TENTATIVE RULINGS

FOR: October 9, 2020

If you do not see a tentative ruling for a scheduled matter, then attendance at the hearing is required.

Remote appearances via Zoom are mandatory to prevent the spread of COVID-19. Please use Zoom at the links listed below. COURTCALL IS NO LONGER AVAILABLE.

If you have cases scheduled in both courtrooms at the same time, first log-in to the Zoom session for the department that has your quickest matter(s), and upon check-in, ask the clerk to email the clerk in the other department to advise that you will be late to the other Zoom session.

Dept. A Zoom
Join by Video (Preferred)
https://us02web.zoom.us/j/85897874559?pwd=Nk1VTnNQZmIzNXQwbVNiUk1iQTNCZz09
Join by Phone: 877 853 5247 or 888 788 0099 **Meeting ID:** 858 9787 4559 **Password:** 704959

Court Reporting Services – The Court does not provide official court reporters in proceedings for which such services are not legally mandated. Parties are responsible for either making the appropriate request in advance or arranging for their own private court reporter. Go to http://napacountybar.org/court-reporting-services/ for information about local private court reporters. Attorneys or parties must confer with each other to avoid having more than one court reporter present for the same hearing.

PROBATE CALENDAR – Hon. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

Conservatorship of Chad Anthony Williams Jr. **26-66316**

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the co-conservators are acting in the best interest of the conservatee. Thus, the case is set for a biennial review hearing in two years, on October 7, 2022, at 8:30 a.m. in Dept. A. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. A (Historic Courthouse) at 2:00 p.m.

At 2:00 p.m.

Amalgamated Bank v. Napa Creek Village, LLC **20CV000904**

OSC RE: CONFIRMATION OF APPOINTMENT OF THE RECEIVER AND APPLICATION FOR A PRELIMINARY INJUNCTION

TENTATIVE RULING: The confirmation of the appointment of the receiver is GRANTED. The Court does not believe a modification to allow defendant to list the property for sale is prudent considering the other litigation between the various corporate entities and the arbitration between defendant's "co-managers." If defendant finds a buyer prior to the foreclosure sale, then defendant can present the prospective buyer to plaintiff and the receiver for consideration. The Court, however, believes a clarification is necessary per plaintiff's request (attached as a redline to the reply as Exhibit A). The language modification confirms the lien priority of the receiver's Certificates of Indebtedness. The Court plans on signing proposed order attached as Exhibit B [clean version of Exhibit A] to the reply.

The unopposed application for a preliminary injunction is GRANTED. Plaintiff has shown it is likely to prevail on its claims and the balance of harms weighs in its favor.

Defendant's motion to strike filed on October 5, 2020, is DENIED. Defendant cites no authority supporting its motion. Even if defendant had raised authority, at a minimum, Robert Massaro, Healthy Buildings Construction Group, Inc., and Healthy Buildings Management Group, Inc. are interested parties for purposes of the matter now before the Court. In addition, Massaro and the corporate entities' September 29, 2020 response along with the accompanying declaration have provided the Court with context of the broader dispute such that including the information assisted the Court with its decision. As a result, the Court does not construe these materials as interference, but that determination ultimately should be made by the arbitrator.