

TENTATIVE RULINGS

FOR: August 7, 2018

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. C (Historic Courthouse) at 2:00 p.m.

Conservatorship of Elisabeth S. Rafn

17PR000079

REVIEW HEARING

TENTATIVE RULING: Hearing on the matter is continued to August 28, 2018 at 2:00pm in Dept. I to allow time for the court investigator report to be completed. The accounting set for hearing on August 9, 2018 is also continued to August 28, 2018 at 2:00pm in Dept. I.

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Conservatorship of Lucy K. Clarke

18PR000104

REVIEW HEARING

APPEARANCE REQUIRED

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Conservatorship of Irina Borschevskaya

18PR000168

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON AND ESTATE

APPEARANCE REQUIRED. The proposed conservatee need not appear.

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PETITION FOR REAPPOINTMENT OF CONSERVATOR OF THE PERSON [Welf. & Inst. Code, § 5361]

APPEARANCE REQUIRED

CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. C (Historic Courthouse) at 2:00 p.m.

Luis A De Larosa v. The Coca Cola Company

17CV000787

MOTION FOR ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

TENTATIVE RULING: In reviewing the motion for preliminary approval of class action settlement, the Court orders further briefing on: (1) why the content of the notice complies with Cal. Rules of Court, rule 3.766(d); (2) why the manner of giving notice complies with Cal. Rules of Court, rule 3.766(e); (3) how will notice of final judgment be given to the class (e.g. posted on claims administrator’s website) (Cal. Rules of Court, rule 3.771(b)); (4) an explanation as to why English-only notice is sufficient; (5) a discussion of how the parties will handle uncashed checks; and (6) why reliance on addresses alone, some of which are up to five years old for class members, will provide sufficient notice. The Court is concerned about the possibility of non-returned mailings from stale addresses, especially when the settlement proposes utilizing skip tracing to verify the accuracy of any notices returned without a forwarding address. The additional briefing shall be filed before 12:00 p.m. on August 14, 2018. The matter is continued to August 17, 2018, at 2:00 p.m. in Dept. I. The case management conference set for August 15, 2018, is continued to November 30, 2018, at 2:00 p.m. in Dept. I.

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Merz North America Inc. v. Peter Arellano, M.D., et al.

17CV001158

MOTION TO COMPEL INITIAL RESPONSES TO FORM INTERROGATORIES

TENTATIVE RULING: Plaintiff Merz North America Inc.’s motion to compel initial responses to form interrogatories (set one) is GRANTED. (Code Civ. Proc., § 2030.290, subd. (b).) The motion is unopposed. Defendant Peter Arellano, M.D. shall serve code-compliant initial responses, without objections, within 20 calendar days of service of notice of entry of order.

Plaintiff’s request for monetary sanctions is DENIED. Defendant did not oppose the motion, which means monetary sanctions are not warranted. (See *id.*, § 2030.290, subd. (c) [providing that monetary sanctions are warranted against any party, person, or attorney who “unsuccessfully . . . opposes a motion to compel . . .”].)

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AMENDED PETITION FOR CHANGE OF NAME

TENTATIVE RULING: Pursuant to Code of Civil Procedure section 1277, the non-petitioning parent must be personally served with the petition and given 30 days notice of the hearing. The court file contains a proof of service, but the person served under item 3(a) was Sandra Hernandez, not the father. This appears to be an error since Sandra Hernandez conducted the personal service on July 2, 2018. At this point, however, it is unclear who was personally served due to the error. If a proper proof of service is filed before the hearing, the petition will be granted. If no proof of service is filed, the matter will be continued to September 18, 2018, at 2:00 p.m. in Dept. I to allow time for proper service.