

## TENTATIVE RULINGS

**FOR: September 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. Diane Price, Dept. I (Criminal Courts Bldg.-1111 Third St.) at 2:00 p.m.**

**In the Matter of Margaret Boitano Survivor Trust**

**16PR000135**

(1) PETITION TO COMPEL ACCOUNTING, REMOVE OR SUSPEND TRUSTEE, APPOINTMENT OF SUCCESSOR TRUSTEE AND/OR TRUSTEE AD LITEM, FOR ELDER FINANCIAL ABUSE, DOUBLE DAMAGES, PUNITIVE DAMAGES, AND ATTORNEY'S FEES AND COSTS

(2) PETITION FOR ORDER APPROVING FIRST ACCOUNT AND REPORT OF CO-TRUSTEES; APPROVING DISTRIBUTIONS TO BENEFICIARIES; APPROVING PAYMENT OF ATTORNEY'S FEES; AND AUTHORIZING COMPENSATION TO CO-TRUSTEES

**TENTATIVE RULING:** On August 9, 2018, the Court (Hon. Wood) continued petitioner Mary Boitano Gutierrez's petition to coincide with co-trustee Frederick S. Gutierrez's petition for order approving first account and report of co-trustees, approving distributions to beneficiaries, approving payment of attorney's fees, and authorizing compensation to co-trustees. The Court ordered the parties to meet-and-confer in light of the filing of the accounting and to discuss the possibility of settlement. The parties were ordered to file a joint brief of the matters still at issue by August 30, 2018. The joint brief has not been filed. The matter is continued to September 21, 2018, at 2:00 p.m. in Dept. I to allow the parties to comply with the Court's prior order.

**CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. I (Criminal Courts Bldg.-1111 Third St.) at 2:00 p.m.**

**Napa County v. Monticello Property Investment Group, et al.**

**26-62413**

ORDER TO SHOW CAUSE RE ENFORCEMENT OF SETTLEMENT AGREEMENT

**TENTATIVE RULING:**

The Court discloses that Diane Dillon, a member of the Napa County Board of Supervisors, is Judge Price's former law partner of approximately 20 years at Coombs & Dunlap LLP, and is a close personal friend of Judge Price's. Judge Price has determined that she can be fair and impartial in this case.

On August 24, 2018, the Court (Hon. Wood) granted plaintiff Napa County's ex parte application for a temporary restraining order and order to show cause why an order for enforcement of settlement should not be issued. The Court set the order to show cause hearing and permitted defendant Cliff Reno to file a response by August 31, 2018. Reno did not file a response. Thus, based on the evidence presented, the County's request to enforce the stipulated judgment pursuant to Code of Civil Procedure section 664.6 is GRANTED. (Ssenkumba Decl., ¶¶ 1-4; Dooley Decl., ¶¶ 5-6, Exs. 1-2; St. Claire Decl., ¶¶ 1-2.) The parties entered into an agreement and Reno continues to violate the terms of the settlement to the detriment of the public health, safety, and welfare. Reno shall cease all grading activity and vegetation removal until a permit is issued for such activities.

**PROBATE CALENDAR – Hon. Victoria Wood, Dept. C (Historic Courthouse) at 2:00 p.m.**

**In the Matter of the David and Victoria Bradshaw Family Trust**

**18PR000074**

PETITION FOR ORDER CONFIRMING ASSETS OF TRUST AND CONFIRMING IDENTITY AND POWERS OF TRUSTEE

**TENTATIVE RULING: GRANT** petition.