence [Issue 16] on the ground of failure to state sufficient facts is OVERRULED. Respondents contend the claim fails because petitioner did not state facts establishing decedent had impaired cognitive function, was or had a weakness of mind, diminished mental ability, or that she relied on others for her everyday needs. Respondents, however, do not set forth any authority detailing the elements of a claim for undue influence or that these facts are necessary to allege for pleading purposes. The demurrer necessarily fails.

Respondents' demurrer to the second cause of action to invalidate trust amendment due to undue influence [Issue 10] on the ground of failure to state sufficient facts is OVERRULED. Respondents aver the claim fails to state facts of respondents' acts establishing their wrongful conduct in that the pleading fails to state facts of respondents' involvement in decedent's life, their active involvement in the procurement of the second amendment, their undue influence in the execution of the second amendment, how they took unfair advantage of decedent, they knew of decedent's vulnerabilities, they took primary control and care of decedent's daily decisions and responsibilities, they had authority over decedent (real or apparent), they used wrongful tactics or any tactics, and petitioner was harmed and respondents' conduct was a substantial factor in causing petitioner's harm. Respondents, however, do not set forth any authority detailing the elements of a claim for undue influence or that these facts are necessary to allege for pleading purposes. The demurrer necessarily fails.

Respondents' demurrer to the third cause of action to prohibit use of trust funds [Issue 13] on the ground of failure to state sufficient facts is SUSTAINED WITHOUT LEAVE TO

AMEND. Respondents maintain the claim fails because Exhibit A, attached to the amended petition, provides the trustees shall use trust assets and funds to defend against attacks on the trust. Exhibit A is the Notification by Successor Co-Trustee. It does not mention the use of trust funds to defend. Respondents instead must be referring to Exhibit B, which is the Revocable Trust Agreement. Article X states: "The Settlor wishes to discourage a contest of the beneficial and administrative terms of this trust. Discouraging such a contest is an important trust purpose. The Trustee may use trust funds to pay attorneys and other agents and to pay other costs and expenses to defend any contest of this trust or any of its provisions, even if the contest does not attack the validity of the trust, but, instead, its dispositive or administrative provisions. In authorizing the Trustee to use trust funds for these purposes, the Settlor intends to override any fiduciary duty that might otherwise constrain the Trustee, including, but not limited to, the duty of loyalty under Probate Code section 16002, the duty of impartiality under Probate Code section 16003, and the duty to avoid conflicts of interest under Probate [C]ode section 16004." (First Amended Pet., Ex. B, art. X.) The plain language supports a conclusion that decedent wanted to discourage a contest and granted the trustee broad authority to use trust funds to defend *any* contest or dispute and to override duties such as the duty to avoid a conflict of interest. Petitioner did not respond to respondents' argument in her opposition, thereby impliedly conceding its merit and inability to amend.

Respondents' demurrer to the first amended petition [Issue 1] on the ground of failure to state sufficient facts is OVERRULED. Because the first and second claims survive demurrer, this ground for relief fails.

Code of Civil Procedure section 430.41 requires that before filing a demurrer, the demurring party must meet and confer "in person or by telephone" with the party who filed the pleading. The Carr declaration indicates the only meet and confer that took place occurred via email. Rather than delay this matter due to an insufficient meet and confer effort, the Court will instead require the parties to meet and confer by telephone before filing *any* future motions/demurrers with the Court. A supporting declaration shall detail those efforts. Failure to comply may result in denial of the matter.

Respondents shall file their answer within 10 calendar days of service of notice of entry of order.

At 9:00 a.m.
Conservatorship of Christina Zozosky **26-66203**

PETITION FOR RENEWAL OF APPOINTMENT OF LPS CONSERVATOR

APPEARANCE REQUIRED

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

Energy Plus Wholesale Lighting and Design v. Craig Hall, et al. **19CV001739**

MOTION TO COMPEL

TENTATIVE RULING: Plaintiff Energy Plus Wholesale Lighting and Design, Inc.'s motion to compel is DENIED WITHOUT PREJUDICE. The proof of service in the court file indicates plaintiff did not comply with the notice period in Code of Civil Procedure section 1005, subdivision (b). The motion was electronically served on March 25, 2021. Counting backward 16 court days, excluding the day of the hearing and the court holiday on March 31, 2021, plus two court days for electronic service is March 24, 2021. The motion falls short of the requisite notice period by one day.