

**1. CONSERVATORSHIP OF SARAH V., SP20180024**

**Biennial Review of Conservatorship**

The court investigator recommends continuation of the conservatorship.

**TENTATIVE RULING # 1: ABSENT OBJECTION, THE CONSERVATORSHIP SHALL CONTINUE. THE COURT FINDS THAT ASSESSMENT OF THE COURT INVESTIGATOR FEE WOULD CAUSE A HARDSHIP TO THE CONSERVATORSHIP AND WILL NOT REQUIRE REIMBURSEMENT OF THE FEE. THE COURT SETS THE NEXT CONSERVATORSHIP REVIEW AT 8:30 A.M., WEDNESDAY, JANUARY 29, 2025, IN DEPARTMENT FOUR.**

**2. ESTATE OF DE GROOTE, 22PR0140**

**Petition for Final Distribution on Waiver of Account**

**TENTATIVE RULING # 2: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED.**

**3. ESTATE OF ANN PETRIG, SP20200030****Status of Administration (See Related Item No. 4)**

This matter was continued from November 9, 2022.

Letters of Administration were issued on September 18, 2020. The Final Inventory and Appraisal was filed October 9, 2020. Final distribution was ordered on September 10, 2019. A stipulation and order regarding partial distribution was filed in the related matter, *Estate of Edgar Petrig*, El Dorado County Superior Court Case No. SP20190002 (see item no. 4), which also affects this matter. Estate administration for this action remains open pending completion of the administration of Edgar's estate.

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR.**

**4. ESTATE OF EDGAR PETRIG, SP20190002****Status of Administration (See Related Item No. 3)**

This matter was continued from November 9, 2022.

Letters of Administration were issued on April 17, 2019, to Ann Petrig, who subsequently passed away. Letters of Administration were then issued to decedent's mother on September 18, 2020. The Final Inventory and Appraisal was filed October 9, 2020. Partial distribution of the estate was ordered on November 2, 2020, and final distribution was ordered on July 8, 2021. To date, there are no receipts of distribution and no Ex Parte Petition for Final Discharge (Judicial Council form DE-295) in the court's file.

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR.**

**5. CONSERVATORSHIP OF EILENE K., SP20200047**

**Petition for Appointment of Successor Conservator of the Person and Estate**

The court investigator recommends that counsel for the conservatee be appointed and that the conservatorship be continued.

**TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR. THE CONSERVATOR IS ORDERED TO PAY THE COURT \$500.00 FROM THE CONSERVATEE'S ASSETS AS REIMBURSEMENT FOR THE COURT INVESTIGATOR'S FEE WHEN FUNDS ARE AVAILABLE. SHOULD THE CONSERVATOR WISH TO REQUEST A PARTIAL OR FULL WAIVER OF THE FEE, THE CONSERVATOR NEEDS TO APPEAR AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR AND SUBMIT INFORMATION CONCERNING THE CONSERVATEE'S ASSETS AND INCOME FOR THE COURT'S CONSIDERATION.**

**6. CONSERVATORSHIP OF NGIMA S., SP20190003**

**(1) Request for Elder or Dependent Adult Restraining Order Allowing Contact (See Related Item No. 10)**

**(2) Petitioners' Motion to Compel Further Responses to Form Interrogatories**

Request for Elder or Dependent Adult Restraining Order Allowing Contact

Appearances are required. This matter is related to item number 10, OSC Re: Request for Elder or Dependent Adult Abuse Restraining Orders.

Petitioners' Motion to Compel Further Responses to Form Interrogatories

Petitioners' motion is denied without prejudice on the basis that the motion fails to comply with California Rules of Court, rule 3.1345. "[A]ny *motion* involving the content of a discovery request or the responses to such a request *must be accompanied by a separate statement.*" (Cal. Rules of Ct., rule 3.1345(a) [emphasis added].)

Petitioners did not file a separate statement with their motion as required by rule 3.1345(a), but instead filed it with their reply, which raises a due process issue because respondents were deprived of the opportunity to respond to the separate statement.

Because petitioners made an unsuccessful motion to compel a further response, and the court does not find that petitioners acted with substantial justification or sanctions are unjust, the court finds that \$500.00 is a reasonable sanction under the Discovery Act. (Code Civ. Proc., § 2030.300(d).)

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR FOR THE REQUEST FOR RESTRAINING ORDER ALLOWING CONTACT. PETITIONERS' MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORIES IS DENIED WITHOUT PREJUDICE. PETITIONERS MUST PAY RESPONDENTS' COUNSEL \$500.00 NO LATER THAN FEBRUARY 10, 2023.**

**7. ESTATE OF ANDELMAN, SP20210032****Status of Administration**

Letters Testamentary were issued on September 22, 2021. The Final Inventory and Appraisal was filed January 6, 2022. Final distribution was ordered on October 19, 2022. To date, there is no receipt of distribution and no Ex Parte Petition for Final Discharge (Judicial Council form DE-295) in the court's file.

**TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR.**

**8. CONSERVATORSHIP OF ROSE MARIE C., SP20200048**

**Petition for Appointment of Successor Conservator of the Person and Estate**

The court investigator recommends that counsel for the conservatee be appointed and that the conservatorship be continued.

**TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR. THE CONSERVATOR IS ORDERED TO PAY THE COURT \$500.00 FROM THE CONSERVATEE'S ASSETS AS REIMBURSEMENT FOR THE COURT INVESTIGATOR'S FEE WHEN FUNDS ARE AVAILABLE. SHOULD THE CONSERVATOR WISH TO REQUEST A PARTIAL OR FULL WAIVER OF THE FEE, THE CONSERVATOR NEEDS TO APPEAR AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR AND SUBMIT INFORMATION CONCERNING THE CONSERVATEE'S ASSETS AND INCOME FOR THE COURT'S CONSIDERATION.**



**9. MATTER OF THE EDWIN AND SHIRLEY GUTTRY TRUST, 21PR0029****Respondent's Motion for Attorney Fees and Costs**

On December 21, 2022, the court granted respondent's Motion to Quash Deposition Subpoena for Production of Business Records. Because counsel for respondent did not submit a declaration in support of his request for attorney fees and costs, the court denied the request without prejudice. Pending is respondent's motion for attorney fees and costs for having prevailed on the motion to quash. (Code Civ. Proc., § 1987.1.)

"[I]n making an order pursuant to motion made under ... Section 1987.1, the court may in its discretion award the amount of the reasonable expenses incurred in making or opposing the motion, including reasonable attorney's fees, if the court finds the motion was made or opposed in bad faith or without substantial justification or that one or more of the requirements of the subpoena was oppressive." (Code Civ. Proc., § 1987.2(a).) " 'Substantial justification' means 'that a justification is clearly reasonable because it is well grounded in both law and fact. [Citations.]' [Citation.]" (*Vasquez v. Cal. School of Culinary Arts, Inc.* (2014) 230 Cal.App.4th 35, 40.)

The court finds that petitioner's opposition to respondent's motion to quash was without substantial justification and that sanctions are appropriate under the circumstances. (Code Civ. Proc., § 1987.2(a).) Having reviewed and considered respondent's counsel's declaration and the moving papers, the court finds that \$3,710.00 (10 hrs. x \$365/hr. + \$60 filing fee) is a reasonable sanction. Accordingly, the motion for attorney fees and costs is granted in part.

**TENTATIVE RULING # 9: RESPONDENT'S MOTION FOR ATTORNEY FEES AND COSTS IS GRANTED IN PART. PETITIONER MUST PAY RESPONDENT'S COUNSEL \$3,710.00 NO LATER THAN MARCH 1, 2023.**

**10. SHERPA v. GAEHWILER, 23CV0067**

**OSC Re: Request for Elder or Dependent Adult Abuse Restraining Orders (See Related Item No. 6)**

A Temporary Restraining Order was issued on January 18, 2023.

**TENTATIVE RULING # 10: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, JANUARY 25, 2023, IN DEPARTMENT FOUR.**