



SUPERIOR COURT OF SAN MATEO COUNTY

Probate - Probate

Courtroom 2H

Hearing Date: 05/17/2024 - 09:00 AM

05/09/2024

11:02 AM

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Judge: Davis, III, Leland

Clerk: Warren, Allie

Reporter: Conde, Wendy

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY
OF SAN MATEO**

Probate

Department 1

Courtroom 2H

Hon. Leland Davis, III

May 17, 2024 - 9:00 AM

If an appearance by Zoom is allowed, parties must appear through Zoom Video.

Zoom Audio is only to be used if Zoom Video is unavailable.

Please check in with the clerk by 8:45 AM.

Zoom Video/Audio Information	Zoom Phone-Audio Only Information Please Note: You must join by dialing in from a telephone; credentials will not work from a tablet or PC
<u>Click on this link to join the Zoom meeting (no meeting ID or passcode required):</u> Meeting ID: 160 844 3738 PASSWORD: 215010	Phone number: 1 (669) 254-5252 Meeting ID: 160 844 3738 PASSWORD: 215010

If a tentative ruling contains "APPEARANCE ORDERED (Zoom allowed/not allowed)", failure to appear may cause the Petition to be denied or Opposition stricken. If Zoom is not allowed, an in-person appearance is required.

If a tentative ruling contains "APPEARANCE OPTIONAL", failure to appear is a waiver of oral argument and the Court may issue orders differing from the tentative ruling. Zoom is allowed for all optional appearances.

If a tentative ruling contains "NO APPEARANCE", an appearance is not required, as the matter has been pre-approved, continued, or dropped, as described.

You must notify the probate clerk at dept1@sanmateocourt.org if you wish to be heard in response to the tentative ruling. Any interested party who wishes to be heard in opposition to a petition must notify all other parties of the intent to appear. Both notifications must be completed no later than 4:30 p.m. on the court day immediately preceding the day of the hearing. Unless notification has been given as provided above, the tentative ruling shall become the rulings of the Court.



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PRO111539	CONSERVATORSHIP OF DWAYNE POWELL	counsel for conservatee to report on the best interests of the conservatee and the need for a successor conservator
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Line 1	Petitioner: SAN MATEO COUNTY PUBLIC GUARDIAN (NIBBELIN, JOHN D.) Conservatee: POWELL, DWAYNE (STEINER, KATRINA M.) Conservator: SAN MATEO CO PUBLIC GUARDIAN (NIBBELIN, JOHN D.) Father: POWELL, REGINALD CHARLES Grandparent: PORTIER, GRACE (Pro Se) Grandparent: PORTIER, PETER (Pro Se) Mother: PORTIER, SHARON (DURRANS, KATHLEEN A.) Sister: PORTIER, MARLISHA (Pro Se)	Status Hearing
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Tentative Ruling:

APPEARANCE OPTIONAL

The Public Guardian shall continue to act as conservator and the conservatorship shall continue without modification; and the private defender is discharged.

PRO115237	CONSERVATORSHIP OF MICHELLE R. MACKINNON	Petitioner to file amended orders as recommended by the court investigator
Line 2	Conservatee: MACKINNON, MICHELLE R. Conservator: MACKINNON, ANDREW (HUTAR, LISA A.) Conservator: MACKINNON, RENEE B. (HUTAR, LISA A.) Sister: MACKINNON, KATHERINE (Pro Se)	Conservatorship Review

Tentative Ruling:

NO APPEARANCE

Matter OFF CALENDAR purpose of hearing satisfied.



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21-PRO-01421	IN THE MATTER OF THE ALBERT JOSEPH MORTARA REVOCABLE TRUST DATED AUGUST 3, 2016, AS AMENDED	PETITION TO REFORM AND MODIFY TRUST BASED ON SCRIVENER'S ERROR
Line 3	Petitioner: Stiles, Karyn C. (NGUYEN, JULIETTE D.) Decedent: MORTARA, ALBERT JOSEPH	Petition Hearing

Tentative Ruling:

NO APPEARANCE

Petition to Reform and Modify Trust Based on Scrivener's Error is GRANTED absent cogent objection.

22-PRO-00639	Conservatorship of Lai Mei Louie	PETITION FOR SUBSTITUTED JUDGMENT TO NAME BENEFICIARIES ON FINANCIAL ACCOUNTS
Line 4	Proposed Conservatee: Louie, Lai Mei (EISENBERG, MARTA C.) Petitioner: Louie, Mary W (TOLEDO, LETICIA G.) Conservatee: Louie, Lai Mei (EISENBERG, MARTA C.) Conservator: Louie, Mary W (TOLEDO, LETICIA G.)	Petition Hearing

Tentative Ruling:

APPEARANCE OPTIONAL

Petition for Substituted Judgment to Name Beneficiaries on Financial Accounts is CONTINUED to October 22, 2024 at 9:00 am for Petitioner to file a supplement detailing what efforts were made to locate any estate planning documents executed by Conservatee or explain how Petitioner knows that Conservatee did not execute any estate planning documents.



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23-PRO-00057	John C. Martin Trust dated January 6, 2017, as amended and restated	DEFENDANT JOHN P. GOLDEN'S NOTICE OF DEMURRER AND DEMURRER TO PLAINTIFF LILLIAN LIEN-LI LOU'S PETITION AND COMPLAINT
Line 5	Petitioner: Martin, John D. (BRACCINI, STEVEN P. MCCORMICK, MEGHAN K.) Petitioner: Martin, Margaret (BRACCINI, STEVEN P. MCCORMICK, MEGHAN K.) Decedent: MARTIN, JOHN C. Beneficiary: Lien-Li Lou, Lillian (DANITZ, BRIAN) Beneficiary: Lien-Li Lou, Lillian Defendant: Golden, John P. (HUGHES, JONATHAN W)	Hearing on Demurrer

Tentative Ruling:

APPEARANCE OPTIONAL

John P. Golden's Demurrer is CONTINUED to October 29, 2024 at 9:00 am to be heard with the Co-Trustees Margaret Martin and John Martin's Demurrer.

23-PRO-00252	ISIDE FILIPPI REVOCABLE TRUST, DATED JUNE 5, 1990	Forensic accounting
Line 6, 7	Petitioner: (FILIPPI)OZLUTURK, ANN-MARIE (HARVEY, REED E. NASH, WM KELLEY) Petitioner: FILIPPI, EVAN (HARVEY, REED E. NASH, WM KELLEY) Petitioner: FILIPPI, JULIANA (HARVEY, REED E. NASH, WM KELLEY) Petitioner: FILIPPI, NICHOLAS (HARVEY, REED E. NASH, WM KELLEY) Decedent: FILIPPI, ISIDE Respondent: Filippi, Robert (FRANCESCHINI, RICHARD T) Other: Stiles, Kelsey (NGUYEN, JULIETTE D.)	Motion hearings Motion to Consolidate



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Tentative Ruling:

APPEARANCE ORDERED (Zoom allowed)

Parties are ordered to appear and provide status. Petitioners and Respondent are ordered to explain why no status reports were filed as previously ordered on 2/26/2024. The Forensic Accounting Motion is DISMISSED as moot in light of the Stipulation and Order signed by the Court on March 6, 2024. The Motion to Consolidate is OFF CALENDAR, as no written motion was filed. The two pending Petitions are CONTINUED to October 29, 2024 at 9:00 am for status. The parties are ordered to meet and confer within 30 days regarding Kelsey Stiles' meet and confer letter attached to the Second Status Report of Temporary Trustee and to file status reports ten days before the next hearing.

23-PRO-00524	Conservatorship of Eric K Mabry	Petitioner to file: 1) General Plan (PR-22) and 2) Determination of Conservatee s Appropriate Level of Care (GC-355)
Line 8	Proposed Conservatee: Mabry, Eric K (WILKINS, PAUL A.) Petitioner: Mabry, Emmanuel (ROBELLO, SHEILA K.) Conservator: Mabry, Emmanuel (ROBELLO, SHEILA K.) Temporary Conservatee: Mabry, Eric K (WILKINS, PAUL A.) Temporary Conservator: Mabry, Emmanuel (ROBELLO, SHEILA K.)	General Plan

Tentative Ruling:

NO APPEARANCE

Matter CONTINUED to October 29, 2024 at 9:00 am for Petitioner to file: 1) General Plan (PR-22) and 2) Determination of Conservatee s Appropriate Level of Care (GC-355).



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23-PRO-01085	Conservatorship of Conor Jose Valencia Coughlan	
Line 9	Proposed Conservatee: Coughlan, Conor Jose Valencia Petitioner: Coughlan, Joy Valencia (EMMONS, MELANIE J.) Petitioner: Coughlan, Thomas Pieck (EMMONS, MELANIE J.) Conservatee: Coughlan, Conor Jose Valencia Conservator: Coughlan, Isabel Valencia (Pro Se) Conservator: Coughlan, Joy Valencia (EMMONS, MELANIE J.) Conservator: Coughlan, Thomas Pieck (EMMONS, MELANIE J.)	General Plan
Tentative Ruling: NO APPEARANCE OFF CALENDAR, purpose of hearing satisfied.		
23-PRO-01544	IN THE MATTER OF THE PAZ U. AVECILLA 2021 REVOCABLE LIVING TRUST	OBJECTIONS TO ACCOUNTING AND PETITION:1) FOR REMEDIES FOR BREACH OF TRUST2) DAMAGES FOR CONVERSION;3) FOR RETURN OF PROPERTY UNDER PROB. CODE 850 AND DOUBLE DAMAGES UNDER PROB. CODE 859;4) TO COMPEL ACCOUNTING5) FOR FINANCIAL ELDER ABUSE REMEDIES
Line 10	Petitioner: Pasion, Josephine Petitioner: Ubungen, Theresa (RAYO, ZACHARY R) Respondent: Viray, Zenaida (BIDDLE, ALEXANDER M.)	Petition Hearing



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Tentative Ruling:

APPEARANCE ORDERED (Zoom allowed)

Parties are ordered to appear to provide status. The Court intends to CONTINUE the Petition for status to October 30, 2024 at 9:00 am and order the parties to file status reports ten (10) days before the next hearing.

23-PRO-01545	Conservatorship of Jonathan Jordan Velazquez	
Line 11	Proposed Conservatee: Velazquez, Jonathan Jordan (FRIEDMAN, SHERRIE S.) Petitioner: Velazquez, Julio (EMMONS, MELANIE J.) Petitioner: Velazquez, Maryrose (EMMONS, MELANIE J.) Proposed Conservator: Velazquez, Julio Proposed Conservator: Velazquez, Maryrose Proposed Conservator: Velazquez, Xavier	Appointment of Conservator for Person

Tentative Ruling:

APPEARANCE ORDERED (Zoom allowed)

The Court intends to GRANT the Petition and make the following orders:

1. The conservatee's presence at the hearing is waived.
2. The Court finds that a limited conservatorship of person is the least restrictive alternative to protect the proposed conservatee and Julio E. Velazquez, Maryrose Velazquez, and Xavier Velazquez are appointed limited co-conservators of the person.
3. The following limited powers are granted to the limited conservators pursuant to Probate Code section 2351.5 and the limited conservatee's civil and legal rights will be limited in the following areas:
 - To fix the residence or specific dwelling of the limited conservatee;
 - Access to the confidential records and papers of the limited conservatee;
 - The right of the limited conservatee to contract;
 - The power of the limited conservatee to give or withhold consent to medical consent; and
 - Decisions concerning the education of the limited conservatee.
4. Pursuant to Probate Code §1830, the limited conservator shall file a proof of mailing for Notice of Conservatee Rights (GC-341) within thirty (30) days of appointment.



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5. A nonappearance hearing on the limited conservator's filing of the following documents is set for September 5, 2024:
 - a. Determination of Conservatee's Appropriate Level of Care (GC-355)
 - b. Confidential General Plan (PR-22)
6. The conservators attend the Conservatorship Education Class within 6-months of appointment and a Proof of Completion be filed with the court.
7. Absent a judicial finding of hardship, this matter is subject to present and future assessments for the cost of the investigation, pursuant to Probate Code §1851.5.
8. Payment of \$850.00 for the cost of the court's investigation is ordered to be paid from the Jonathan Velazquez Supplemental Needs Trust to the Superior Court of San Mateo County within ninety (90) days.
9. The conservatorship be reviewed in one (1) year.
10. The Private Defender is discharged.

23-PRO-01549	Conservatorship of Cole Hetherington	
Line 12	Proposed Conservatee: Hetherington, Cole (FRIEDMAN, SHERRIE S.) Petitioner: Cole, Tracey (CONRAD, RENEE J.) Petitioner: Hetherington, Scott (CONRAD, RENEE J.) Proposed Conservator: Cole, Tracey Proposed Conservator: Hetherington, Scott	Appointment of Conservator for Person

Tentative Ruling:

APPEARANCE ORDERED (Zoom allowed)

The Court intends to GRANT the Petition and make the following orders:

1. The conservatee's attendance at the hearing is waived.
2. A conservatorship is the least restrictive alternative to protect the conservatee and Scott Hetherington and Tracey Cole are appointed limited co-conservators of the person of Cole Hetherington.
3. The request for medical authority powers under Probate Code §2355 is denied, medical authority is granted under 2351.5.
4. The following limited powers are granted to the limited co-conservators pursuant to Probate Code §2351.5 and the limited conservatee's civil and legal rights are limited in the following areas:
 - To fix the residence or specific dwelling of the limited conservatee;
 - Access to the confidential records and papers of the limited conservatee;
 - The right to contract;
 - The power to give or withhold medical consent; and
 - Decisions concerning the education of the limited conservatee.



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5. The request for orders relating to the powers and duties of the conservator of the person under Probate Code §2351-2358 are DENIED for failure to indicate which specific powers are requested.
6. A nonappearance hearing on the conservator's filing of the following documents be set for September 13, 2024:
 - "Determination of Conservatee's Appropriate Level of Care" (GC-355) – to be filed within 60 days of appointment; and
 - Level of Care Confidential General Plan (PR-22)
7. Pursuant to Probate Code §1830, the limited co-conservators shall file a proof of mailing of the Notice of Conservatee's Rights within thirty (30) days of appointment.
8. The limited co-conservators shall attend conservator education class and a Proof of Completion must be filed with the Court within six (6) months of being appointed conservators.
9. The assessment amount of \$850.00 for the cost of this investigation is ordered and deferred at this time.
10. The conservatorship shall be reviewed in one (1) year.
11. The Private Defender is discharged.

23-PRO-01550	IN RE THE LOUISE E. VASQUEZ REVOCABLE TRUST, DATED NOVEMBER 2, 2022	PETITION FOR ORDER THAT ASSETS CONSTITUTE TRUST ASSETS
Line 13	Petitioner: Vasquez, Raymond (BRIDGES, MARK S.)	Petition Hearing

Tentative Ruling:

NO APPEARANCE

Petition for Order That Assets Constitute Trust Assets is GRANTED absent cogent objection.



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24-PRO-00458	Estate of Richard Lee Korte	
Line 14	Petitioner: Korte, Scott Petitioner: Osborne, Melissa (BEATTY, DAN) Decedent: Korte, Richard Lee Proposed Personal Representative: Korte, Scott Proposed Personal Representative: Osborne, Melissa	Probate of Will and Letters Testamentary Hearing w/ ATA
Tentative Ruling: NO APPEARANCE Petition GRANTED absent cogent objection.		

Hearings Total: 14