

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

**CIVIL TENTATIVE RULINGS AND  
PROBATE PREGRANTS FOR  
MATTERS SCHEDULED FOR  
MONDAY, JUNE 27, 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 4**

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

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

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

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

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

The parties may join Department 4's court calendar remotely utilizing the following information:

**Join ZoomGov Meeting**

<https://www.zoomgov.com/j/1609995701?pwd=blhOcDc2eFEzWmxSQkQ1UVlySS9Hdz09>

**Meeting ID: 160 999 5701**

**Passcode: 071995**

**8:30 CALENDAR**

**IN RE THE MATTER OF THE LAVELLE GADDIE POTTRATZ FAMILY TRUST  
Case No. FPR050331**

**Trial Setting**

**PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any interested person may make an initial appearance remotely, via Zoom, without making a formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov). If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

Counsel may appear via Zoom, in person, or by CourtCall to set dates for an evidentiary hearing.

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**IN RE THE ESTATE OF CAROL JOAN MASON, DECEASED  
Case No. FPR050953**

**Petition for Final Distribution**

**PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any interested person may make an initial appearance remotely, via Zoom, without making a

formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov) . If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

The court on its own motion continues this hearing to August 15, 2022, at 8:30 a.m. in Department 4. Pending the continued hearing, the petitioner shall resolve the following issues:

1. Petition, item 12: While there is a description of assets provided, there was no summary of account and is required to show the beginning value on hand and the ending value on hand as required by the probate code including any information required by California Rules of Court, Rule 7.550(b) and Probate Code Sections 1061-1064 even if the accounting is waived. (See Prob. Code § 10900.)
2. Petition, item 17: There is no waiver of accounting for Diana H. Mason, who is one of the three heirs listed in the decedent's will and has not received notice of any of the proceedings. The petitioner shall provide a bond waiver for this heir, or if deceased, the date of death must be provided.
3. Petition, item 19: The petitioner shall provide receipts, invoices and any supporting documents for this request. In addition, the petitioner is reminded that postage for certified mail is not reimbursable absent extraordinary circumstances. (Solano County Local Rule, Rule 7.72(b)) What circumstances warrant judicial approval of this expense?
4. Petition, item 20: The information for Diana H. Mason was not provided and required as she is an heir of the decedent's estate.
5. Petition, item 21: The proposed distribution did not include Diana H. Mason, an heir of the estate. The petitioner shall explain.
6. Prayer: The prayer in the petition was not specific as to the relief requested. For example, there is no prayer for reimbursement of expenses. The prayer
7. Caption & Prayer: Petitioner is reminded that in probate matters, the "title of each pleading and of each proposed order must clearly and completely identify the nature of the relief sought or granted." (Cal. Rules of Court, Rule 7.102.) Here, the caption and prayer in the petition did not mention any request for reimbursement.
8. Total Assets on hand: If the total assets on hand are different, the petitioner must explain who the pay on death beneficiaries were and provide any supporting documents for the court's review. (Prob. Code § 10901.)

9. The proof of service on file did not include Diana H. Mason, an heir of the estate who is entitled to notice.

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**IN RE THE ESTATE OF OTISTEEN ATKINS, DECEASED****Case No. FPR051039****Petition for Final Distribution****PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any interested person may make an initial appearance remotely, via Zoom, without making a formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov). If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

The court on its own motion continues this hearing to August 15, 2022, at 8:30 a.m. in Department 4. Pending the continued hearing, the petitioner shall resolve the following issues:

1. Petition, item 18: The petition states that the real property and sole asset of the estate was sold at a loss. The petitioner shall provide a copy of the seller's closing statement for the court's review. (Prob. Code § 10901.)
2. Petition, item 35: Counsel is reminded that in probate matters, the "title of each pleading and of each proposed order must clearly and completely identify the nature of the relief sought or granted." (Cal. Rules of Court, rule 7.102.) Here, the caption on the petition did not mention a reserve.
3. Attorney Statutory Fees: The petition only seeks payment to Melvin S. Hodges, Esq. and none to Attorney Ray Robinson. Since there is only one statutory compensation provided by the estate, it is unclear if Attorney Ray Robinson is waiving any compensation for his services. (Prob. Code 10814.) The petitioner shall explain.

The proof of service did not include Attorney Melvin S. Hodges, Esq. who is also attorney for the petitioner and is entitled to notice. The petitioner shall provide proper notice and file proof with the court.

**IN RE THE ESTATE OF ARTHUR ISAAC STERN, DECEASED**  
**Case No. FPR051347**

**Petition to Administer Estate**

**PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any interested person may make an initial appearance remotely, via Zoom, without making a formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov). If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

This matter was continued from April 29, 2022 to allow the petitioner to address the issues with the petition, which have all been resolved. 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 supplemented by the declaration filed on May 20, 2022.

The court appoints Sushanna Laven Stern as administrator with Full Authority under the Independent Administration of Estates Act.

Bond is set at \$183,000. 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 \$183,000.

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.

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**IN RE THE ESTATE OF DOYLE FRANKLIN MCCLUSKY, DECEASED**  
**Case No. FPR051422**

**Petition to Administer Estate**

**PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any

interested person may make an initial appearance remotely, via Zoom, without making a formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov) . If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

The court finds all notices have been given as required by law. The petition is granted as supplemented to correct the spelling of the decedent's last name from "McClusky" to "McCluskey".

The holographic will of Doyle Franklin McCluskey dated June 16, 2006, is ordered admitted to probate.

The court appoints Margaret Velasco as administrator with will annexed with Full Authority under the Independent Administration of Estates Act.

Bond is waived.

The court appoints Paul D. Miller 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.

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**IN RE THE MATTER OF THE BERNARD HATHAWAY REVOCABLE TRUST**  
**Case No. FPR051426**

**Petition**

**PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any interested person may make an initial appearance remotely, via Zoom, without making a formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov) . If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

The court on its own motion continues this hearing to August 15, 2022, at 8:30 a.m. in Department 4. Pending the continued hearing, the petitioner shall resolve the following issues as they relate to the petition:

1. The ages of the beneficiaries of the trust were not provided. In addition, it appears that one beneficiary is a minor. It is unclear if the petitioner is also the legal guardian of the minor to receive notice on behalf of the minor. The petitioner shall provide the missing information and clarify her relationship to the minor.
2. There is no notice of hearing DE-115 on file with the court, which is required for this type of proceeding. While a copy of a DE-115 is attached to the proof of service filed June 10, 2022, it is not endorsed and has not been filed with the court. The petitioner shall file the correct DE-115 and provide the required 30-day notice to all those entitled to notice. (Prob. Code § 851(d).)

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**IN RE THE ESTATE OF DOUGLAS ROWELL, DECEASED**  
**Case No. FPR051442**

**Petition to Administer Estate**

**PREGRANT ORDER**

Department 4's courtroom is open to the public. Appearances may be in person, but they need not be unless the court orders otherwise. Counsel, any party, or any interested person may make an initial appearance remotely, via Zoom, without making a formal request pursuant to Rule 3.672 of the California Rules of Court, and continue such remote appearances for non-evidentiary hearings unless the court otherwise orders. The Court's recurring Zoom meeting ID and Passcode are listed above and on the court's website [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov). If you are enabling a video Zoom appearance make sure you can't be seen or heard eating, drinking or engaging in other behavior that would not be permitted in the courtroom. Observe all the protocols you would observe if appearing before the judge in open court or via Court Call. For further information about remote appearances please refer to the court's website under Civil Division Remote Appearances for Dept. 4.

The court on its own motion continues this hearing to August 19, 2022, at 8:30 a.m. in Department 4. Pending the continued hearing, the petitioner shall resolve the following issue:

1. The Duties and Liabilities of Personal Representative form DE-147 is missing the phone number for the proposed personal representative.

If the issue is resolved by the hearing date, 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.

The court appoints the Solano County Public Administrator as administrator with Full Authority under the Independent Administration of Estates Act.  
Bond is waived.

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### **9:00 CALENDAR**

#### **MAR BAY VENTURES, INC vs. LINDA ANN SANCHEZ, et. al. and related cross-action Case No. FCS055194**

Mar Bay Ventures, Inc.'s (Mar Bay) and Cross-Defendants' Motion to Compel Responses by Armando Sanchez to Request for Production of Documents, Set One, Form Interrogatories, Set One, and Special Interrogatories, Set One; Request for Monetary Sanctions.

#### **TENTATIVE RULING**

The motion is granted. To the extent Armando Sanchez timely served objections to some of the interrogatories or requests, those objections are preserved even though his responses were unverified. *Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal. App. 4<sup>th</sup> 651, 658. However, since the required verifications were not provided to responses that were either accompanied or unaccompanied by objections, those responses are tantamount to no responses at all. C.C.P. §2030.290 (c); 2031.300; *Appleton v. Superior Court* (1988) 206 Cal. App. 3d 632, 636. Armando Sanchez shall serve verified responses without objection to any of the requests to which he did not object and did not respond, and without any further objection to any of the discovery requests to which he both objected and responded without verification. His verified responses are due within thirty days of the date of this order.

Reasonable monetary sanctions in the amount of \$634.00 are awarded to Mar Bay and Cross-defendants, jointly, and payable by Armando Sanchez within thirty days of the date of this order. In fixing the amount of sanctions, among other factors the court considered the numerous extensions of time given to Armando Sanchez to respond, the meet and confer efforts Mar Bay and Cross-defendants made to little or no avail, the personal circumstances recited by Defendants'/Cross-complainants' counsel in her earlier filed declaration, the fact that the unverified responses Mar Bay and Cross-defendants received from Armando Sanchez gave them some responsive information and thereby reduced any potential prejudice they might suffer, the economies of scale realized because the current motion is substantially identical to the previous motions against Linda Sanchez and Gabriella Rosario heard on June 6 and June 9, 2022, and the fact that slightly more than \$2,000.00 in monetary sanctions has already been ordered by the court with respect to those previous motions.

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**MAR BAY VENTURES, INC. v. LINDA ANN SANCHEZ et al.**  
**Case No. FCS055194**

MAR BAY's Motion to Compel LINDA's Further Responses to Requests for Admission; MAR BAY's Motion to Compel GABRIELLA's Further Responses to Requests for Admission; MAR BAY's Motion to Compel ARMANDO's Further Responses to Requests for Admission

**TENTATIVE RULING**

MAR BAY VENTURES, INC. and MAR BAY GARDENS, INC. (together "MAR BAY") move to compel further responses from LINDA ANN SANCHEZ ("LINDA"), ARMANDO JESS SANCHEZ ("ARMANDO"), and GABRIELLA ROSARIO ("GABRIELLA") to requests for admission served on them on October 1 and 28, 2021. The October 1 requests were served by MAR BAY VENTURES as Plaintiff of its complaint against LINDA, ARMANDO, and GABRIELLA. The October 28 requests were served by both MAR BAY entities as Cross-Defendants to LINDA, ARMANDO, and GABRIELLA's cross-complaint.

**Meet and Confer Efforts.** The court first considers the adequacy of the parties' efforts to meet and confer to work these issues out before resorting to a motion to compel further responses. Code of Civil Procedure section 2016.040 requires a declaration "showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion" to compel. MAR BAY's counsel's declaration accompanying the motion to compel states that after receiving a few extensions LINDA, ARMANDO, and GABRIELLA served responses on December 16, 2021. (Declaration of Devon O'Shea in Support of Motion to Compel Further Response from LINDA (O'Shea) at ¶¶ 4, 6-9.) MAR BAY's counsel sent a meet and confer letter to opposing counsel on December 23, 2021 and called three times from January 20 to January 26, 2022 (with two follow-up emails), receiving no responses. (*Id.* at ¶¶ 10-13, Exhibit H.) Opposing counsel has asked MAR BAY's counsel for a stipulation to amendment of LINDA, ARMANDO, and GABRIELLA's cross-complaint but has not addressed MAR BAY's contentions about the requests for admission. (*Id.* at ¶ 14, Exhibit K.)

The trial court has discretion in determining whether adequate meet and confer efforts preceded the filing of the motion. (*Obregon v. Superior Court* (1998) 67 Cal.App.4th 424.) MAR BAY's meet and confer efforts were adequate. The meet and confer letter was appropriately detailed and encompassed all of the requests for admission now at issue. MAR BAY's counsel made good faith efforts to obtain a response prior to engaging in motion practice.

**Motions to Compel Further Responses.** The court finds that LINDA, ARMANDO, and/or GABRIELLA's objections are without merit with regard to the following requests for admission, and grants MAR BAY's motions with respect to those requests:

Of the requests directed to LINDA in her capacity as Defendant to MAR BAY VENTURES's complaint, Requests 17-19, 22, 24-25, 27, 42-43, 45-47, 49-51, 54, 58-60, 63-66, 67, 69, 71-72, and 75-77.

Of the requests directed to LINDA in her capacity as Cross-Complainant, Requests 3, 6, 10, 12, 14-18, 21, 25, and 27-28 from MAR BAY VENTURES, as well as the identical Requests 3, 6, 10, 12, 14-18, 21, 25, and 27 from MAR BAY GARDENS.

Of the requests directed to GABRIELLA in her capacity as Defendant, Requests 3, 7, 15, 18, 21, 25, and 29-30.

Of the requests directed to GABRIELLA in her capacity as Cross-Complainant, Requests 2, 3, 5, and 8 from MAR BAY VENTURES, as well as the identical Requests 5, 6, 7, and 11 from MAR BAY GARDENS.

Of the requests directed to ARMANDO in his capacity as Defendant, Requests 4, 9, 13, 21-22, and 24-27.

Of the requests directed to ARMANDO in his capacity as Cross-Complainant, Requests 5-6 and 9-10 from MAR BAY VENTURES, as well as the identical Requests 5-6 and 9-10 from MAR BAY GARDENS.

The MAR BAY entities' motions are otherwise denied.

**Sanctions.** Code of Civil Procedure section 2033.290, subdivision (d) states that the court shall impose sanctions on the losing party on a motion to compel further responses to requests for admissions, unless the court finds that the losing party acted with substantial justification or other circumstances make the imposition of sanctions unjust. The court awards sanctions of \$2,056 against LINDA, \$1,304 against GABRIELLA, and \$1,304 against ARMANDO, payable to MAR BAY VENTURES, INC. within thirty days of the date of this order.

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**TORRES v. TAYLOR STRUCTURES, INC.**  
**Case No. FCS055353**

Motion by Plaintiff to Compel Compliance with the Court Order Compelling Arbitration or, In the Alternative, for Reconsideration of the Order Compelling Arbitration

**TENTATIVE RULING**

The Collective Bargaining Agreement covering Plaintiff's employment as a union member sets forth a detailed grievance procedure, that requires the employee raising wage and hour claims to first report "to the individual employer and/or the Field Representative of the appropriate Local Union or the NCCRC", so that they can try to resolve the dispute at the jobsite level. If the jobsite level resolution attempt fails, "the matter may be submitted by either party to a permanent Board of Adjustment created for

the settlement of such disputes”; i.e., to an arbitration panel. The Board is made up of 3 persons: one chosen by the union, one by the (contractors) association, and one “an Impartial Arbitrator”. If the union Board member and the association Board member are unable to reach a majority vote, the Impartial Arbitrator shall make the final and binding decision. The expenses of the Board, (and, if necessary, the Impartial Arbitrator), “including the costs of a court reporter, shall be borne equally by the parties hereto” (which the court reads to mean split equally between the union and the association, the two primary parties to the Agreement).

The defendant employer filed a petition to compel arbitration of the dispute, but did not in that petition seek to also compel compliance with the pre-arbitration grievance procedure, nor did it serve or attempt to add the union as a necessary/indispensable party.

The court back in April 2021 only ordered arbitration, not compliance with the pre-arbitration grievance procedure. [“The petition is therefore granted, to compel binding arbitration of the PAGA claim, in accordance with the arbitration provision in the Grievance Procedure contained within the Union’s 2018-2023 Carpenters Master Labor Agreement (“Master Agreement”) with the Construction Employers’ Association; and to stay this action pending that arbitration.”]

The defendant employer’s failure in its earlier petition to compel arbitration to also request and obtain a court order compelling the plaintiff to exhaust the pre-arbitration grievance procedure serves to waive any right of the defendant employer to object to, or “fail to submit” this dispute to the Board. Instead, pursuant to the general authority set forth in C.C.P. §§128(a)(4) and (a)(8), and §187, the court hereby clarifies its order to compel arbitration, to require the defendant employer to submit the dispute to the Board now, for arbitration, thus side-stepping the pre-arbitration grievance procedure requirement otherwise required by the Agreement.

The court further clarifies that nothing in this order is intended to compel the union to participate in any way in this arbitration, as the court has no jurisdiction over the union. If the union so chooses, it can participate. If not, then arbitration is to proceed as soon as reasonably practical, before the Impartial Arbitrator, with arbitration expenses paid in full by the defendant employer, subject to the authority given by the Agreement to the arbitrator to “fashion an appropriate remedy” between this plaintiff and the defendant employer.

All other arguments and issues raised in this motion are denied.

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