

**DEPARTMENT TWELVE
JUDGE CHRISTINE CARRINGER
707-207-7312
TENTATIVE RULINGS SCHEDULED FOR
THURSDAY, MAY 19, 2022**

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1610208382?pwd=UXhSbFlreXRtQ1BkeldQSUVBcHdOQT09>

Meeting ID: 161 020 8382

Passcode: 234174

One tap mobile

+16692545252,,1610208382#,,,,*234174# US (San Jose)

+16692161590,,1610208382#,,,,*234174# US (San Jose)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

+1 646 828 7666 US (New York)

833 568 8864 US Toll-free

WADLEY v. JOHN CRANE, INC., ET AL.

Case No. FCS048620

Motion to Apportion and Distribute Funds

TENTATIVE RULING

Plaintiff's counsel's motion to apportion and distribute funds is denied. While a separate interpleader action is not necessarily required to confer jurisdiction for the trial court to apportion a recovery in a wrongful death action obtained by settlement (*Corder v. Corder* (2007) 41 Cal.4th 644, 655), Plaintiff voluntarily dismissed the entire action on May 31, 2019, terminating the court's jurisdiction over the parties and the subject matter of the action. (*Sayta v. Chu* (2017) 17 Cal.App.5th 960, 965-966; *Hagan Eng'g, Inc. v. Mills* (2003) 115 Cal.App.4th 1004, 1007-1008; *Wackeen v. Malis* (2002) 97 Cal.App.4th 429, 437; *Casa de Valley View Owner's Ass'n v. Stevenson* (1985) 167 Cal.App.3d 1182, 1192.)

ANGIE DUVALL v. KAREN BAKA and KYLE L. BAKA

Case No. FCS056530

TENTATIVE RULING

Defendants KAREN BAKA and KYLE BAKA demur to Plaintiff ANGIE DUVALL's first amended complaint against them for (1) declaratory relief, (2) quiet title or in the alternative cancellation of a deed, (3) fraud, and (4) undue influence, filed March 28, 2022. The first amended complaint concerns deeds whereby Mark Duvall granted certain real property (the "Property") to Plaintiff and Defendants and Plaintiff and KYLE BAKA subsequently granted their interests in that Property to KAREN BAKA. KAREN BAKA filed a probate petition in case FPR051416 on March 30, 2022 implicating the same deeds. The dispute between the parties concerns, among other issues, whether or not the Property is properly an asset of a trust created by Mark Duvall prior to his death.

Court's Probate Jurisdiction. "Jurisdiction" refers in the truest sense to a court's authority to try the case before it. (*Capra v. Capra* (2020) 58 Cal.App.5th 1072, 1082 (*Capra*)). The parties agree on the well-settled principle that the superior court as a whole has jurisdiction over Plaintiff's claims, because subject matter jurisdiction vests in a superior court as a whole, and the division of a superior court into departments is simply a matter of administrative convenience. (*Estate of Bowles* (2008) 169 Cal.App.4th 684, 695.) The concept of "exclusive jurisdiction" over probate proceedings, which per Probate Code section 17000 is meant to rest in a superior court's probate division, does not affect this court department's ability to hear and resolve the claims of the first amended complaint. (*Ibid.*) The term "exclusive jurisdiction" is somewhat misleading in the Probate Code section 17000 context; it does not refer to jurisdiction in the fundamental sense but rather a statutory intent that probate cases be heard in probate divisions. (*Capra* at p. 1083.) This statutory intent merely expresses a preference and does not change the fact that the superior court may manage cases within itself as it pleases. A non-probate department does not lack jurisdiction over a probate matter. (*Harnedy v. Whitty* (2003) 110 Cal.App.4th 1333, 1344 (*Harnedy*)). This court department has jurisdiction over the parties' claims regardless of its formal department designation.

Nature of First Amended Complaint. Further, Plaintiff's claims in her first amended complaint do not implicate the concept of "exclusive jurisdiction" in the first instance. The probate division's "exclusive jurisdiction" over the assets of estates is not at issue here where no judicially noticeable material has been provided showing that a probate estate exists for Mark Duvall. A probate court does not possess jurisdiction over the assets of a decedent absent an open probate estate for that decedent. (*Capra, supra*, 58 Cal.App.5th at p. 1085.) Plaintiff's claims do not concern the "internal affairs of a trust" under Probate Code section 17000 and so implicate "exclusive jurisdiction" that way either. "Internal affairs of a trust" include modification of the terms of the trust, changes in a designated successor trustee, other deviation from trust provisions, authority over the trustee's acts, or the administration of the trust's financial arrangements. (*Harnedy, supra*, 110 Cal.App.4th at p. 1345.) Though resolution of her claims could affect whether or not the Property is in a trust, Plaintiff's 1AC does not concern the internal affairs of a trust as so defined.

Harnedy offers an instructive comparison. *Harnedy* concerned a dispute over property a father afflicted by dementia placed in a living trust at first but then quitclaimed to his daughter shortly before death. (*Harnedy, supra*, 110 Cal.App.4th at p. 1335.) The man’s son filed a civil complaint against the daughter alleging elder abuse and fraud and seeking cancellation of the deed. (*Id.* at p. 1337.) The appellate court, addressing the daughter’s argument that the probate division below should have had “exclusive jurisdiction,” noted that “nothing resembling [internal trust affairs] was raised by [the son’s] complaint.” (*Id.* at p. 1345.) Just as the *Harnedy* complaint seeking cancellation of a deed to property formerly part of a trust did not raise issues of internal trust affairs, Plaintiff’s first amended complaint does not raise issues of internal trust affairs.

Conclusion. Defendants’ demurrer is overruled.