

**TENTATIVE RULINGS**

**FOR: May 1, 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.**

**Estate of Margaret A. Miller**

**16PR000202**

(1) PETITION TO APPROVE CREDITOR’S CLAIM OF ADMINISTRATOR MAXIMILIAN MILLER

**TENTATIVE RULING:** GRANT petition. The claim is established and shall be included with other established claims to be paid in the course of administration. (Prob. Code, § 9252, subd. (b).)

(2) FIRST AND FINAL ACCOUNT AND REPORT OF ADMINISTRATOR (AS AMENDED IN PART), PETITION FOR ALLOWANCE OF STATUTORY FEES TO PERSONAL REPRESENTATIVE AND TO ATTORNEY AND FOR FINAL DISTRIBUTION

**TENTATIVE RULING:** GRANT petition, including fees as prayed.

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**In the Matter of Taylor Wessel**

**17PR000138**

PETITION TO APPROVE COMPROMISE OF DISPUTED CLAIM – PERSON WITH A DISABILITY

**APPEARANCE REQUIRED** to discuss the status of the amended petition.  
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**Conservatorship of Jesus Garcia**

**19PR000066**

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON

**APPEARANCE REQUIRED**

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**Estate of Teresa A. Drake**

**19PR000072**

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

**TENTATIVE RULING:** GRANT petition.

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

**Karen Devine v. City of Napa**

**18CV001334**

MOTION TO COMPEL INITIAL RESPONSES TO FORM INTERROGATORIES, INSPECTION DEMANDS, AND SPECIAL INTERROGATORIES

**TENTATIVE RULING:** Defendant City of Napa’s motion to compel initial responses to form interrogatories-limited civil cases (set one), inspection demand (set one), and special interrogatories (set one) is GRANTED. Plaintiff Karen Devine did not oppose the motion. Devine shall serve verified code-compliant initial responses, without objections, within 20 calendar days of service of notice of entry of order.

The City’s request for monetary sanctions is DENIED. Devine did not oppose the motion, which means monetary sanctions are not warranted. (See Code Civ. Proc., §§ 2030.290, subd. (c) [providing that monetary sanctions are warranted against any party, person, or attorney who “unsuccessfully . . . opposes a motion to compel . . .”]; 2031.300, subd. (c) [same].) The City raises for the first time in its memorandum of points and authorities that it is seeking monetary sanctions under California Rules of Court, rule 3.1348. The Court declines to impose monetary sanctions under rule 3.1348 as it was not cited in the notice of motion as a basis for sanctions. This is a due process violation.

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

**Jose Luis Alejandro v. Ceja & Weisberg, LLC, et al.**

**17CV000385**

MOTION TO CONTINUE TRIAL READINESS CONFERENCE AND TRIAL DATE

**TENTATIVE RULING:** Defendant Ari Weisberg’s motion to continue the June 6, 2019 trial management conference date and the June 10, 2019 long cause trial date is GRANTED. Defendant has shown good cause based on the inability to obtain essential discovery. The trial management conference is continued to November 8, 2019, in Dept. A at 8:30 a.m. The long cause trial date is continued to November 12, 2019, at 8:30 a.m. in Dept. A. A case management conference is set for July 26, 2019, at 8:30 a.m. in Dept. B.

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**Penterman Farming Co., Inc. v. Beckstoffer Vineyard, Inc., et al.**      **18CV000687**

(1) MOTION TO STAY

**TENTATIVE RULING:** Defendants Beckstoffer Vineyards (erroneously sued as Beckstoffer Vineyard, Inc.) and David Michul’s renewed motion to stay the proceedings is GRANTED. Non-party George Altamura and plaintiff commenced arbitration on March 19, 2019. (Greenwood-Meinert Decl., ¶ 6, Ex. C.) Although Altamura is a non-party to this action, as defendants proffer, there is overlap between this litigation and the arbitration requiring resolution of the arbitration first due to the contract between Altamura and plaintiff. Altamura contends he terminated his contractual relationship with plaintiff because plaintiff mismanaged his vineyard. (*Id.*, ¶¶ 3-5.) If Altamura is correct, then he had good cause to part ways with plaintiff, and plaintiff’s claims against defendants for interfering with the contractual relationship will be less likely to be successful or even fail. Plaintiff will suffer no prejudice as it can pursue its claims against defendants once the stay is lifted. A status review hearing regarding the stay is set for November 1, 2019, at 8:30 a.m. in Dept. B.

Defendant Guillaume Nursery’s joinder to the motion to stay is GRANTED.

(2) DEMURRER TO THE SECOND AMENDED COMPLAINT

**TENTATIVE RULING:** Defendants Beckstoffer Vineyards (erroneously sued as Beckstoffer Vineyard, Inc.) and David Michul’s demurrer is dismissed without prejudice to refile once the stay is lifted.