

**DEPARTMENT FOUR
JUDGE E. BRADLEY NELSON
707-207-7304**

**TENTATIVE RULINGS AND PROBATE
PREGRANTS FOR
MATTERS SCHEDULED FOR
MONDAY, FEBRUARY 3, 2020**

**EFFECTIVE APRIL 8, 2019
UNTIL FURTHER NOTICE**

- **Probate Staff E-Mail**

Due to temporary staffing reductions, the Probate Staff E-Mailbox will be unmonitored until further notice. Emails sent to the Probate Staff E-Mail address will not be read and no response will be sent.

- **Probate Notes – Department 4**

Due to temporary staffing reductions, until further notice, Probate Notes will no longer be posted on the Court's website.

- **Pregrants and Tentative Rulings – Department 4**

The Pregrant and Tentative Ruling procedure remains unchanged. Pregrants and Tentative Rulings will be posted for Department 4 the day before the hearing after 2:00 p.m.

Unless otherwise directed by the court, probate pregrants are not posted for guardianship matters or for ex parte petitions.

**PREGRANTS AND TENTATIVE RULINGS START ON
NEXT PAGE**

8:30 CALENDAR

**IN RE THE ESTATE OF LOIS JONES, DECEASED
Case No. FPR047882**

Petition for Distribution

PREGRANT ORDER

The court on its own motion continues the hearing to March 6, 2020, at 8:30 a.m. in Department 4. Pending the continued hearing the petitioner shall resolve the following issues:

1. There is no Proof of Service on file showing all persons entitled to notice received notice of this petition.
2. While the petition is verified, it is not signed by all persons joining it. The petitioner must sign the petition as she a fiduciary appointed in this proceeding. (Cal. Rules of Court, Rule 7.103.)
3. Caption: Counsel is reminded that in probate matters, the "title of each pleading and of each proposed order must clearly and completely identify the nature of the relief sought or granted." (Cal. Rules of Court, rule 7.102.) Here, the petition seeks reimbursement of costs and extraordinary compensation, but the caption does not.
4. The petitioner explains that the court's order and a grant deed distributing the interest of the real property to the Estate of Deborah Saabye and to petitioner, Linda L. Jones was recorded. No copy of said deeds are on file with the court. The petitioner shall provide copies of the recorded deeds referenced.
5. The receipts on file do not include the value of the distributed to Al Fowler.

**IN RE THE ESTATE OF LAI MING LOWE, DECEASED
Case No. FPR048225**

Petition for Final Distribution

PREGRANT ORDER

The court previously continued this matter from August 8, 2019 and December 5, 2019 to allow the petitioner to fix issues with the petition. On January 29, 2020, the petitioners filed documents that have not been reviewed by the court. For these reasons, the court on its own motion continues the hearing to March 6, 2020 at 8:30 a.m. in Department 4.

IN RE THE ESTATE OF WALTER CHARLES VAUGHN, DECEASED
Case No. FPR048577

Petition to Administer Estate

PREGRANT ORDER

The court on its own motion continues the hearing to March 6, 2020, at 8:30 a.m. in Department 4. This matter was previously continued from December 5, 2019 to allow the petitioner to fix issues with the petition. Pending the continued hearing, the petitioner shall address the following remaining unresolved issue:

1. Petition, Schedule C (Disbursements), pages 5-6: There are disbursements to Reynolds Law, LLP on April 6, 2017 and September 20, 2018 for legal fees incurred by the decedent. The invoice attached to the Declaration filed January 22, 2020 does not address or resolve these particular payments. If the decedent owed legal fees incurred before his death, the law firm should have filed a creditor claim against the estate. The petitioner shall clarify.
2. The declaration filed January 22, 2020 is not signed or verified by the administrator who is the fiduciary appointed in the proceeding. (Cal. Rules of Court, Rule 7.103(b).)

IN RE THE ESTATE OF JODY B. HUTCHINSON, DECEASED
Case No. FPR048964

Petition to Administer Estate

PREGRANT ORDER

The court on its own motion continues the hearing to March 9, 2020, at 8:30 a.m. in Department 4. This matter was previously continued from January 13, 2020 to allow the petitioner to fix issues with the petition. On January 29, 2020, the petitioners filed documents that have not been reviewed by the court. For these reasons, the court on its own motion continues the hearing to March 9, 2020, 8:30 a.m. in Department 4.

IN RE THE ESTATE OF JEANETTE MARIE WEBB, DECEASED
Case No. FPR049453

Petition for Termination of Proceedings and Discharge

PREGRANT ORDER

The court finds all notices have been given as required by law. The petition is granted as prayed.

IN RE THE ESTATE OF DELTON ROSS, DECEASED
Case No. FPR049988

Petition to Determine Succession to Real Property and Personal Property

PREGRANT ORDER

The court on its own motion continues the hearing to March 9, 2020, at 8:30 a.m. in Department 4. Pending the continued hearing the petitioner shall resolve the following issues:

1. Attached to the petition is an Inventory and Appraisal for 1/12 interest in 234 East Evergreen, Monrovia California valued at \$20,833.33. However, the petition identifies that there is also a description of personal property in the amount of \$21,409.16 payable to the Estate of Ross Delton from the proceeds of the same real property was sold as a result of a judgment in a civil lawsuit in the Superior Court County of Los Angeles. The petitioners shall clarify whether there is only personal property, or real property and personal property.
2. The petitioners are requesting for a court order that is different that the order given by Judge Ralph C. Hofer. The order was ordered distributed to the "Estate of Delton Ross" and would be payable to the estate in a probate proceeding. What legal basis do the petitioners rely on for the court to issue a different order directly to one of the petitioners?

IN RE THE ESTATE OF DAVIE HEATH, DECEASED
Case No. FPR049998

Petition to Administer Estate

PREGRANT ORDER

On January 31, 2020, a competing Petition for Probate of Will and for Letters Testamentary with Authorization to Administer Under the Independent Administration of Estates Act was filed by Waltraud Heath and is currently on calendar for March 13, 2020. Therefore, the court on its own motion continues the hearing to March 13, 2020 at 8:30 a.m. in Department 4 so that both petitions may be heard concurrently. Pending the continued hearing the petitioners shall resolve the following issues as it relates to each petition.

As it relates to the Petition for Letters of Administration with Authorization to Administer Under the Independent Administration of Estates Act filed by Pamela Heath and Tamela Heath Hawley:

1. The decedent was survived by a spouse, Waltraud Heath, who has a higher priority than the petitioners. (Prob. Code §§ 8461-8462.) There is no nomination attached to the petition by the surviving spouse.

2. While the petition seeks to waive bond, there was no Waiver of Bond filed by Waltraud Heath.

As it relates to the competing Petition for Probate of Will and for Letters Testamentary with Authorization to Administer Under the Independent Administration of Estates Act and other documents filed by Waltraud Heath on January 31, 2020, the court has not reviewed the documents and will be addressed on the calendared date of March 13, 2020 in Dept. 4.

IN RE THE ESTATE OF JAMES THOMAS BARTSCH, DECEASED
Case No. FPR050001

Petition to Administer Estate

PREGRANT ORDER

The court finds all notices have been given as required by law. The petition is granted as prayed.

The court appoints Justin J. Bartsch as administrator with full authority under the Independent Administration of Estates Act.

Bond is waived.

The court appoints Raymond Simonds as probate referee. The personal representative is reminded of the requirement to file the Inventory & Appraisal within four months as required by Probate Code § 8800.

9:00 CALENDAR

CHEESMAN v. FAIRMONT CHARTER SCHOOL
Case No. FCS051711

Motion to Compel

TENTATIVE RULING

The court on its own motion continues the hearing to February 11, 2020, at 9:00 a.m. in Department 4.

FOSTER v. PUB. STORAGE, ET AL.
Case No. FCS051939

Motion to “Compel Responses”; Motion for “Order Establishing Admissions Deemed Admitted”

TENTATIVE RULING

Plaintiff's "motion to compel responses to requests for production of documents" and "motion for order establishing admissions deemed admitted" are denied.

The court treats Plaintiff's motions as motions to compel further responses. (See, *Austin v. Los Angeles Unified Sch. Dist.* (2016) 244 Cal.App.4th 918, 930 [the nature of a motion is determined by the relief sought, not the label used by the party]; *Sole Energy Co. v. Petromineral Corp.* (2005) 128 Cal.App.4th 187, 193 [same].) Plaintiff's motions object to the content of discovery responses served by Defendant. (Motion (Docs), p. 2:10-11, 19-22; Motion (Adm), p. 2:9-17.) A party objecting to the adequacy of the responses received must move to compel **further** responses. (Code Civ. Proc. §§ 2031.310(a), 2033.290(a).)

Plaintiff's motions are not accompanied by the requisite meet and confer declaration. (Code Civ. Proc. §§ 2031.310(b)(2), 2033.290(b).) This meet and confer declaration must "state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion." (Code Civ. Proc. § 2016.040.) And, Defendant establishes that Plaintiff failed to communicate with defense counsel regarding her discovery dispute in any manner prior to filing her motions. (Decls. of Malla, ¶ 5.)

Additionally, Plaintiff has not complied with the requirement for a separate statement. (Cal. Rules of Court, rule 3.1345; *Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 893.)