

January 26, 2026
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Probate Tentative Rulings

1.	25CV2308	DOWNNS ET AL v. CEDAR EYE CENTER MEDICAL GROUP, INC. ET AL
Motin to Compel Further Discovery Responses		

Defendants offer the following arguments for invalidating Plaintiffs' Motion to Compel Further Responses to Discovery:

1. Plaintiffs' Motion was filed in a dismissed action.

The initial case filed with the Court (25CV2028) was dismissed at Plaintiffs request without prejudice on September 2, 2025. The case was refiled as 25CV2308 on the following day, September 3, 2025. The motion to compel was filed on December 26, 2025, and included the case number of the dismissed action in the caption. All other information in the caption, included the hearing date, was correct. The proof of service [to Norton and Cedar Eye Medical Group] also shows the correct case number.

The Declaration of Alaina T. Dickens, dated January 12, 2026, ("Dickens Declaration") declares that the discover requests were served on September 19, 2025, and that initial responses were sent on November 3, 2025. The Dickens Declaration further describes meet and confer efforts between the dates of November 6, 2025, and December 3, 2025. The January 12, 2025, Declaration reflects the Defendants' awareness of the Motion to Compel, which was filed on December 29, 2025, and their Opposition and all supporting documents were filed on January 12, 2025. Nothing in the Defendants' Opposition asserts or establishes any prejudice resulting from the erroneous case number in the caption. Accordingly, the Court finds that this is a harmless error and that there is no authority for invalidating the Motion on that basis. D'Avola v. Anderson, 47 Cal. App. 4th 358, 362 (1996).

2. Plaintiffs' Motion Violates Formatting Requirements of the California Rules of Court and the Code of Civil Procedure.

Defendants argue that the Motion is invalid as non-compliant with Code of Civil Procedure 128.7 because "each motion should be set forth in a separate document, including a request for sanctions, as exists here." Code of Civil Procedure § 128.7(c), the language of that section that requires motions for sanctions to be "made separately from other motions" refers to sanctions for violating Section 128.7(a). It does not refer to discovery sanctions authorized in other sections of the Code of Civil Procedure.

Defendants also cite California Rules of Court, Rule 3.1112. That Rule states that a motion must:

- (1) Identify the party or parties bringing the motion;
- (2) Name the parties to whom it is addressed;

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- (3) Briefly state the basis for the motion and the relief sought; and
- (4) If a pleading is challenged, state the specific portion challenged.

California Rules of Court, Rule 3.1112(d).

Plaintiffs' motion meets these requirements.

California Rules of Court, Rule 3.1112(c) further requires that:

The papers filed under (a) and (b) may either be filed as separate documents or combined in one or more documents if the party filing a combined pleading specifies these items separately in the caption of the combined pleading.

Plaintiffs' Motion document consists of motions to compel further responses to Requests for Production, Form Interrogatories, Special Interrogatories and Requests for Admission and for Monetary Sanctions, all of which are specified in the caption of the Motion.

The Court finds no formatting violation that would justify invalidating the Motion.

3. Plaintiffs' Motion Violates the Separate Statement Requirement of the California Rules of Court.

California Rules of Court, Rule 3.1345 requires a Separate Statement to be filed with motions to compel discovery responses in the following format:

The separate statement must include-**for each discovery request (e.g., each interrogatory, request for admission, deposition question, or inspection demand)** to which a further response, answer, or production is requested-the following:

- (1) The text of the request, interrogatory, question, or inspection demand;
- (2) The text of each response, answer, or objection, and any further responses or answers;
- (3) A statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute;
- (4) If necessary, the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it;
- (5) If the response to a particular discovery request is dependent on the response given to another discovery request, or if the reasons a further response to a particular discovery request is deemed necessary are based on the response to some other discovery request, the other request and the response to it must be set forth; and
- (6) If the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them must summarize each relevant document.

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(Emphasis added.)

Plaintiffs filed the Declaration of Stephen J. Redner, dated December 26, 2025, (“Redner Declaration”) which attaches the full text of all discovery requests (Exhibit A), all of Defendant’s discovery responses (Exhibit B) and approximately 20 pages of all meet and confer correspondence between the parties (Exhibits C, D and E). Nothing in this 104-page compilation summarizes the responses that are in dispute with specificity. This format defeats the purpose of the Separate Statement requirement.

As a general matter, discovery is intended to be a “self-executing” system that parties are capable of conducting without judicial intervention except to the extent that good faith disputes arise on particular discovery requests.

“It is a central precept to the Civil Discovery Act of 1986 (§ 2016 et seq.) ... that civil discovery be essentially self-executing. [Citation.]” (*Townsend, supra*, 61 Cal.App.4th at p. 1434, 72 Cal.Rptr.2d 333.) A self-executing discovery system is “one that operates without judicial involvement.” (2 Hogan & Weber, Cal. Civil Discovery, *supra*, § 15.4, pp. 15–7 to 15–8.) Conduct frustrates the goal of a self-executing discovery system when it requires the trial court to become involved in discovery because a dispute leads a party to *1292 move for an order compelling a response.

Clement v. Alegre, 177 Cal. App. 4th 1277, 1291–92, 99 Cal. Rptr. 3d 791, 802 (2009).

When the parties require judicial intervention to move discovery disputes forward, it is incumbent upon them to present coherent facts and arguments to the Court for resolution. When requesting the Court to dedicate scarce judicial resources to discovery disputes, it is not sufficient to file more than 100 pages of raw requests, responses and correspondence in a single document and leave it to the Court to identify the outstanding issues. This is the purpose of the Separate Statement requirement, to narrow the issues and present the pertinent legal and factual arguments for judicial resolution.

While reviewing the applicable authorities that might move this case forward, the Court found the following passage instructive:

More than 10 years ago, *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 72 Cal.Rptr.2d 333 (*Townsend*) lamented the all too often interjection of “ego and emotions of counsel and clients” into discovery disputes, warning that “[l]ike Hotspur on the field of battle, counsel can become blinded by the combative nature of the proceeding and be rendered incapable of informally resolving a disagreement.”² (*Id.* at p. 1436.) *Townsend* counseled that the “informal resolution” of discovery disputes “entails something more than bickering with [opposing counsel].” (*Id.* at p. 1439, 72 Cal.Rptr.2d 333.) Rather, the statute “requires that there be a serious effort at negotiation and informal resolution.” (*Id.* at p. 1438, 72 Cal.Rptr.2d 333.)

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This case illustrates once again the truth of *Townsend's* observations, as well as highlighting the lengths to which some counsel and clients will go to avoid providing discovery (in this case by responding to straightforward interrogatories with nitpicking and meritless objections), resulting in delaying proceedings, impeding the self-executing operation of discovery, and wasting the time of the court, the discovery referee, the opposing party, and his counsel.

Clement v. Alegre, 177 Cal. App. 4th 1277, 1281 (2009).

With that observation, the Court finds the challenged Motion is not invalidated by its formatting, and that the Redner Declaration does not conform to the substantive requirements of a Separate Statement as set forth in California Rules of Court, Rule 3.1345.

TENTATIVE RULING #1:

- A. THE COURT FINDS THAT THE MOTIONS TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION, FORM INTERROGATORIES, SPECIAL INTERROGATORIES AND REQUESTS FOR ADMISSION AND FOR MONETARY SANCTIONS ARE NOT INVALIDATED BY THE INCLUSION OF AN INCORRECT CASE NUMBER IN THE CAPTION OR BY CALIFORNIA RULES OF COURT, RULES 3.1112 OR CODE OF CIVIL PROCEDURE SECTION 128.7.**
- B. THE COURT FINDS THAT THE PLAINTIFFS' SEPARATE STATEMENT IN SUPPORT OF THE MOTIONS TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION, FORM INTERROGATORIES, SPECIAL INTERROGATORIES AND REQUESTS FOR ADMISSION AND FOR MONETARY SANCTIONS DO NOT COMPLY WITH CALIFORNIA RULES OF COURT, RULE 3.1345.**
- C. THIS MATTER IS CONTINUED TO 8:30 A.M. ON FEBRUARY 20, 2026.**
- D. PLAINTIFFS SHALL FILE A SEPARATE STATEMENT IN COMPLIANCE WITH CALIFORNIA RULES OF COURT, RULE 3.1345 BY FEBRUARY 2, 2026, OR THE MOTION TO COMPEL FURTHER RESPONSES TO DISCOVERY AND FOR SANCTIONS WILL BE DENIED.**
- E. DEFENDANTS SHALL FILE ANY RESPONSE TO THE SEPARATE STATEMENT NO LATER THAN FEBRUARY 9, 2026.**
- F. PLAINTIFFS SHALL FILE ANY REPLY TO DEFENDANTS' RESPONSE TO THE SEPARATE STATEMENT NO LATER THAN FEBRUARY 13, 2026.**
- G. THE PARTIES ARE DIRECTED TO CONTINUE TO MEET AND CONFER IN GOOD FAITH.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).

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NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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2.	25PR0304	ESTATE OF ANDERSON
Petition for Letters / Determine Title to Real Property / Set Aside Fraudulent Conveyance		

Decedent died intestate on February 13, 2024, survived by three adult children. Petitioner is decedent's son. Respondent is decedent's daughter. Kevin Anderson is the third adult child of decedent.

Petition for Letters

Daniel Anderson filed a Petition for Letters on October 31, 2025. The Petition requests full authority under the Independent Administration of Estates Act.

The Petition alleges that the Will waives bond, but also states that the decedent died intestate.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 31, 2025.

There is a proof of service of the Petition to administer the estate on file with the Court but it bears no filing date.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

Petition to Determine Title to Real Property

On November 12, 2025, Daniel Anderson filed a second Petition related to the estate of decedent, to determine title to real property and to set aside a fraudulent conveyance. Respondent Tammy Diaz is decedent's daughter, although the Petition alleges that Tammy Diaz is not an heir or beneficiary of decedent. Respondent's Objection alleges that she is an heir as one of decedent's three children.

According to the instant Petition, two days before decedent's death of advanced cancer, he executed a deed to real property that is the principal asset of decedent's estate. The stated consideration for the transfer was one dollar. Petitioner asserts that Respondent was in a position to exert undue influence over decedent at the end of his life, when he was heavily medicated and dying of cancer. Petitioner notes that decedent did not have the benefit of legal counsel in this transaction.

Petitioners alleges financial abuse of an elder pursuant to Welfare and Institutions Code § 15610.30. Petitioner requests the court to set aside the grant deed transferring title to the property based on lack of capacity and undue influence, and to determine that title belongs with decedent's estate pursuant to Probate Code § 850. This request is based on decedent's lack of capacity to execute the deed, the exertion of undue influence by Respondent.

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A proof of service of the Petition was filed on November 12, 2025, but only names Respondent Tammy Diaz, it does not include the third sibling Kevin Anderson, who was noticed of the Petition for Letters but not noticed of the instant Petition to determine title to the real property.

Objection

Respondent objects to the Petition to Determine Title to Real Property. The Objection is framed in part as an objection to the Petition, but also as an Answer to a Complaint. As part of that Objection Respondent takes issue with various statements in the Petition for Letters; however, the Objection responds to the Petition to Determine Title, not to the Petition for Letters. Excluding the arguments directed at the initial Petition for Letters, Respondent argues that she was not personally served notice of the Petition as required by Probate Code 851(a)(2) and Code of Civil Procedure § 413.10.

Analysis

Probate Code § 850(a)(2)(d) authorizes “any interested person” to file a Petition “[w]here the decedent died having a claim to real or personal property, title to or possession of which is held by another.” Section 851(a)(2) requires notice of such Petition to be served on “[e]ach person claiming an interest in, or having title to or possession of, the property” as would be required for a Summons by Code of Civil Procedure § 413.10: “A summons may be served by personal delivery of a copy of the summons and of the complaint to the person to be served.”

The proof of service of the Petition indicates that service was by mail, which does not meet the statutory requirements. At the hearing on December 29, 2025, the Court continued the matter to allow proper service of the Petition. As of the writing of this Tentative Ruling there is no new proof of service of the Petition in the Court’s file.

On January 8, 2026, Tammy Diaz filed notice of a related case, 25UD0341.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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3.	24PR0005	ESTATE OF BELL
Review Hearing		

TENTATIVE RULING #3:

**AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT JANUARY 29, 2026,
THE MATTER IS DROPPED FROM CALENDAR.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530)
621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

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4.	25PR0085	IN THE MATTER OF BEVERLY D CAMPOS
Final Distribution		

Letters of Administration/Letters Testamentary were issued on June 16, 2025, granting Petitioner full authority under the Independent Administration of Estates Act. Petitioner is decedent's spouse and the other heir is decedent's adult child.

A Final Inventory and Appraisal was filed on September 22, 2025. At the time the inventory and appraisal is filed, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

There is no Proof of Service of Notice of the hearing on the Petition on file with the Court. In addition to Petitioner (decedent's spouse), there is an adult child listed in the Petition to administer the estate. Although that individual filed a waiver of bond, there is no waiver of notice on file.

The proposed distribution of the estate is for an equal division of the decedent's interest in real property to be divided equally between the two heirs.

The Petition complies with Local Rule 10.07.12.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of further accounting;
2. All acts, transactions and proceedings of the Administrator be ratified, confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$5,350.00, plus \$1273.60 for costs advanced to the estate;
4. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
5. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition;
6. The Administrator be authorized to retain \$1,000 in closing expenses and to pay liabilities, and to deliver the unused part to the beneficiaries of the estate without further court order after closing expenses have been paid;

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7. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petitioner may be discharged and released from all liability that may be incurred thereafter.**

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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5.	24PR0327	IN THE MATTER OF WINONA MORTENSEN
Status of Administration		

Letters of Administration were issued on February 19, 2025. An Inventory and Appraisal was filed on April 25, 2025.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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6.	PP20180237	ESTATE OF KOCHMICH
Status of Administration		

TENTATIVE RULING #6: A STATUS REPORT HAVING BEEN FILED WITH THE COURT ON JANUARY 13, 2026, THIS MATTER IS TAKEN OFF CALENDAR.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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7.	23PR0079	ESTATE OF DANIELSON
Status of Administration		

Letters Testamentary were issued on September 11, 2023. There is no Inventory and Appraisal on file with the Court.

At the hearing on January 5, 2026, and the Court continued the matter, directing the Administrator to file a Petition for Final Distribution or a Declaration regarding assets received and waiving further order of distribution.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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8.	25PR0356	IN THE MATTER OF ALFREDO ESCOBAR
Petition for Order Confirming Trust Assets		

Petitioner is the trustee of the Dunn Family Trust ("Trust"), which was funded by the settlors through their pour-over Wills, which is attached to the Petition as Exhibit D and E. The settlors were Velia Dunn, who died in 2021, and Edward Dunn, who died in November, 2025.

There are two assets at issue in this Petition. The first is a Wells Fargo bank account. A statement from the account is attached to the Petition as Exhibit H. At the time of the surviving settlor's death, the Wells Fargo Bank was held in the name of Edward J. Dunn and Velia Dunn.

The second asset at issue is a 2012 BMW CP, with title held as "Dunn Edward J. or Dunn Velia". A copy of the title is attached to the Petition as Exhibit I.

The Assignments of Property (Petition, Exhibits "B" and "C") executed by the settlors expressly state that all rights, title, and interest in vehicles and savings accounts, either owned then or thereafter acquired, are transferred and assigned to the Trust.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or possession of real property to execute a conveyance or transfer to a person entitled thereto, or granting other appropriate relief. Probate Code § 851 requires the Petitioner to serve notice of the hearing and a copy of the Petition at least 30 days prior to the hearing to each person claiming an interest in or having title to or possession of the property. When the matter concerns a decedent estate, notice shall also be given to any heir or devisee whose interest may be affected by the Petition in accordance with Probate Code § 1200.

Probate Code § 857 provides that in the event that the court issues such an Order:

(a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.

(b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

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Notice of the hearing and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were mailed on December 22, 2025 and filed on December 29, 2025.

Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

TENTATIVE RULING #8: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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9.	25PR0338	Estate of Valerie Hollinger
Letters of Administration		

Decedent died intestate on October 25, 2025, survived by her mother and four siblings, Additionally, she is survived by a co-owner of her real property. Petitioner is decedent's sister.

The Petition requests full authority under the Independent Administration of Estates Act.

A waivers of bond has been filed with the court by decedent's mother as the sole intestate heir. Decedent's mother also filed a nomination of Petitioner to serve as Administrator.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on December 2, 2025.

Proof of service of notice of the hearing on the Petition was filed on December 5, 2025.

Proof of publication was filed on December 29, 2025.

TENTATIVE RULING #9: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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10.	24PR0329	IN THE MATTER OF THELMA MAE GARDINER
Status of Administration		

TENTATIVE RULING #10: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON JANUARY 2, 2026, THE MATTER IS DROPPED FROM CALENDAR.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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11.	21PR0004	ESTATE OF COX
Status of Administration		

TENTATIVE RULING #11: A STATUS OF ADMINISTRATION HEARING HAVING BEEN SET FOR JUNE 29, 2026, THIS MATTER IS TAKEN OFF CALENDAR.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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12.	25PR0339	IN THE MATTER OF LANCE FORNI
Petition to Determine Title to Real Property		

Petitioner is the trustee of the Forni Family 1991 Trust. The settlors were Francis Forni, who died on May 20, 2023, and Denis Forni, who died on February 25, 2008.

At issue is a parcel of real property. Schedule A of the trust instrument lists a three-quarter interest in the property. This is consistent with the ownership interest at the time of the creation of the Trust, when a three-quarter interest was owned by Dennis and Francis Forni and one quarter was owned by Mary Forni.

Subsequently on November 7, 1997, Mary transferred her interest to the Trust in a document recorded in El Dorado County Recorder's Office at 1997-0056426, attached to the Petition as Exhibit B.

Dennis Forni transferred his interest to the Trust on April 13, 1998, at instrument number 1998-0007354, attached as Exhibit C.

As to Francis Forni's interest, an unrecorded document was discovered among Trust documents purporting to transfer her interest to the Trust, but that document was not recorded during her lifetime and due to current recording laws, cannot now be recorded.

Francis Forni's Will bequeaths all of her estate to "First Amendment to the Revocable Living Trust of Frances E. Forni dated January 17, 2018." The referenced Amendment, attached to the Petition as Exhibit D, clearly states it is an amendment to the original trust created on July 22, 1991. Petitioner, Lance Forni, is the only intestate heir of the settlors and the only beneficiary of the Trust.

Schedule A of the Trust instrument specifically lists the property as a Trust asset, and the First Amendment to the Trust assigns "all real and personal property now owned by" the settlor to the Trust.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or possession of real property to execute a conveyance or transfer to a person entitled thereto, or granting other appropriate relief. Probate Code § 851 requires the Petitioner to serve notice of the hearing and a copy of the Petition at least 30 days prior to the hearing to each person claiming an interest in or having title to or possession of the property. When the matter

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concerns a decedent estate, notice shall also be given to any heir or devisee whose interest may be affected by the Petition in accordance with Probate Code § 1200.

Probate Code § 857 provides that in the event that the court issues such an Order:

(a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.

(b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

Notice of the hearing and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were emailed and filed on December 5, 2025.

Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

TENTATIVE RULING #12: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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13.	24PR0182	THE ESTATE OF EVERETT DAVIS LINLEY
Order to Show Cause - Removal		

Letters Testamentary were issued on October 16, 2024. The Clerk returned the Executor's November 21, 2025 *ex parte* Petition for Final Discharge on December 3, 2025, because there was no order for Final Distribution. The Petition for Final Discharge states that all property has been distributed and that receipts are not required because Petitioner is the sole distributee. However, the Petition to open probate identified a sibling of the Petitioner, and the Will indicates that the estate is to be divided equally among the two beneficiaries, or their issue if they do not survive the decedent.

There were no appearances at the or the OSC Hearing on December 8, 2025. The Court suspended the personal representative of the estate pending further Order of the Court, and set this Order to Show Cause – Removal hearing.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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14.	25PR0229	THE 1ST AMENDMENT OF THE CARLAN V. AND SUSAN M. MEYER TRUST DATED 12-31-1992
Attorneys' Fees		

Petitioner, Michael D. Meyer, filed a Petition: 1) To Compel Trust Accounting, 2) For Breach of Fiduciary Duty, 3) For Removal of Trustee and Appointment of Private Professional Trustee, 4) and, 5) Request for Attorney's Fees in his capacity as a Beneficiary of The First Amendment of The Carlan V. and Susan M. Meyer Trust ("Trust") dated December 31, 1992.

The currently acting Trustee is Monica Susan Huston, Petitioner's sister.

At the prior hearing on October 13, 2025, the parties appeared, and the Court continued the hearing, finding that the only remaining issue is whether Petitioner should be awarded attorneys' fees.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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15.	25PR0332	IN THE MATTER OF ROBIN KAPPELER MULLIN
Petition to Compel Accounting /Production of Trust Documents		

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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16.	25PR0239	In the Matter of THE PETROCCHI 1994 TRUST
Petition for Removal of Trustee/Compelling Account/Breach of Trust		

The settlor Beatrice Petrocchi amended the Trust on August 12, 2020, and died on October 30, 2021. Following a succession of resignations of named trustees (Petition, Exhs. A-C), on November 17, 2022 Paul Petrocchi served a Notification by Trustee pursuant to Probate Code § 16061.7(a)(2) that he was serving as the current trustee. Petition, Exh. D. According to the Petition, a First Account was received from the trustee on February 10, 2023, and no accounting has been received since. Petition, Exhs. E, F, G. Petitioner is a beneficiary of the Trust.

Petitioner alleges that the trustee has not provided any further accounting after February 10, 2023, despite repeated requests from Petitioner. Petition, page 3:5-10, Exh. G. Petitioner requests the Court to compel the trustee to respond to Petitioner's June 18, 2025, inquiry regarding specifics of the First Account and Report made pursuant to Probate Code § 16061. Petitioner alleges that the trustee has breached his fiduciary duty in failing to deal impartially with beneficiaries (Probate Code § 16003), to preserve Trust property (Probate Code § 16006), to make Trust property productive (Probate Code § 16007), to follow the standard of care of a prudent investor (Probate Code §§ 16045-16049) and to provide beneficiaries with relevant information pertaining to the trust on written request (Probate Code § 16061).

Petitioner further believes that the trustee improperly valued personal property distributed to favor Trustee, that the trustee incurred \$235,573.06 in losses from the sale of stock. And that the trustee has not yet made final distributions and continues to hold significant liquid assets.

Petitioner further requests the Court:

- To order the trustee to reimburse Petitioner for half the value of the loss of the stock sales;
- To require the trustee to provide an accounting for the period of October 30, 2021;
- To remove the trustee and appoint a professional trustee who should be instructed to revalue the personal property that has already been distributed.

Petitioner also requests award of attorney's fees based on the probate Court's broad equitable powers.

At the previous hearing on October 27, 2025, the parties requested a continuance. At the hearing of January 5, 2026, the parties again requested a continuance, and the Court indicated that if documents are not produced the Court would be inclined to suspend the Trustee.

Nothing new has been filed since the last hearing.

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TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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17.	23PR0304	ESTATE OF RATY
Status of Administration		

A Status Report has been filed requesting additional time to administer the estate due to reassessment of real property and resulting recalculation of taxes.

TENTATIVE RULING #17:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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18.	25PR0341	ESTATE OF MOULTON

Decedent died intestate on January 3, 2025. Petitioner is decedent's granddaughter.

The Petition requests full authority under the Independent Administration of Estates Act.

The Will has not yet been lodged with the court.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court, as required by Probate Code § 8404.

Proof of service of notice of the hearing on the Petition was filed on January 15, 2026.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #18: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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19.	23PR0138	THE ESTATE DAVIDSON
Final Distribution / Final Discharge		

At the hearing on August 25, 2025, the Court set an OSC hearing for suspension or removal of the Administrator. The Administrator appeared *pro per* at the October 20, 2025, hearing. At that hearing the Court directed the Administrator to file an Inventory and Appraisal and set the matter for Final Distribution and Final Discharge. However, nothing has been filed with the Court since that hearing.

TENTATIVE RULING #19: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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20.	23PR0138	ESTATE OF DAVIDSON
Final Distribution		

At the hearing on August 25, 2025, the Court set an OSC hearing for suspension or removal of the Administrator. The Administrator appeared pro per at the October 20, 2025, hearing. At that hearing the Court directed the Administrator to file an Inventory and Appraisal and set the matter for Final Distribution and Final Discharge. However, nothing has been filed with the Court since that hearing.

TENTATIVE RULING #20: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 25, 2027, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.