

**DEPARTMENT TWENTY-TWO  
JUDGE ALESIA JONES  
707-207-7322**

**TENTATIVE RULINGS AND PROBATE  
PREGRANTS FOR  
MATTERS SCHEDULED FOR  
WEDNESDAY, JUNE 29, 2022**

**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 22**

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 22**

The Pregrant and Tentative Ruling procedure remains unchanged. Pregrants and Tentative Rulings will be posted for Department 22 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  
THE NEXT PAGE**

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1617688610?pwd=ZjdTVkxxZ3ZXT1Z4cWU5VjhRMTRCUT09>

Meeting ID: 161 768 8610

Passcode: 310165

833 568 8864 US Toll-free

## **9:00 CALENDAR**

### **IN RE THE ESTATE OF ISMAEL V. VELASCO, DECEASED FPR050216**

Second Status Report of Personal Representative and Petition for Its Settlement

#### **PREGRANT ORDER**

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

The court finds that proper notice has been given as required by law. The Second Status Report filed on May 16, 2022 is approved. The court orders that the estate's administration continue for an additional four months through September 16, 2022 to allow the personal representative to resolve the outstanding issues with the real property and final employment compensation. The bond of \$504,200.00 is sufficient to protect and preserve the estate and shall remain in place until further court order. The personal representative is to file either a third status report or a petition for final distribution no later than September 16, 2022. If a petition for final distribution is filed prior to the continued hearing date, no appearance will be necessary for the status review hearing and it will be taken off calendar.

The court reminds the petitioner that receipts for the preliminary distribution must be filed with the court to show any preliminary distributions that have been made to the heirs of the estate prior to or concurrently with the petition for final distribution. There are no receipts on file showing this as occurred.

The court on its own motion sets a status review hearing to September 20, 2022 at 9:00 a.m. in Department 22.

The petitioner shall provide a conforming order for the court's review and signature.

---

**IN RE THE ESTATE OF ELIZABETH L. HALSTEAD, DECEASED  
FPR050716**

Petition for Final Distribution on Waiver of Account and for Order Fixing and Allowing Compensation

PREGRANT ORDER

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

This matter was continued from May 4, 2022 to allow the petitioner to resolve the issues with the petitioner, which have all been resolved now. Therefore, absent any objections the court intends to rule as follows:

The court finds all notices have been given as required by law. The petition as supplemented is granted as prayed except the release of liability and discharge shall be ordered only upon the filing of the Ex Parte Petition for Final Discharge and Order once assets are distributed and receipts filed with the court pursuant to Probate Code section 11753.

---

**IN RE THE ESTATE OF GENARRO J. PAPA, DECEASED  
FPR051072**

First and Final Report of Executor on Waiver of Account, Waiver of Ordinary Compensation to Executor, For Allowance of Ordinary Compensation and Reimbursement of Costs to Her Attorneys, For Reserve and For Final Distribution

Petitioner Ann Marie Olson's First Supplement to First and Final Report of Executor on Waiver of Account, Waiver of Ordinary Compensation to Executor, For Allowance of Ordinary Compensation and Reimbursement of Costs to Her Attorneys, For Reserve and For Final Distribution

Petitioner Ann Marie Olson's Second Supplement to First and Final Report of Executor on Waiver of Account, Waiver of Ordinary Compensation to Executor, For Allowance of Ordinary Compensation and Reimbursement of Costs to Her Attorneys, For Reserve and For Final Distribution

PREGRANT ORDER

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

The court on its own motion continues this hearing to August 30, 2022 at 9:00 a.m. in Department 22. Pending the continued hearing the petitioner shall resolve the following issues:

1. Petition, item 21: The statutory calculation includes \$1,500.00 in miscellaneous household/personal property items listed on the inventory and appraisal that was not accounted for in the petition. The petition did not provide the disposition of this asset. If the petitioner intends to consider this amount for calculating the statutory calculation, the petitioner shall include the value of the asset distribution to each heir. In the alternative, if the petitioner seeks to exclude this as a loss, then the amount should be deducted from the statutory calculation. (Prob. Code § 10800(b).) The petitioner is reminded that if the requested statutory compensation is a different amount other than what is listed in the inventory and appraisal, then detailed schedules of receipts, gains and losses must be included. (Cal. Rules of Court, Rule 7.705 (b).)
2. **\*\*Advisory Only\*\*** Reserve: The court has reviewed the second supplement filed on June 15, 2022 which seeks to modify the reserve amount from \$2,500 to \$6,500.00 for closing cost, taxes, expenses and a reserve for any liability due from the estate. However, the court in its discretion will require an informal accounting of the reserve which must be attached to the Ex Parte Petition for Final Discharge and may set the request for discharge for a hearing and require notice. (Solano County Local Rules, Rule 7.66 e.)
3. The seller's closing statement includes disbursements to "Bonnie Falk and Brian Kunde". These unusual expenses were not explained. The petitioner shall explain who these persons are and provide supporting documents for these expenses to show how they provided a benefit to the estate. (Prob. Code § 10901.)

4. There was no proof of service on file to show that the first supplement filed on May 27, 2022 was served on all persons entitled to notice. (Cal. Rules of Court, Rule 7.53 (b).)

5. There was no waiver of account and no proof of service on file showing proper notice was given to “Roy Volpe” who was an heir of a specific gift in the decedent’s will. The petitioner shall provide proper notice and file proof with the court.

---

**IN RE THE ESTATE OF JASWINDER SINGH SIDHU, DECEASED  
FPR051270**

Spousal Property Petition

PREGRANT ORDER

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

The court on its own motion continues this hearing to August 31, 2022, at 9:00 a.m. in Department 22. Pending the continued hearing the petitioner shall resolve the following issues:

1. The contents of the petition did not provide some of the required information listed in Solano County Local Rules, Rule 7.73 b. The Spousal Property Petition seeks to transfer alleged community property in whole or in part and must comply with Solano County Local Rules, Rule 7.73. The petitioner shall provide the missing information listed. For example, the petitioner did not provide the specific date and place of marriage between the decedent and the surviving spouse. The petitioner shall review and comply with all the requirements listed in Solano County Local Rule, Rule 7.73 b.
2. The petition did not include copies of the deeds for the three real properties (Solano Local Rule 7.73 b. (6)).
3. The petitioner shall provide a copy of the Interspousal Transfer Deeds that are referred to in Attachment 7 for the court’s review.
4. Petition, item 7 - Business interests: There was no attachment providing any information on any interest in a business or any unincorporated business that the deceased spouse was operating or managing at the time of death and whether there was any written

agreement between the deceased spouse and the surviving spouse. Attachment 7 provides that there were two businesses, but no information as to the names of the businesses, the type of businesses, the interest the decedent had in any of the businesses and values for such businesses. Also, the petitioner is required to file a list of known creditors of any of the businesses and other specific information. (See Prob. Code § 13658.)

5. Attachment 9: While the petitioner has filed consents by the adult heirs of the decedent, there is one heir that is a minor that has not consented. The petitioner shall explain if there is a guardian ad litem that can protect his interest in this proceedings, or if one needs to be appointed.

---

**IN THE MATTER OF THE WAYNE O. COUCH AND MARIETTA COUCH  
FAMILY TRUST  
FPR051315**

Petition to Determine Ownership of Estate Property and for Order Authorizing and Directing Trustee to Transfer Estate Property (Prob. Code § 850 (a)(2) and § 17200)

**PREGRANT ORDER**

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

This matter was continued from April 19, 2022 to allow the petitioner to address the issues with the petition, which have now been resolved. The court has read and considered the response filed on April 21, 2022. The court finds that proper notice has been given by law. The petition is denied.

The court does not find that the IRA is an asset of the trust as the IRA had a named beneficiary who died prior to the settlors. Any changes that were necessary were not made prior to the settlor's death. While the trust may receive the proceeds from the IRA, it would only be possible if the trust was the named beneficiary. Here, the trust was not. The court cannot change the named beneficiary of an IRA through this proceeding. The deceased settlor's pour over will would need to be probated and is intended to be used for situations as the one presented.

The petitioner relies primarily on Estate of Heggstad (1993) 16 Cal.App.4th 943 which dealt with a trust where the trustor failed to transfer a property by deed into the trust, but listed that property on the trust's Schedule A. In finding that the property was an asset of the trust, the court noted that a trust could be created in one of two ways per Probate Code

§ 15200, either by declaration by the owner of property that the owner holds the property as trustee or by transfer of property by the owner during the owner's lifetime to another person as trustee. (Probate Code § 15200.) The court then observed that “there is no requirement that the settlor/trustee execute a separate writing conveying the property to the trust.” (Estate of Heggstad, *supra*, 16 Cal. App. 4th at 948.)

This court is unpersuaded that Estate of Heggstad (1993) 16 Cal.App.4th 943 applies here. The court has found nothing in Heggstad supporting the relief sought, namely that the property can be declared an asset of the trust by showing that the deceased settlor allegedly intended to, but never did, transfer the property into the trust or that it was ever listed as an asset of the trust. The trust was also not a named beneficiary. It was the settlor’s predeceased son.

In addition, a pour-over will is not admissible evidence to prove inter vivos changes in the character of property done during that person’s lifetime. (Estate of Gallio (1995) 33 Cal.App.4th 592, 598 [“a will is ambulatory in nature, subject to revocation or modification during the testator's life; it 'speaks' only as of the date of the testator's death.”].)

While the petitioner has explained that the exact result will be achieved if the deceased settlor’s will is probated, there is no supporting evidence by the petitioner showing how the court may grant the petition through this proceeding, or what legal basis petitioner relies on. For all of these reasons stated above, the court denies the petition. The petitioner will need to probate the deceased settlor’s will to properly marshal any assets related to the IRA.

---

**IN RE THE ESTATE OF MICHAEL D. GUSTAFSON, DECEASED  
FPR051331**

First Amended Spousal Property Petition

PREGRANT ORDER

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

This matter was continued from April 27, 2022 to allow the petitioner to address the issues with the petition. However, the court notes an amended petition was filed on May 20,

2022. Amended petitions replace the original petition for all purposes. (Cal. Rules of Court, Rule § 7.3(3).) Therefore, absent any objections the court intends to rule as follows:

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

---

**IN RE THE ESTATE OF BILLYE SUE LAMB, DECEASED  
FPR051332**

Petition for Probate of Will and for Letters Testamentary and for Authorization to Administer Under the Independent Administration of Estates Act

**PREGRANT ORDER**

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

This matter was continued from April 20, 2022 to allow the petitioner to address the issues with the petition. However, only some of the issues have been resolved.

The court on its own motion continues this hearing to August 31, 2022, at 9:00 a.m. in Department 22. Pending the continued hearing the petitioner shall resolve the following issues:

1. Petition, item 1: The petitioner did not specify which newspaper will be used for publication.
2. Petition, item 3.d (7): The petitioner did not provide the total value of assets and shall clarify if they consist of all liquid assets.
3. Petition, item 8: The deceased spouse's name and date of death must be provided. (Solano County Local Rule, Rule 7.51 b.)



**IN RE THE ESTATE OF JOAQUIN MARCIAL ROMERO, DECEASED  
FPR051354**

Petition for Letters of Administration and Authorization to Administer Under the Independent Administration of Estates Act

**PREGRANT ORDER**

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

This matter was continued from May 3, 2022 to allow the petitioner to address the issues with the petition. The court has read and considered the declaration filed on June 27, 2022 which resolved the previous issues but created new ones. The court on its own motion continues this hearing to September 13, 2022 at 9:00 a.m. in Department 22. Pending the continued hearing the petitioner shall resolve the following issues:

1. The verification attached to the declaration was not dated by the petitioner.
2. The proof of service attached to the declaration is dated June 20, 2022 for a hearing on June 29, 2022, which is insufficient. The petitioner shall serve a copy of the declaration at least fifteen days prior to the next hearing date to all persons entitled to notice.
3. The declaration included a copy of a Spousal Property petition and stated it would be filed concurrently with the court. However, it has not been filed with the court. While the petitioner may file a Spousal Property Petition in the same case number before the court, it must be filed separately from the declaration with its own exhibits and signatures, proof of service, with its own notice of hearing and any other documents required for that type of proceeding as provided by the probate code. It also requires a filing fee to be paid for that proceeding separately. The court will not address the Spousal Property petition until the proper filing fee has been paid and the petition has been filed and served with its own exhibits complete and of itself. It does not appear that the Spousal Property petition is on calendar June 29, 2022 and has not been calendared with the court for any future hearing date.

4. While the petitioner states that the issue of waiver of bond is moot because the petitioner intends to reopen the related matter Solano County Superior Court FPR050069 the Estate of Ana Maria Romero, nothing has been filed as of yet in the related matter and it has not been reopened.

---

**IN RE THE ESTATE OF GINNIE V. JOHNSON, DECEASED**  
**FPR051447**

Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

PREGRANT ORDER

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

The court on its own motion continues this hearing to September 13, 2022, at 9:00 a.m. in Department 22. Pending the continued hearing the petitioner shall resolve the following issues:

1. The proof of service filed on May 19, 2022 is dated “May 18, 2000”. The petitioner shall clarify the date and file an amended proof of service with the correct date to show that proper notice was given. In addition, the notice of hearing did not appear to include the correct address for the court hearing as it was a copy that was not endorsed. The petitioner shall serve all persons entitled to notice a copy of the notice of hearing with the correct address of 580 Texas Street, Fairfield, Ca 94533 and file proof with the court.
2. **\*\*Advisory Only\*\*Bond:** While the petitioner has filed a bond waiver, the court in its discretion may set bond and intends to do so. (Prob. Code §8481(b).) The petitioner seeks to administer an estate with all liquid assets without court supervision for an estate valued at \$200,000.00 and is not the sole heir. The court finds good cause to require a bond in the amount of \$200,000.00 to protect the estate, any potential creditors and other interested persons.

**IN RE THE ESTATE OF ROBERT L. MERTZ, DECEASED**  
**FPR051457**

Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

**PREGRANT ORDER**

The courtroom will be open on June 29, 2022. Counsel for petitioner may receive an invitation to attend court remotely via Zoom, and is encouraged to accept that invitation. Counsel may forward that invitation to petitioner and any other interested party who may also appear remotely.

The court in its discretion may require a bond from a non-resident personal representative. (Prob. Code § 8571) While the court notes the decedent has filed bond waivers, the petitioner is a resident of the State of North Carolina and is requesting full authority without court supervision for an estate that is high in value with the majority of liquid assets and is not the sole heir. There are sufficient assets to pay for the bond from the estate. Therefore, the court finds good cause to require a bond in the amount of \$1,150,000.00 to protect the estate, creditors and other interested persons.

Therefore, absent any objections the court intends to rule as follows:

The court finds all notices have been given as required by law. The petition is granted as modified by the court as to the bond.

The court appoints Rebecca M. Laughlin as administrator with Full Authority under the Independent Administration of Estates Act.

Bond is set at \$1,150,000.00. Letters shall not issue until bond is posted with the clerk. The petitioner is to apply sua sponte for an increase in bond in the event the aggregate value of the estate's assets exceeds \$1,150,000.00.

The court appoints Raymond J. 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 section 8800.

---

---

**9:30 CALENDAR**

---

**SCHWARTZ v. RIO VISTA RV PARK, LLC, ET AL.**  
**FCS057104**

Motion for Attorneys' Fees and Costs

TENTATIVE RULING

The motion for award of attorneys' fees is granted in part.

Defendant is entitled to an award of attorneys' fees as the prevailing party in Plaintiff's sixth cause of action for retaliatory eviction. "In any action brought for damages for retaliatory eviction, the court shall award reasonable attorney's fees to the prevailing party if either party requests attorney's fees upon the initiation of the action." (Civ. Code § 1942.5(i).) This statute does not explicitly limit the definition of prevailing party to exclude a defendant in whose favor a dismissal is entered and, for purposes of an award of attorneys' fees authorized by statute as recoverable costs pursuant to Code of Civil Procedure section 1033.5(a)(10)(B), a prevailing party expressly includes a defendant in whose favor a dismissal is entered. (Code Civ. Proc. § 1032(a)(4).)

However, Defendant is not entitled to an award of attorneys' fees for any of the other causes of action.

Although the parties entered into an agreement purporting to entitle the prevailing party to an award of attorneys' fees and to define prevailing party to include the party in whose favor a dismissal is entered, there can be no prevailing party for purposes of a contractual provision for attorneys' fees and costs when an action is voluntarily dismissed. (Civ. Code § 1717(b)((2).) The statute "overrid[es] or nullif[ies] conflicting contractual provisions, such as provisions expressly allowing recovery of attorney fees in the event of voluntary dismissal or defining 'prevailing party' as including parties in whose favor a dismissal has been entered." (*Santisas v. Goodin* (1998) 17 Cal.4th 599, 617; *Khan v. Shim* (2016) 7 Cal.App.5th 49, 56.) Notwithstanding Defendant's pending motion to dismiss, Plaintiff could voluntarily dismiss the action since the motion had not yet been ruled upon and the outcome of the motion was not inevitable. (*Cole v. Hammond* (2019) 37 Cal.App.5th 912, 923-924.)

The other statutory claims for award of attorneys' fees are inapplicable. Defendant claims entitlement to attorneys' fees pursuant to Civil Code section 798.85 for an action arising out of the provisions of the Mobilehome Residency Law, but Defendant did not allege any violation of any statutory provision of the Mobilehome Residency Law. Defendant claims entitlement to an award of attorneys' fees under Code of Civil Procedure section 1174.2,

but this action was not an unlawful detainer action and there was no determination that Defendant did not substantially breach obligations under Civil Code section 1941 or the warranty of habitability. Defendant claims entitlement to an award of the reasonable expenses incurred to prove the truth of matter requested to be admitted under Code of Civil Procedure section 2033.420(a), but Defendant has not demonstrated that Defendant propounded any requests for admission, that Plaintiff failed to admit the truth of any matter in any request, and that Defendant thereafter proved the truth of the matter in the request.

Despite demonstrating that it is entitled to attorneys' fees for only one of the five causes of action alleged against Defendant, Defendant establishes only that it collectively incurred roughly 92 total hours of attorney time billed at \$165 an hour for the entire litigation. Defendant makes no attempt to allocate fees incurred between work performed to defend against the retaliatory eviction cause of action and all other causes of action. (See, *Akins v. Enter. Rent-A-Car Co.* (2000) 79 Cal.App.4th 1127, 1133 ["When a cause of action for which attorney fees are provided by statute is joined with other causes of action for which attorney fees are not permitted, the prevailing party may recover only on the statutory cause of action."].) Defendant provides no specific evidence from which proper apportionment of fees may be determined. Nonetheless, taking into account all relevant circumstances, including the proportion of the action for which attorneys' fees may be awarded, the relatively minimal discussion of the sixth cause of action in Defendant's demurrer to the complaint, and the limited success of Defendant's motion for award of attorneys' fees, the court finds that award of attorneys' fees in the amount of \$1,320 to be reasonable.

---

**RESTIVO v. MACRINA**  
**FCS057662**

Motion by Defendant to Dismiss

TENTATIVE RULING

The motion is denied, for the following procedural deficiencies:

A "motion to dismiss" is authorized to be filed by federal law, in a federal court case. This is a state law case, and federal law does not apply.

The filings by moving party here also fail to comply with the requirements that (1) moving papers be accompanied by a notice of motion stating the nature of the order being sought and the grounds for its issuance, as required by California Rules of Court rule 3.1110(a); (2) moving papers include a supporting memorandum of points and authorities,

as required by California Rules of Court rule 3.1113(a) and (b); and (3) to the extent Defendant asked the court to consider documents outside of the pleadings, the motion papers must include a separate document known as a request for judicial notice, as required by California Rules of Court rule 3.1113(l).

---

**VACAVILLE POLICE OFFICERS' ASSOCIATION v. CITY OF VACAVILLE  
and VACAVILLE POLICE DEPARTMENT  
FCS058025**

Motion to Compel Arbitration

TENTATIVE RULING

Petitioner VACAVILLE POLICE OFFICERS' ASSOCIATION moves to compel arbitration of its member John Doe's discipline case following review by the City Manager of Vacaville, pursuant to the Memorandum of Understanding Petitioner and Respondents CITY OF VACAVILLE and VACAVILLE POLICE DEPARTMENT have signed.

**Legal Standard.** A party to an arbitration agreement may petition the court to compel arbitration if it alleges the existence of a written agreement to arbitrate a controversy and that a party to the agreement refuses to arbitrate. (Code Civ. Proc., § 1281.2.) In ruling on a petition to compel arbitration, the trial court shall order parties to arbitrate if it determines that a valid agreement to arbitrate the controversy exists and the dispute between the parties falls within the scope of the agreement. (*Luxor Cabs, Inc. v. Applied Underwriters Captive Risk Assurance Co.* (2018) 30 Cal.App.5th 970, 977 (*Luxor Cabs*)).

**Analysis.** A valid agreement to arbitrate exists: the Memorandum of Understanding states that an employee subject to qualifying discipline may appeal the discipline to the City Manager and "may appeal the decision of the City Manager to an arbitrator." (Petition at ¶ 8, Exhibit A.) The parties agree that the Memorandum of Understanding is a valid contract and that Doe suffered qualifying discipline. However, the court finds that the dispute between the parties, as it currently stands, does not fall within the scope of the agreement. (*Luxor Cabs, supra*, 30 Cal.App.5th at p. 977.) When a disciplinary matter is appealed to an arbitrator under the Memorandum of Understanding, the arbitrator's decision is clearly meant to be the end of the process: the Memorandum of Understanding states that "[t]he decision rendered by the arbitrator shall be final and binding and not appealable to the City Council or a court of law." (Declaration of City Manager Aaron Busch in Opposition (Busch) at ¶ 4, Exhibit A.) Appeal of the City Manager's decision in question will not enable full and final review of the disciplinary charges against Doe and so will not effectuate the intent of the Memorandum of Understanding.

The City Manager rendered a decision in Doe's case remanding the case to the chief of police for a second hearing under *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, with admonitions to the chief to mind certain due process concerns Petitioner raised. (Busch at ¶ 8, Exhibit C.) The City Manager's decision does not address the substance of the disciplinary charges against Doe. Further appeal reviewing such a decision could only address the correctness of the remand order because the remand order is all the decision contains. There is no substantive decision from the City Manager that supports productive appeal to an arbitrator resulting in a final decision with regard to the discipline imposed on Doe.

**Conclusion.** The motion is denied.

---