

March 23, 2026
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Probate Tentative Rulings

1.	25PR0012	IN THE MATTER OF HANANIA DOVER
Status of Administration		

TENTATIVE RULING #1: A HEARING ON THE PETITION FOR FINAL DISTRIBUTION BEING CALENDARED FOR MAY 11, 2023, THE MATTER IS DROPPED FROM CALENDAR.

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2.	25PR0126	ESTATE OF MARY V. MENSING
Final Distribution		

TENTATIVE RULING #2: 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, MARCH 22, 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.

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3.	25PR0361	IN THE MATTER OF THE BAXTER FAMILY TRUST

This is a Petition to modify the terms of a Trust pursuant to the authority granted by Probate Code § 15409 based on unanticipated circumstances.

The Trust is being administered by a professional fiduciary, who submitted this Petition. The trustee was appointed by Court Order as part of a 2019 settlement agreement between four of the five named beneficiaries who fell into conflict while the surviving settlor was alive. The dispute included Trust assets and the conservatorship of the surviving settlor. Petition, Exhibit A.

Pursuant to the settlement agreement a share of the assets of the Trust were to be held in trust for the fifth beneficiary (“Beneficiary”) until the trustee felt that the Beneficiary “is living a productive and respectable life and lifestyle,” including achieving some “accomplishments” defined to include “education success, attainment of usable job skills, demonstrated ability to follow generally acceptable rules and standards of society, positive contribution to the community”, as well as a drug and alcohol free state as established by mandatory periodic testing. The Trust funds were available to provide for the Beneficiary’s “health and welfare”, including the “cost of rehabilitation and programs to help with these type of situations.” If the Beneficiary could not achieve this state within five years of the death of the settlor the Beneficiary’s share would lapse and be distributed to the other beneficiaries of the Trust.

The Petition states that the Beneficiary has been diagnosed with multiple serious mental health conditions and has just been released from a locked facility. See Petition, Exhibit C. The Beneficiary has minimal social security income and is subject to a conservatorship. While he is drug and alcohol free, he is not able to meet the “accomplishments” requirements of the Trust. If his share of the Trust lapses and is distributed to the other beneficiaries, he will have no means of support. The trustee believes that the settlors intended to provide for his “health and welfare”, and did not anticipate that he would be subject to conservatorship and diagnosed with serious mental health conditions.

Accordingly, the Petition proposes alternate provisions for the Beneficiary’s special needs for the remainder of his life. Distributions would be at the trustee’s discretion to supplement but not supplant public benefits, to make the Beneficiary’s life comfortable and enjoyable, but without direct distributions to the Beneficiary or to reimburse the Beneficiary for any purchase he makes, and generally to make distributions for the Beneficiary’s health, safety and welfare. Upon his death any remainder would be allocated among the remaining beneficiaries of the Trust.

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Probate Code § 15409(a) provides:

On petition by a trustee or beneficiary, the court may modify the administrative or dispositive provisions of the trust or terminate the trust if, owing to circumstances not known to the settlor and not anticipated by the settlor, the continuation of the trust under its terms would defeat or substantially impair the accomplishment of the purposes of the trust. In this case, if necessary to carry out the purposes of the trust, the court may order the trustee to do acts that are not authorized or are forbidden by the trust instrument. It requests that several restrictive conditions on payments from the Trust to a named beneficiary be modified to reflect the intention of the settlors and the best interests of the Beneficiary.

The Petitioner has provided notice of the hearing on the Petition to all beneficiaries of the Trust.

At the hearing on February 9, 2026, the Court continued the matter because a party with an objection appeared at the hearing. No written objection has been filed.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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4.	25PR0294	IN THE MATTER OF RALPH AND MARLIE EMIG IRREVOCABLE TRUST
Trust Petition		

Petitioner alleges a breach of trust on the part of the trustee of the above-referenced trust ("Trust"). The Petition states that there has been no accounting since the last settlor's death in February, 2024 death notwithstanding Petitioner's repeated inquiries to the trustee's counsel between October, 2024 and June, 2025. See Petition Exhibits 1-5.

Petitioner alleges violations of Probate Code §§ 16000, 16002, 16004 in failing to provide an accounting, withholding information from the beneficiary, mismanagement of Trust assets including self-dealing and commingling Trust property with the trustee's property; improper distributions or failure to make distributions and failure to act with good faith and impartiality towards the beneficiary.

Petitioner alleges violations of Probate Code §§16060, 16062 in failing to provide annual accounting of Trust assets.

Petitioner alleges that the trustee is living in the house that belongs to the Trust and is not paying rent, resulting in a loss of potential income to the Trust from rental or sale of the property.

Petitioner argues that the Trustee should be removed or suspended pursuant to Probate Code §§ 15642 and 17200 to protect Trust assets and Petitioner as beneficiary from further loss.

At the previous hearing on December 15, 2025, the judge assigned to Department Nine disclosed a conflict of interest and recused himself from hearing the matter, which was continued.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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5.	26PR0023	IN THE MATTER OF WORRELL TRUST
Petition for Instructions		

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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6.	25PR0351	ESTATE OF WOOD
Succession to Real Property		

A Petition was filed by Quenton Hamlin requesting an Order determining the succession of real property of decedent Sally Ann Wood, who died intestate on June 6, 2025. Petitioner is decedent's grandchild.

Carolyn Wood, decedent's step-child, filed an Objection to the Petition on the grounds that she is a beneficiary of decedent's lost or destroyed Will that distributed decedent's estate 50 percent to decedent's issue and 50 percent to Objector and her sister.

Objector asserts that in 1991, decedent and her husband, each of whom had children from prior relationships, executed mutual Wills "to treat their respective families equally upon the death of the survivor." Objector points to the still-extant Will of decedent's husband that contains the following provision: "I have entered into a contract with my wife limiting in certain respects my power to revoke or to amend this Will after his [sic] death." The Objection references an attached Will as Exhibit A, but there is no Exhibit attached to the Objection. Objector asserts that this reflects an agreement between the spouses that their common estate would be divided equally between the children of each of them.

Objector asserts that Petitioner informed her after decedent's death that he had in his possession a codicil of decedent's Will, further evidencing the fact that there is an underlying Will of decedent. Accordingly, Objector asserts that the Petition is improper because the decedent did not, as the Petition alleges, die intestate, and because the Petition did not acknowledge the existence of any beneficiary of decedent's estate or provide notice to Objector.

The Petition is brought pursuant to Probate Code Sections 13150, et seq., which may be used as in this case where no probate is open on the estate. Probate Code Section 13151. The Petition meets the requirements of Probate Code Section 13152 as to the contents of the Petition, except that if there is a Will that names Objector and her sister as devisee, the Petition does not reference the Will or any heir of decedent, and did not provide notice to any person other than Petitioner. Objector does not assert the right to inherit from a step-parent under Probate Code Section 6454, which allows for intestate succession of stepchildren but only if it is established that the decedent would have adopted the step-child but for a legal impediment.

Objector requests the Court to deny the Petition and expresses the intention to file for probate of a lost Will.

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At the hearing held on February 9, 2026, the Court continued the matter at the request of the parties to give them an opportunity to meet and confer. Nothing new has been filed since the previous hearing.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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7.	24PR0338	ESTATE OF MACCONNELL
Status of Administration		

At the hearing on March 24, 2025, the Court approved the issuance of Letters of Administration. However, they do not appear in the Court's file. The Petitioner filed a subsequent Petition on September 16, 2025, but it was not scheduled for hearing.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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8.	22PR0061	ESTATE OF GRISHAM
Status of Administration		

At the prior hearing on February 9, 2026, the parties requested a continuance.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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9.	PP20200066	CONSERVATORSHIP OF GRISHAM
Status Conference		

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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10.	25PR0060	THE WAYNE A. MCFADDEN REVOCABLE TRUST OF MARCH 11, 2016
Petition for Instructions		

On March 19, 2025, Petitioner filed the instant Petition against Respondent for the purpose of protecting his father, Wayne McFadden, from Respondent's allegedly wrongful taking of assets belonging to the Wayne A. McFadden Revocable Trust of March 11, 2016, and/or belonging to Wayne as his own separate property assets, through the use of undue influence and/or fraud.

Hearings on the Petition and the Objection that was filed on July 7, 2025, were conducted and continued on May 12, 2025, July 14, 2025, and September 15, 2025, as the parties provided status updates to the Court on this case and a related conservatorship.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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11.	24PR0301	MATTER OF MIESCH vs. O'BRIEN
Petition to Compel Accounting		

Wreath Miesch (“Wreath”) has two daughters – Petitioner, and Colleen O’Brien (“Respondent”).

Petitioner, Regina Miesch, petitions the Court for Orders under Probate Code §§ 4521, 4541, and 4545, for Court enforcement of duties of an attorney-in-fact under a durable power of attorney (“POA”). Respondent serves as the agent under the POA.

Petitioner has requested an Accounting from the Respondent, which has not been produced. Petitioner is concerned about work being done on Wreath’s house, totaling over \$200,000, and other money allegedly being collected by the Respondent.

Petitioner requests an Order: compelling the POA submit to an accounting respecting Wreath’s property, over which POA has had control from June 5, 2020, to the present; declaring that Respondent’s authority under the POA is revoked; appointing Petitioner as POA; compelling Respondent to provide restitution to Wreath; and an award of attorney’s fees to Petitioner.

The parties entered into a prior Stipulation on May 1, 2024, which was adopted by Judge Balfour on May 2, 2024.

Wreath Miesch established the Wreath Miesch Living Trust (“Trust”) on June 12, 2023. Petitioner is a named beneficiary. On or around September 9, 2024, Respondent became the successor Trustee of the Trust based upon the incapacity of Wreath. The Trust is irrevocable.

Petitioner is seeking the removal of Respondent as Trustee, based upon repairs and remodeling made on Wreath’s Lodi home, which were allegedly performed by Respondent and her partner. Petitioner alleges breach of Trust, based on allegations of Wreath’s treatment by Respondent. Petitioners allege financial elder abuse on the same grounds.

Petitioner requests an Order: removing Respondent as Trustee; for an in-home evaluation of Wreath; finding that Respondent and Mike Ramos be found to have committed elder financial abuse and ordered to refund Wreath according to proof; that Wreath is entitled to an award of exemplary or punitive damages; and that Petitioner be awarded attorney’s fees and costs.

Both Petitions were served by mail on November 7, 2024, on Respondent and her counsel. However, the Notice of Petition for Removal, etc. also lists service on Mike Ramos.

At the hearing held August 25, 2025, the parties indicated that they were engaged in meet and confer efforts and requested a continuance.

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A report by Elder Care Management, filed by Petitioner, evaluating the suitability of Wreath' current arrangements is on file with the Court. This report contains conclusions and recommendations that are relevant to the health and welfare of Wreath but are not directly at issue as to these Petitions related to financial management and accounting.

At the prior hearing the Court continued the matter to hear arguments and make a ruling on the issue of interpretation of the Stipulation and other issues. The Court set a briefing schedule. Since the previous hearing there have been several new filings.

First, Respondent filed a Request for Judicial Notice of pleadings filed in Case No. 24CV0650:

1. Request for Elder or Dependent Adult Restraining Order Allowing Contact alleging O'Brien is preventing Miesch's contact with Wreath Miesch
2. Request for Elder or Dependent Adult Abuse Restraining Order alleging Miesch is bullying and stealing funds from Wreath Miesch
3. Response to Request for Elder or Dependent Adult Abuse Restraining Order
4. Stipulation re Wreath Miesch Visitation and Finances

Second, Miesch filed her Reply Brief re: Legal Effect of Prior Stipulation on Pending Petitions filed in Case No. 24CV0650, dated February 25, 2026. This brief argues that:

- The Stipulation allows visitation and does not waive or release claims;
- Mike Ramos is not party to the Stipulation and is referenced only as a service provider whose cost of services are at issue, and he may not use the Stipulation to shield himself from the requirement of disgorgement of unlicensed labor charges
- The Stipulation governs visitation and does not constitute a waiver or release of disputed renovation costs, violations of fiduciary duty breach of trust or elder abuse.

Miesch requests the Court to find:

1. To find that the Stipulation does not apply to Mike Ramos
2. To find that the Stipulation does not prevent the litigation of pending petitions for accounting, removal of trustee, breach of trust, and financial elder abuse; and
3. To award attorney's fees and costs to Miesch

Third, O'Brien filed her Reply Brief re: Legal Effect of Prior Stipulation on Pending Petitions filed in Case No. 24CV0650, dated March 12, 2026. O'Brien makes several objections to statements in Meisch's brief as lacking foundation, inadmissible hearsay and opinion statements regarding Mike Ramos' service fees, the effect on real property valuation of unlicensed repair

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work, and the statement that Ramos is an unlicensed flooring contractor. Further, O'Brien argues:

1. Miesch mischaracterizes O'Brien's legal argument. She does not assert the application of Civil Code 1542 waiver provisions. Rather, she argues that the conclusion of the civil litigation with a stipulation that includes payments for renovations on Wreath Miesch's real property collaterally estops the parties from further litigating this issue.
2. O'Brien does not assert that the Stipulation is governed by Code of Civil Procedure § 664.6 but does manifest the parties' intentions to be collaterally bound by its terms.
3. The Stipulation does apply to Mike Ramos because its reference to "all labor costs" includes those of Mike Ramos.
4. The Stipulation is a "final judgment" that is not premised on the underlying dismissal of the prior civil proceedings.
5. The Stipulation does not violate Business and Professions Code § 7031 or Civil Code § 3513.

O'Brien requests the Court to find as follows:

Regina Miesch and Colleen O'Brien intended to be collaterally bound by the Stipulated Judgment and cannot now assert claims regarding the Settlor's approval of the payment of rent from the Lodi Property to Colleen O'Brien as reimbursement for the labor costs at the Lodi Property. Additionally, by attempting to nullify portions of the Stipulated Judgment through the Petition, the Court should find that Regina Miesch has triggered the fee shifting provision of the Stipulated Judgment and the prevailing party on the Petition is entitled to an award of attorney's fees and costs.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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12.	25PR0265	ESTATE OF HILL
Trust Petition		

This Petition seeks to recover property that belongs to the estate that is currently in the possession of Jacqueline Thomas, decedent's mother.

Decedent David Hill, Jr. died intestate on September 10, 2023. Letters of Administration were issued to Lori O'Rourke on December 2, 2025. Decedent is survived by a minor child, Aubrey Hill, and Marcy O'Rourke is serving as her guardian *ad litem*.

Decedent's uncle, Curtis Hall owned certain real property, and when he died intestate in 2009 his estate was admitted to probate in El Dorado County, Case No. PP20090112. Curtis Hall's intestate heirs assigned their interest in the estate to Jacqueline Thomas and decedent David Hill, Jr., such that each was entitled to a 50 percent share of the estate. Petition, Attachment A (Final Order of Distribution for Hall estate). The title of the real property was not changed to reflect this ownership.

The real property went into foreclosure and was sold for \$453,700. The net proceeds after all debts and costs were paid was \$303,992.06, the amount to which David Hill, Jr. and Jacqueline Thomas each were entitled to a 50 percent interest.

In 2023, the bank that sold the real property filed a petition to deposit these funds with the Court (23CV0593) and the Court granted the petition on Jun 23, 2023. Petition, Attachment B. The Court ordered the bank to notice the claimants to the surplus funds, but when the hearing was held on November 20, 2023, no parties appeared and the Court dismissed the case. Decedent had died on September 10, 2023, before the November hearing.

Jacqueline Thomas filed a motion to amend the Order dismissing the case nunc pro tunc on the grounds that the November 20, 2023, hearing was held without notice to the potential claimants due to a clerical error. Petition, Attachment C. Part of that motion included Thomas' Declaration, stating that she knew of no other person with a superior claim to the surplus funds from the sale of the property, and therefore, she claimed all of the funds. Id. That motion was heard on October 25, 2024, and as a consequence the Court ordered 100 percent of the surplus funds disbursed to Jacqueline Thomas. Petition, Attachment H.

Petitioner in this case asserts that decedent never received notice of the hearing regarding the surplus funds, and in any event, had died by the time the hearing was held. The proofs of service of notice of Thomas' motion, and also the proof of service of Thomas' claim, were sent to decedent in care of Thomas, at Thomas' address, a P.O. Box in Ukiah. Petition, Attachments D, G.

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This Petition seeks the return from Thomas of decedent's 50 percent interest, and the imposition of double damages pursuant to Probate Code §§ 850-859.

If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property belonging to a conservatee, a minor, an elder, a dependent adult, a trust, or the estate of a decedent, or has taken, concealed, or disposed of the property by the use of undue influence in bad faith or through the commission of elder or dependent adult financial abuse, as defined in Section 15610.30 of the Welfare and Institutions Code, the person shall be liable for twice the value of the property recovered by an action under this part. In addition, except as otherwise required by law, including Section 15657.5 of the Welfare and Institutions Code, the person may, in the court's discretion, be liable for reasonable attorney's fees and costs. The remedies provided in this section shall be in addition to any other remedies available in law to a person authorized to bring an action pursuant to this part.

Probate Code § 859.

Petitioner also seeks the imposition of a constructive trust pursuant to Civil Code § 2224 and the governing standards for imposing a constructive trust set forth in the cases of *Calistoga Civic Club v. City of Calistoga*, (1983) 143 Cal. App. 3d 111, 116, and *Estate of Yool* (2007) 151 Cal. App. 4th 867, 874.

One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had it.

Civil Code Section 2224.

Petitioner further requests the Court to award Petitioner attorneys' fees and costs:

Unless it is otherwise provided by this code or by rules adopted by the Judicial Council, either the superior court or the court on appeal may, in its discretion, order costs to be paid by any party to the proceedings, or out of the assets of the estate, as justice may require.

Probate Code § 1002.

Proof of service of notice of the Petition on Jacqueline Thomas by personal service on January 9, 2026, is attached to the Petition as Attachment I, and was filed on January 13, 2026.

At the hearing on February 9, 2026, Jacqueline Thomas expressed an objection and the Court continued the matter, directing her to file a written objection. Although she did not file a

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written objection as of this writing, she filed a request for a continuance in order to prepare a written objection, which was denied. However, she may make an oral objection at the hearing. Probate Code § 1043.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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13.	25PR0015	ESTATE OF VAN DE BOGART
Status of Administration		

Letters of Administration were issued on April 1, 2025. An Inventory and Appraisal was filed on June 10, 2025.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.

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14.	22PR0301	ESTATE OF VISMAN
Petition for Instructions		

The Petitioner was issued Letters of Administration for decedent's estate with full authority on March 13, 2023. Petitioner is an officer, director and shareholder of the El Dorado Orchards, Inc. ("EDO"), as are Petitioner's brothers, Michael and Mark Visman. EDO has notified Petitioner that it has a claim against the estate based on an indemnification agreement. Petition, Exhibit A. Petitioner seeks the Court's instructions, given that he has a potential conflict of interest as between his role as Administrator and his position with EDO.

EDO has not filed a creditor claim against the estate. EDO claim arises out of a federal trademark litigation against EDO that commenced on November 29, 2029, and alleged that decedent and EDO had violated the plaintiff's trademarks. This included the decedent's registration of a domain name and development and publication of a website using the contested trademark. This litigation is ongoing.

EDO argues that an oral statement made by decedent at a May 9, 2022, EDO Board meeting that he would indemnify EDO for financial damages. That statement, as reflected in the EDO Board meeting minutes is attached to the Petition as Exhibit C:

10:15 am Lawsuit update Apple Hill Growers v. El Dorado Orchards, Inc. Everyone discusses. Mason answers questions about what's going on. Updates about Growers not having any of their (sic) evidence turned in. We talked about liability. If there are any financial damages to El Dorado Orchards Mason agreed to pay for all financial damages, attorney fees, etc.

Petitioner argues that decedent was an employee of EDO and as such, must be indemnified by his employer pursuant to Labor Code § 2802(a):

An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful.

Petitioner further argues that any purported indemnification undertaken by decedent is null and void pursuant to Labor Code § 2804:

Any contract or agreement, express or implied, made by any employee to waive the benefits of this article or any part thereof, is null and void, and this article shall not deprive any employee or his personal representative of any right or remedy to which he is entitled under the laws of this State.

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Although Petitioner points to W2s issued to decedent between 2012-2016 as evidence of his employment status, EDO's demand letter indicates that decedent was issued 1099 forms as an independent contractor between 2018-2022, and he received neither a W2 nor a 1099 in 2017. According to the Petition, decedent's role as an employee was marketing and advertising, the same activities that underlie the federal trademark litigation. This included registering the website domain name in 2014, when he was a W2 employee, and managing the website content thereafter. This is the same time period that is the subject of the federal Complaint. Petition, Exhibit B.

Petitioner further asserts that EDO's claim is not valid because EDO claimed ownership of the digital assets created by decedent and secured those rights through a Probate Code § 850 petition to this Court, which was granted. Petition, Exhibit F. Petitioner asserts that EDO is prevented by judicial and equitable estoppel from denying decedent's employment status when it claimed ownership of the digital assets in the Probate Code § 850 petition on the basis that decedent created them in the course and scope of his employment.

Finally, EDO has not submitted a creditor claim against the estate, and the time for filing such a claim has now expired.

The Petition requests the following findings and Orders from Court:

1. Finding that the actions of decedent complained of in the lawsuit brought by Apple Hill Growers in case #2:17- cv-02085-TLN-CKD filed in the United States District Court for the Eastern District of California, arose out of the course and scope of decedent's employment with El Dorado Orchards, Inc. and decedent was therefore entitled to the protections of Labor Code Sections 2802 and 2804;
2. Finding that any agreement by decedent to indemnify El Dorado Orchards, Inc. is null and void;
3. Finding that more than four months have elapsed since the date letters were first issued to petitioner and the time for filing creditors' claims expired on July 13, 2023;
4. Finding that the one-year statute of limitations provided under Section 366.2 of the Code of Civil Procedure expired on November 11, 2023 and thus that no action may now be brought against decedent on a theory of liability, whether arising in contract, tort, or otherwise;
5. Instructing petitioner, as personal representative of the estate, to therefore deny any claim of indemnity against the estate presented by El Dorado Orchards, Inc.

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Following the prior hearing on March 16, 2026, the Court continued the matter to allow objections to be filed.

Mark and Mike Visman filed an Objection on March 17, 2026. The Objection asserts first that Petitioner Brad Visman has a conflict of interest in serving as both Administrator of the estate from which he stands to inherit and as an officer of EDO and should resign his position as Administrator in favor of a neutral third-party Administrator appointed by the Court. The Objectors desire the new neutral Administrator to consider the indemnification claim against the estate. The Objectors argue that decedent was serving EDO as an independent contractor and the indemnification claim is valid.

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