

**TENTATIVE RULINGS**

**FOR: June 6, 2017**

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. These proceedings include civil law and motion hearings. If counsel want their civil law and motion hearing reported, they must arrange for a private court reporter to be present. 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. Rodney Stone, Dept. C (Historic Courthouse)**

**Conservatorship of Jerold R Duncan**

**16PR000015**

PETITION TO APPROVE FEES

**TENTATIVE RULING:** GRANT petition.

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**In the Matter of the Eugene A. and Marthann Demchuk  
Revocable Trust**

**16PR000229**

PETITION FOR REMOVAL OF TRUSTEE; TO COMPEL AN ACCOUNTING; AND FOR DAMAGES FOR BREACH OF TRUST

**TENTATIVE RULING:** As successor trustee Matthew Demchuk notes, and as the opposition confirms, the accounting filed on May 24, 2017, is incomplete and needs to be supplemented. Demchuk’s request for leave to amend and supplement the accounting is GRANTED. Demchuk shall include information regarding the issues raised on page 2 of the May 31, 2017 opposition. Petitioner’s requests to remove and replace the successor trustee, to surcharge the successor trustee, and to deny the successor trustee additional fees are continued until after the Court has reviewed the amended accounting paperwork. The matter is set for a hearing to review the amended accounting on August 11, 2017, at 8:30 a.m. in Dept. C. Demchuk shall serve the amended accounting 30 calendar days before the hearing date. Petitioner may file a supplemental opposition. Petitioner shall send notice to the interested parties.

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**In the Matter of Aleyda Navarro**

**17CV000191**

PETITION FOR CHANGE OF NAME

**TENTATIVE RULING:** There is no Proof of Publication in the court file. If one is filed before the hearing, the petition for name change shall be granted without need for appearance. If no Proof of Publication is filed, the petition shall be denied without prejudice.

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**Conservatorship of Elisabeth S. Rafn**

**17PR000079**

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON AND ESTATE

**APPEARANCE REQUIRED**

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**Conservatorship of Henry N. May**

**PR20703**

AMENDED SIXTEENTH AND FINAL ACCOUNT AND REPORT OF CONSERVATORS AND TRUSTEES, PETITION FOR ITS SETTLEMENT, PETITION TO TRANSFER THE CONSERVATORSHIP TO OREGON, TO AFFIX RESIDENCE OUTSIDE THE STATE, TO ALLOW FOR THE APPOINTMENT OF SUCCESSOR CO-CONSERVATORS AND SUCCESSOR TRUSTEES, TO TRANSFER PERSONAL PROPERTY OUTSIDE THE STATE, FOR APPROVAL OF RESIGNATION OF CO-CONSERVATORS AND TRUSTEES, AND FOR ALLOWANCE OF FEES TO ATTORNEYS

**TENTATIVE RULING:** GRANT amended petition, including fees as prayed. The California conservatorship shall continue until this Court receives an order granting the appointment of a successor conservator of the person and estate in Oregon. The assets shall remain in a blocked account until that time. The bond amount remains sufficient. The matter is set for a review hearing regarding the transfer to Oregon for July 13, 2017, at 8:30 a.m. in Dept. C. If the Court receives confirmation of the transfer, the matter will be taken off-calendar and the Court will accept the resignation of the co-conservators and trustees.

**CIVIL LAW & MOTION CALENDAR – Hon. Rodney Stone, Dept. C (Historic Courthouse)**

**Gerald L. Nunn, et al. v. JPMorgan Chase Bank, N.A., et al.**

**26-56767**

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

**TENTATIVE RULING:** Plaintiffs Gerald L. Nunn and Judith L. Nunn’s motion for leave to file a second amended complaint is GRANTED. Defendants have the opportunity to

challenge the forgery allegations via demurrer. Plaintiffs shall file their proposed second amended complaint within 5 court days. Defendants' request for judicial notice is DENIED as irrelevant for purposes of this motion.

**PROBATE CALENDAR – Hon. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)**

**Conservatorship of Raul Ochoa Mendoza**

**16PR000042**

REVIEW HEARING

**TENTATIVE RULING:** After a review of the matter, the Court finds the Conservator is acting in the best interest of the Conservatee. Thus, the case is set for a biennial review hearing in two years, on June 6, 2019 at 8:30 a.m. in Dept. F. The court investigator shall prepare a biennial investigator report for the next hearing date.

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**Conservatorship of Michael C. Steele**

**26-57130**

ACCOUNT AND REPORT OF CONSERVATOR

**APPEARANCE REQUIRED:** The Court previously continued this matter three times to allow the conservator to file an accounting. Nothing has been filed. The Court previously provided failure to file the accounting before the next hearing may result in the removal of the conservator.

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**In the Matter of the Thornton & Joy Jenkins Revocable Trust**

**26-65348**

PETITION FOR ORDER APPROVING SECOND ACCOUNT AND REPORT OF TRUSTEE SARA A. HENRY AND APPROVAL OF EXTRAORDINARY TRUSTEE FEES

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

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**Conservatorship of Jeffrey Monroe**

**26-67844**

REVIEW HEARING AND ACCOUNTING

**APPEARANCE REQUIRED**

**CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)**

**Patricia Alioto v. Constellation Brands, Inc., et al.**

**16CV000262**

DEMURRER TO THE CROSS-COMPLAINT

**TENTATIVE RULING:** Although listed in the heading of the memorandum of points and authorities, there is no meet-and-confer declaration in the court file in order to comply with the meet-and-confer requirements under Code of Civil Procedure section 430.41. Cross-defendant shall promptly file the declaration. The matter is continued to June 13, 2017, at 8:30 a.m. in Dept. F.