

TENTATIVE RULINGS

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

Conservatorship of Heather-Rebecca Lovecchio

26-34099

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 October 8, 2019, at 8:30 a.m. in Dept. 2. At least 30 days prior to the next hearing, the co-conservators shall file Notice of Conservatee’s Rights (Judicial Council form GC-341). 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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Conservatorship of Susan Gotelli

26-43204

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the Conservators are acting in the best interest of the Conservatee. Based on the report of the court investigator, the Court determines by clear and convincing evidence that Conservatee cannot communicate, with or without reasonable accommodation, a desire to participate in the voting process, and therefore orders Conservatee disqualified from voting pursuant to Elections Code section 2208. The case is set for a biennial review hearing in two years, on October 8, 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.

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

Mary Doe v. Napa Valley Unified School Dist., et al.

16CV000234

(1) DEMURRER TO THE CROSS-COMPLAINT

TENTATIVE RULING: Cross-defendant Gregory Sadler’s demurrer to the first cause of action for equitable implied indemnity, second cause of action for contribution, and third cause of action for declaratory relief in the cross-complaint on the grounds of misjoinder of parties, failure to state sufficient facts, and uncertainty is **OVERRULED**. (See Dem. at p. 1:26-27 [seeking “an order sustaining a general demurrer to the civil cross-complaint . . .”].) On August 11, 2017, cross-complainants Napa Valley Unified School District and Carliza Bataller filed their first amended cross-complaint. The cross-complaint is no longer the operative pleading. Sadler shall file his answer to the first amended cross-complaint within 10 calendar days of service of notice of entry of order.

(2) MOTION TO STRIKE

TENTATIVE RULING: Cross-defendant Gregory Sadler’s motion to strike directed to the “Complaint” is **DENIED**. (See Ntc. at p. 1:27.) On August 11, 2017, cross-complainants Napa Valley Unified School District and Carliza Bataller filed their first amended cross-complaint. The “complaint” is no longer the operative pleading. Sadler shall file his answer to the first amended cross-complaint within 10 calendar days of service of notice of entry of order.

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Jill Johnson, et al. v. Safeway, Inc., et al.

16CV000742

MOTION FOR ORDER COMPELLING FURTHER RESPONSES TO FORM INTERROGATORIES, SPECIAL INTERROGATORIES, REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS; TO HAVE REQUEST FOR ADMISSIONS DEEMED ADMITTED; FOR MONETARY SANCTIONS

TENTATIVE RULING: The Motion is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** as to Form Interrogatories 15.1, 16.1, 16.4, 16.5 and 16.6, Requests for Production of Documents 6 and 13, Special Interrogatories 12, 13, 16 and 17, and Requests for Admission 5-12, 15-17, 19-23, 25-29, 34-38, 40, 41, 43-47, and 57, and **DENIED** as to the remaining discovery requests. The Request for Admissions Deemed Admitted is also **DENIED** as a verification was served. Defendant Safeway, Inc. is to provide verified, updated responses to the discovery requests listed above within 10 days. Given the looming trial date, discovery responses that lacked a full response by including the statement “discovery and investigation continues” or something similar are insufficient. Defendant’s responses to the Requests for Production of Documents also do not explain the lack of any safety newsletter documents that Mr. Shively testified about in his deposition. As to the Special Interrogatories requesting a “complete description” of the flooring, simply stating “tiled” is insufficient; the type, age, features, color, etc. are necessary for a “complete description.”

Both parties' requests for sanctions are DENIED as each acted with some substantial justification in both making and opposing the instant motion.

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Portfolio Recovery Associates, LLC v. Alicia M. Kash

16CV000933

MOTION FOR JUDGMENT ON THE PLEADINGS

TENTATIVE RULING: Plaintiff's Request for Judicial Notice is GRANTED. The unopposed Motion is GRANTED.