

DEPARTMENT TEN
JUDGE CHRISTINE DONOVAN
707-207-7310

**TENTATIVE RULINGS
AND
PROBATE PREGRANTS**

CALENDAR DATE: November 4, 2024

ADVISEMENTS

Probate Notes: Probate notes are available in individual cases and are not posted on the public website. For more information on how to access case information through the court's public portal, please visit <https://portal.solano.courts.ca.gov>.

Civil Tentative Rulings and Probate Pregrants: Current procedures to advise the court of appearances and nonappearances in response to tentative rulings and pregrants remain unchanged. Probate pregrants and tentative rulings are not posted for conservatorships, guardianships, or any ex parte matters.

Appearances by Zoom: Remote appearances by Zoom are permitted except for MSCs, TMCs, trials or evidentiary hearings, or cases in which in-person appearances have been ordered. Persons appearing by Zoom are to be in appropriate attire. They are also to be in a quiet place where they can speak without interruption and clearly hear the proceedings.

Zoom Meeting ID: 161 313 3097

Zoom Meeting Passcode: 307651

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**PREGRANTS AND TENTATIVE RULINGS
START ON THE NEXT PAGE**

9:00 CALENDAR

LINE

14

IN RE AMERICAN BUILDERS & CONTRACTORS SUPPLY CO., INC. v. ORLANDO RICARDO SANCHEZ
CU24-03642

Plaintiff's Motion to Enforce Settlement Agreement

TENTATIVE RULING

Plaintiff AMERICAN BUILDERS & CONTRACTORS SUPPLY CO., INC.'s motion to enforce settlement agreement is granted. However, the Declaration of Christine L. Anderson in Support of Motion supports different amounts of attorneys' fees and interest to which Plaintiff is entitled under the settlement agreement than the memorandum of points and authorities. Judgment will accordingly be entered pursuant to the settlement agreement in Plaintiff's favor against Defendant ORLANDO RICARDO SANCHEZ in the amount of \$186,090.70.

LINE

19

IN RE HILDA ORTEGA v. AMERICAN AUTO WORKS, LLC
CU24-05997

Demurrer

TENTATIVE RULING

The demurrer is overruled.

A dependent adult is any "person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights". (Welf. & Inst. Code § 15610.23(a).) Financial abuse of a dependent adult occurs when someone "[t]akes, secretes, appropriates, obtains, or retains real or personal property ... for a wrongful use or with intent to defraud or both" or "by undue influence". (Welf. & Inst. Code § 15610.30, subds. (a)(1), (a)(3); *Bookout v. Nielsen* (2007) 155 Cal.App.4th 1131, 1141.) Plaintiff's allegations adequately establish that she is a dependent adult and that Defendant, Plaintiff's daughter, obtained and retained \$91,765 of Plaintiff's money with intent to defraud or by undue influence. (Complaint, "Attachment EFA", ¶¶ 1-5, 7.) Plaintiff's action was commenced well within four years of the conduct alleged to constitute the financial abuse. (Welf. & Inst. Code § 15657.7.)

LINE

22

IN RE IM TAYLOR v. SUZANNE IRENE TAYLOR-BACON
FCS059177

IM TAYLOR's Motion for Judgment on the Pleadings on SUZANNE TAYLOR-BACON and WYATT TAYLOR's First Amended Cross-Complaint

TENTATIVE RULING

Parties to appear. The court notes that proof of service indicates that Defendant and Cross-Complainant SUZANNE TAYLOR-BACON was served with notice of this motion only by email. SUZANNE TAYLOR-BACON is not represented by counsel. She does not have consent to electronic service per Code of Civil Procedure section 1010.6, subdivision (c) on file. Further, while there is proof of service on Defendant and Cross-Complainant WYATT TAYLOR by mail, documents were mailed to an address which he is restrained from entering. Neither Cross-Complainant has filed opposition to the instant motion. The court requests further information regarding whether Cross-Complainants were provided effective notice.