

**TENTATIVE RULINGS**

**FOR: October 9, 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. George V. Spanos, Dept. C (Historic Courthouse) at 2:00 p.m.**

**In the Matter of the Virginia A. Velasco & Ramon Antonio Living Trust Dated March 31, 2005**

**17PR000009**

AMENDED PETITION FOR SETTLEMENT OF ACCOUNT AND APPROVAL OF TRUSTEE, ATTORNEY, AND BOND FEES

**TENTATIVE RULING:** GRANT petition, including fees as prayed. (Prob. Code, §§ 10800, 15688.)

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**In the Matter of Beard Family Trust**

**26-58301**

SEVENTH ACCOUNT AND REPORT OF TRUSTEE, PETITION FOR SETTLEMENT THEREOF, AND APPROVING COMPENSATION TO TRUSTEE AND ATTORNEYS

**TENTATIVE RULING:** GRANT petition, including fees as prayed.  
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FOURTEENTH ACCOUNT AND FINAL ACCOUNT AND REPORT OF CONSERVATOR OF THE PERSON AND ESTATE, AND PETITION FOR APPROVAL OF ACCOUNT; FOR CONSERVATOR FEES; FOR ATTORNEY'S FEES; FOR COSTS; AND FOR TERMINATION OF CONSERVATORSHIP DUE TO DEATH OF CONSERVATEE

**TENTATIVE RULING:** GRANT petition, including fees as prayed. The conservatorship is terminated. The clerk is directed to vacate the accounting and review hearing scheduled for July 25, 2019.

**CIVIL LAW & MOTION CALENDAR – Hon. George V. Spanos, Dept. C (Historic Courthouse) at 2:00 p.m.**

**Robert Squires v. Eric Hellman**

**17CV000964**

(1) MOTION TO COMPEL RESPONSES FROM DENNIS GROVE CONCRETE PUMPING TO A DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

**TENTATIVE RULING:** Plaintiff/cross-defendant Robert Squires' motion to compel third party Dennis Grove Concrete Pumping to comply with the deposition subpoena for production of business records by producing documents is GRANTED. (Code Civ. Proc., § 2025.480, subd. (a).) The third party shall produce responsive documents, without objections, within 20 calendar days of service of notice of entry of order.

Squires' request for contempt proceedings is DENIED. An OSC re Contempt is not appropriate. The preferred method, if necessary, is to request an OSC re an Order to Comply.

Squires' request for monetary sanctions against unnamed defendants and/or their unnamed attorney contained in paragraph 9 of the Quashnock declaration is DENIED. The request is not code-compliant. A request for fees ó against unnamed parties and buried in a declaration ó is improper. (Code Civ. Proc., §§ 2023.030-2023.040; see Weil & Brown, Cal. Practice Guide: Civil Proc. Before Trial (Rutter Group 2018) at § 8:2000 [óThe notice of motion must contain a request for sanctions . . . .ö].)

(2) MOTION TO COMPEL RESPONSES FROM KEITH GALE GENERAL ENGINEERING TO A DEPOSITION SUBPONEA FOR PRODUCTION OF BUSINESS RECORDS

**TENTATIVE RULING:** Plaintiff/cross-defendant Robert Squires' motion to compel third party Keith Gale General Engineering to comply with the deposition subpoena for production of business records by producing documents is GRANTED. (Code Civ. Proc., § 2025.480, subd. (a).) The third party shall produce responsive documents, without objections, within 20 calendar days of service of notice of entry of order.

Squiresørequest for contempt proceedings is DENIED. An OSC re Contempt is not appropriate. The preferred method, if necessary, is to request an OSC re an Order to Comply.

Squiresørequest for monetary sanctions against unnamed defendants and/or their unnamed attorney contained in paragraph 9 of the Quashnock declaration is DENIED. The request is not code-compliant. A request for fees ó against unnamed parties and buried in a declaration ó is improper. (Code Civ. Proc., §§ 2023.030-2023.040; see Weil & Brown, Cal. Practice Guide: Civil Proc. Before Trial (Rutter Group 2018) at § 8:2000 [øThe notice of motion must contain a request for sanctions . . . .ö].)

**(3) MOTION TO COMPEL FURTHER RESPONSES FROM HAROLD SMITH AND SONS TO A DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

**TENTATIVE RULING:** Plaintiff/cross-defendant Robert Squiresømotion to compel third party Harold Smith and Sons to comply with the deposition subpoena for production of business records by producing documents is GRANTED. (Code Civ. Proc., § 2025.480, subd. (a).) Although the third party produced invoices, the production did not fully comply with the requests made in the deposition subpoena. The third party shall produce responsive documents, without objections, within 20 calendar days of service of notice of entry of order.

Squiresørequest for contempt proceedings is DENIED. An OSC re Contempt is not appropriate. The preferred method, if necessary, is to request an OSC re an Order to Comply.

Squiresørequest for monetary sanctions against unnamed defendants and/or their unnamed attorney contained in paragraph 9 of the Quashnock declaration is DENIED. The request is not code-compliant. A request for fees ó against unnamed parties and buried in a declaration ó is improper. (Code Civ. Proc., §§ 2023.030-2023.040; see Weil & Brown, Cal. Practice Guide: Civil Proc. Before Trial (Rutter Group 2018) at § 8:2000 [øThe notice of motion must contain a request for sanctions . . . .ö].)

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**In the Matter of Caroline A Vellucci**

**18CV001150**

PETITION FOR CHANGE OF NAME AND GENDER

**TENTATIVE RULING:** The petition is GRANTED without need for appearance. Petitioner shall file a certified copy of the Courtø decree within 30 calendar days with the California Secretary of State and since a new birth certificate is requested, with the State Registrar. (Health & Safety Code, § 103435.) Upon its receipt, the State Registrar shall establish a new birth certificate as provided in the Health & Safety Code.