

TENTATIVE RULINGS

FOR: June 7, 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. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)

Conservatorship of Brian Richard Youngblood

26-58904

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 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. The clerk is directed to send notice to the parties.

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Estate of George E.B. King

PR23206

(1) THIRD ACCOUNT AND REPORT OF TRUSTEE AND PETITION FOR SETTLEMENT: GEORGE E.B. AND BERYL M. KING TRUST B FOR BENEFIT OF LISA KING

TENTATIVE RULING: GRANT petition, including fees as prayed.

(2) TWENTY-SIXTH ACCOUNT AND REPORT OF TRUSTEE AND PETITION FOR SETTLEMENT OF TRUST B

TENTATIVE RULING: GRANT petition, including fees as prayed.

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

DHMS, LLC v. Gerrett Snedaker, et al.

26-66889

(1) MOTION TO STRIKE

(2) MOTION FOR SANCTIONS

TENTATIVE RULING: The matters are continued to June 14, 2017, at 8:30 a.m. in Dept. C.

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Teresa Scarborough, et al. v. Coast LM, Inc., et al.

26-67837

MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT

TENTATIVE RULING:

The notice of motion does not provide notice of the Court’s tentative ruling system as required by Local Rule 2.9. Counsel is directed to contact the opposing party forthwith and advise the opposing party of Local Rule 2.9 and the Court’s tentative ruling procedure. If counsel is unable to contact the opposing party prior to the hearing, counsel shall be available at the hearing, in person or by telephone, in the event opposing counsel appears without following the procedures set forth in Local Rule 2.9.

Defendant/cross-defendant/cross-complainant MKD Soscol Partners, L.P.’s request for judicial notice of the complaint is GRANTED.

Defendant/cross-complainant Coast LM, Inc.’s motion for determination of good faith settlement under Code of Civil Procedure section 877.6, subdivision (a)(1), is DENIED WITHOUT PREJUDICE. The settlement to plaintiffs Teresa and Kirk Scarborough is for \$25,000 plus litigation considerations. “Substantial *evidence* (e.g., factual declarations) showing the nature and extent of the settling defendant’s liability is required. Without such evidence, a ‘good faith’ determination is an abuse of discretion.” (Weil & Brown, Cal. Prac. Guide: Civ. Proc. Before Trial (Rutter Group 2016), at § 12:774 [citing and quoting cases].) The supporting declaration is inadequate and conclusory. Moreover, the declaration does not adequately address the factors set forth in *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499.