

## TENTATIVE RULINGS

**FOR: October 5, 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. I (Criminal Courts Bldg.-1111 Third St.)

#### Conservatorship of Judith M. Franzi-Price

**26-59300**

FOURTH ACCOUNT AND REPORT OF CONSERVATOR, AND PETITION FOR ALLOWANCE OF COMPENSATION FOR CONSERVATOR’S SERVICES AND FOR ATTORNEY’S FEES

#### **TENTATIVE RULING:**

Based on the report of the court investigator, the Court determines by clear and convincing evidence that the conservatee cannot communicate, with or without reasonable accommodation, a desire to participate in the voting process, and therefore orders the conservatee disqualified from voting pursuant to Elections Code section 2208.

GRANT petition, including fees as prayed. The Court notes the conservator and his attorney’s accompanying declarations, and further declarations, do not fully comply with the provisions regarding fees. (See Prob. Code, § 2642; see Cal. Rules of Court, rules 7.702 [statement of facts required, including various factors], 7.751(b) [petitioners “must comply” with rule 7.702].) The accompanying time records, however, are detailed enough to allow the Court to determine that the fees requested are reasonable. (Prob. Code, § 2642, subd. (b).) The parties are on notice that for future petitions, and cases, they should submit a detailed declaration complying with the applicable code provision and rules of court. Fees may be reduced or denied in the future if the declarations are not sufficient.

After a review of the matter, the Court finds the conservator is acting in the best interest of the conservatee. Thus, the matter is set for a biennial review hearing and an accounting in two years, on October 8, 2019, at 8:30 a.m. in Dept. F. All accounting documents must be filed at least 30 days prior to the hearing. 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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**In the Matter of the David Millard Doolittle Special Needs Trust**

**17PR000180**

PETITION FOR INSTRUCTIONS

**TENTATIVE RULING:** The Petition is GRANTED IN PART and DENIED IN PART. The Petition is GRANTED as to items 1, 2, 3, 4, 5, 6, 7, 8, and 10 in the prayer, and DENIED as to item 9. Respondent is to produce any and all documentation available regarding the improper withdrawals and transfers to Petitioner's counsel, if not already produced. A further hearing is set for November 15, 2017 at 8:30 a.m. in Dept. I, at which time a determination of the amount of money damages Respondent owes the Trust will be made according to proof. Petitioner's counsel should also submit a declaration stating the amount of attorneys' fees and costs incurred.

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**Conservatorship of Mark A. Hamilton**

**PR21011**

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 October 5, 2019 at 8:30 a.m. in Dept. 2. The court investigator shall prepare a biennial investigator report for the next hearing date. At least 30 days before the next reviewing hearing, the co-conservators shall file: (1) Notice of Conservatee's Rights (Judicial Council form GC-341); and (2) Determination of Conservatee's Appropriate Level of Care (Judicial Council form GC-355). The clerk is directed to send notice to the parties.

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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

**APPEARANCE REQUIRED**

**CIVIL LAW & MOTION CALENDAR – Hon. Rodney Stone, Dept. I (Criminal Courts Bldg.-1111 Third St.)**

**Robert Hoffman v. Morey Dastgheib**

**26-65094**

MOTION TO STRIKE ANSWER AS SANCTION AGAINST DEFENDANT HELPING HANDS

**TENTATIVE RULING:** The motion is DENIED WITHOUT PREJUDICE. The notice of motion is directed to defendant MIT. In addition, defendant Helping Hands needs to receive notice of the motion, not its former attorney.