

TENTATIVE RULINGS

FOR: April 29, 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

Join by Video (Preferred)

<https://us02web.zoom.us/j/85897874559?pwd=Nk1VTnNQZmIzNXQwbVNiUk1iQTNCZz09>

Join by Phone: 877 853 5247 or 888 788 0099 **Meeting ID:** 858 9787 4559 **Password:** 704959

Dept. B Zoom

Join by Video (Preferred)

<https://us02web.zoom.us/j/89902611018?pwd=OXJRM2FFWHZ4YXJ4b2szZW51UFJYZz09>

Join by Phone: 877 853 5247 or 888 788 0099 **Meeting ID:** 899 0261 1018 **Password:** 776773

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 Glen Nole White

21PR000052

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

TENTATIVE RULING: GRANT petition. Petitioner shall file the proposed order (DE-140) conforming to the petition.

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

John Anaya, et al. v. Semper Solaris Construction Co., et al.

20CV000947

MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT

TENTATIVE RULING: Defendant/cross-defendant KTS Professional Services, Inc.’s (dba Servpro of Fairfield) motion for determination of good faith settlement with plaintiffs John and Jessica Marie Lopez Anaya for \$16,000 and to strike the allegations against it as contained within defendant/cross-complainant Semper Solaris Construction Co.’s cross-complaint is **GRANTED**. (Code Civ. Proc., § 877.6; *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499; Urbanic Decl., ¶¶ 13-14; Anya Reply Decl., ¶¶ 2-7, 9-10.) Defendant/cross-complainant Semper Solaris Construction, Co. has not met its burden to show the settlement is “out of the ballpark.” (*Tech-Bilt, supra*, 38 Cal.3d at pp. 499-500.) Semper allegedly caused the water intrusion damage requiring the need for home repairs while KTS allegedly was retained to mitigate the water damage. KTS allegedly did not create the need for more water intrusion repair. Its liability is limited to not properly assessing the damage Semper purportedly caused. It is estimated Semper caused 90% of the damage and KTS 10%. Considering plaintiffs seek \$200,000, the \$16,000 is proportionate to the estimated fault levels.