

Tentative Rulings for January 29, 2026, Probate Calendar

**Judge James T. Chou
Department C**

**APPEARANCES MAY BE MADE
IN PERSON
OR ON ZOOM.**

To Join a Zoom Meeting, please follow this link: www.marin.courts.ca.gov

- 1. Click on the “Virtual Courtrooms” icon and then on “Zoom Civil / Family / Probate Court Calendar Appearance Information”**
- 2. Scroll down to Department C – Probate for the connection information.**

Any interested party who wishes to appear for oral argument on the tentative ruling must do the following no later than 4:00 PM one Court day prior to the scheduled hearing date (MCR 6.2.D):

- 1. Notify all other parties entitled to notice of the underlying petition, including the attorneys for represented parties; and**
- 2. Advise the clerk’s office by leaving a message at (415) 444-7046, option 5.**

There is no need to inform the Court of your intent to appear if the tentative ruling requires an appearance.

PLEASE NOTE: Probate cases that are designated as confidential by California law will not be posted online. For tentative rulings in those matters, please contact the judicial secretary at (415) 444-7260. Confidential cases include applications for Special Immigrant Juvenile Status.

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**Judge James T. Chou
Department C
9:00 Calendar**

**PRO0000111 IN THE MATTER OF THE MORTON H. GOTHELF TRUST DATED MAY 22, 2000, AS
AMENDED AND RESTATED THEREAFTER**

1. Petition to: (1) Determine Validity of 6th Restatement, (2) Preclude the Use of Trust Funds to Defend Trust Contest, and (3) Reclaim Decedent's Property, filed by Evan Gothelf on 8/7/23 (trailing PRO2300998).
2. Status Conference – Filing a Petition to Approve Settlement.

Ruling. **The parties are ordered to appear.**

PRO2300998 IN RE THE MORTON H. GOTHELF TRUST DATED MAY 22, 2000, TRUST OF

1. Petition for: (1) Damages for Financial Elder Abuse and Imposition of Constructive Trust; (2) Damages for Elder Abuse by Neglect, Isolation, Physical Abuse and/or Other Treatment; (3) Order Determining Respondents Predeceased the Decedent Under Probate Code Section 259; (4) Order Transferring Trust Real and Personal Property to the Trust Under Probate Code Section 850 and for Damages Under Probate Code Section 859; (Order Setting Aside Distributions to Respondents Under Ninth Restated Trust; (6) Order Invalidating or Setting Aside Ninth Restated Trust; (7) Order Invalidating or Setting Aside Seventh and Eighth Restated Trusts; (8) Order Removing Trustee and Suspending Trustee's Powers Pending Removal; Order Enjoining Respondents from Use of Decedent's Funds in Defense of Action; (10) Order Surcharging Trustee; (11) Order Compelling Trustee to Account Upon Removal, filed by Juliet G. McCormick on 4/5/23.
2. Status Conference – Filing a Petition to Approve Settlement.
3. Ex Parte Application to Obtain Court Approval of the Parties' Global Settlement Agreement, filed by Carol Gothelf, Ruobing Liu, and Austin Gothelf on 1/20/26.

Ruling. **The parties are ordered to appear.**

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PRO2301051 ESTATE OF MORTON HERBERT GOTHELF

1. Petition for Probate of Will and for Letters Testamentary, filed by Carol Z. Gothelf on 4/11/23 (trailing PRO2300998)
2. Petition by Special Administrator to Establish Estate's Ownership of Property, filed by Caron Schmierer on 12/13/23 (trailing PRO2300998).
3. Status Conference – Filing a Petition to Approve Settlement.

Ruling. The parties are ordered to appear.

PR0000247 IN THE MATTER OF NANCY A. NICHE 2022 TRUST DATED APRIL 6, 2016

1. Petition for Orders: (1) Determining the Validity of the Nancy A. Niche 2022 Trust; (2) Confirming Beneficiary of the Nancy A. Niche 2022 Trust; (3) Confirming Title to the Assets of the Nancy A. Niche 2022 Trust; (4) and Transferring Title of Assets to the Nancy A. Niche 2022 Trust, filed by Francesca Norstad on 11/13/23.
2. Status Conference – Confirmation of dismissal of all petitions.

Ruling. This Petition is **dismissed pursuant to this Court's 11/13/25 order.**

PR0000719 IN THE MATTER OF NANCY A. NICHE

1. Petition for Letters of Administration, filed by Francesca Norstad on 7/15/24.
2. Status Conference – Confirmation of dismissal of all petitions.

Ruling. This Petition is **dismissed pursuant to this Court's 11/13/25 order.**

PR0000819 IN THE MATTER OF NANCY A. NICHE TRUST DATED APRIL 6, 2016

1. Petition for Orders: (1) Determining the Invalidity of the Nancy A. Niche 2016 Trust; and (2) Confirming Title to Assets, in the Alternative, to the Estate of Nancy A. Niche, filed by Francesca Norstad on 8/28/24.
2. Status Conference – Confirmation of dismissal of all petitions.

Ruling. This Petition is **dismissed pursuant to this Court's 11/13/25 order.**

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PR0000269 IN THE MATTER OF THE OLAV N. NORMAN AND ANNE G. NORMAN LIVING TRUST
DATED JUNE 26, 2014

Motion – Reconsideration

Ruling. Pursuant to Code of Civil Procedure 1008 (Section 1008), Movant Charles Norman moves for reconsideration of this Court's December 4, 2025 order approving a settlement agreement in the matter of Norman v. McGuinn (Marin County Case NO. CIV2200656) (the settlement agreement). The Court will consider the merits of Movant's motion over the objection of Charles Norman.

Section 1008 provides that a party may file a motion for reconsideration where there are "new or different facts, circumstances, or law." There is a strict requirement of diligence. To move for reconsideration on the basis of "new or different facts" or newly discovered evidence, the moving party must provide a satisfactory explanation for the failure to produce that evidence at an earlier time. (*Shiffer v. CBS Corp.* (2015) 240 Cal.App.4th 246, 255; *Hennigan v. White* (2011) 199 Cal.App.4th 395, 405; *Garcia v. Hejmadi* (1997) 58 Cal.App.4th 674, 690.)

Section 1008 is "the exclusive means for modifying, amending or revoking an order. That limitation is purely jurisdictional." (*Gilberd v. AC Transit* (1995) 32 Cal. App. 4th 1494, 1499 [citation omitted].) "[A] court acts in excess of jurisdiction when it grants a motion to reconsider that is not based upon 'new or different facts, circumstances or law.'" (*Id.* at 1500 [citation omitted].) "[S]ection 1008 gives the court no authority when deciding whether to grant a motion to reconsider to 'reevaluate' or 'reanalyze' facts and authority already presented in the earlier motion." (*Crotty v. Trader* (1996) 50 Cal.App.4th 765, 771.)

Movant argues the settlement agreement failed to disclose that Trustee Alan Norman "incurred substantial indebtedness in the name of the trust, allegedly owed to his own litigation counsel, and booked as a trust obligation offset against the beneficiary." Movant argues this information only came to light after the Trustee's Report was filed with this Court and served on Movant on December 8, 2025. Movant relies on these new and allegedly undisclosed facts as the basis for his reconsideration motion. Movant's assertions are belied by the record in this case.

This Court finds it incredulous that Movant claims he was unaware that the Trust was exposed to fees and costs arising out of Movant's lawsuit filed against the McGuinns (the McGuinn litigation). Movant initiated the lawsuit against the McGuinns and has appeared before this Court with counsel in this matter regularly since the first petition in November 2023 was filed in this case seeking Movant's removal as a Co-Trustee as a result of Movant's relentless desire to sue the McGuinns. The record in this case shows Movant's was actively engaged in the McGuinn litigation and this case, and was consistently, with the exception of brief periods, represented by counsel. This Court does not find Movant's claimed "new facts" are in fact new or different. The claims and assertions made in Movant's motion for reconsideration do not satisfy the requirements of Section 1008 and the motion is **DENIED**.

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PR0000469 IN THE MATTER OF THE JACK B. NEUMAN AND FLORENCE S. NEUMAN REVOCABLE TRUST, MARITAL AND EXEMPTION SUBTRUSTS

Petition to Compel Settlement and for Surcharge Against Trustee, filed by Zachery Neuman on 10/9/25.

Ruling. The parties are ordered to appear.

PR0000670 IN THE MATTER OF GREGORY POWELL JAMPOLSKY

Petition for Probate of Will and for Letters Testamentary, filed by Lea Gamble on 6/13/24.

Ruling. This matter is continued to April 30, 2026, at 9:00 a.m. pursuant to the Stipulation and Order filed 1/8/26.

PR0000835 IN THE MATTER OF THE SMITH ADRON KETCHUM III TRUST UTD JANUARY 5, 2007

Motion for Summary Judgment or in the Alternative Summary Adjudication, filed by Rosario Legasto on 9/8/26.

Ruling. The Motion for Summary Judgment or in the Alternative Summary Adjudication is DENIED.

Code of Civil Procedure section 437c(a)(3), provides, “[t]he motion shall be heard no later than 30 days before the date of trial, unless the court for good cause orders otherwise.” Petitioner noticed this motion for hearing within 30 days of the trial date without first obtaining a determination of good cause from the Court. The hearing is noticed for 01/29/2026, and trial is set for 02/02/2026.

“[A] trial court has discretion to shorten the 30-day period in which a motion for summary judgment must be heard before trial where circumstances warrant.” (*Urshan v. Musicians' Credit Union* (2004) 120 Cal.App.4th 758, 764.) As such, it was the moving party's burden to demonstrate good cause to the Court for noticing the hearing less than 30 days before trial before they filed the motion. (*Robinson v. Woods* (2008) 168 Cal.App.4th 1258, 1268.)

Petitioner filed a Stipulation Regarding Hearing Date on Petitioner's Motion for Summary Judgment or in the Alternative Summary Adjudication on 01/16/2026. The parties stipulated to this hearing date and agreed that Petitioner “may seek, by ex parte application, an order determining the existence of good cause for the January 29, 2026 hearing date.” However, unless and until the trial court finds good cause, the notice is invalid. (*Robinson, supra*, 168 Cal.App.4th at 1268.) Petitioner failed to file an ex parte application requesting such relief. Consequently, Petitioner's notice of hearing was invalid. (*Id.*)

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PR0001024 IN THE MATTER OF MARJORIE ALEXIS TODD

First and Final Report of Executor on Waiver of Accounting, Waiver of Compensation to Executor, for Agreed Upon Compensation to Attorney for Ordinary Services, for Allowance of Reimbursement to Attorney for Costs Advanced, and Petition for Final Distribution, filed by Michael A. Todd on 10/15/25.

Ruling. Absent objections, this Petition will be **granted without hearing**.

PR0001108 IN THE MATTER OF CATHERINE MILLAR

1. Order to Show Cause re Dismissal.
2. Petition for Orders: (1) Remove Current Co-Trustees; (2) Appoint Successor Co-Trustees; (3) Compel Co-Trustees to Produce a Code-Compliant Accounting; and (4) Breach of Fiduciary Duty, filed by Catherine Millar on 1/29/25.

Ruling. This matter is **ordered off calendar** pursuant to the Dismissal entered on 1/22/26.

PR0001217 IN THE MATTER OF JOSEPH J. GARBARINO

Report of Executors on Waiver of Account and Petition for Final Distribution, filed by Judith Rosa and Patricia Garbarino on 11/20/25.

Ruling. Absent objections, this Petition will be **granted without hearing**.

PR0001249 IN THE MATTER OF JAMES L. AND JACQUELINE A. PLACAK TRUST

Petition to Invalidate Trust Amendment for Undue Influence and Incapacity and for Elder Abuse; Demand for Evidentiary Hearing, filed by Robert C. Placak on 9/24/25.

Ruling. **The parties are ordered to appear.**

PR0001466 IN THE MATTER OF RICHARD J. MARCHETTI AND LETHA L. MARCHETTI REVOCABLE TRUST DATED JULY 19, 1999

Amended Petition for Modification of Trust Due to Changed Circumstances, filed by Letha L. Marchetti on 11/18/25.

Ruling. Absent objections, this Petition will be **granted without hearing**.

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PR0001491 IN THE MATTER OF DAVID ROGER FORTNEY

Spousal Property Petition, filed by Maria Pitillo on 10/1/25.

Ruling. This matter is **continued to March 5, 2026, at 9:00 a.m.** for confirmation of the filing of an Amended Spousal Property Petition by Petitioner Maria Pitillo.

PR0001500 IN THE MATTER OF ROBERT LEIGH

Petition to Invalidate Trust; for Financial Elder Abuse; Removal of Trustee; and to Enjoin Use of Trust Funds to Defend, filed by Robert Leigh on 9/24/25.

Ruling. **The parties are ordered to appear for status.**

PR0001548 IN THE MATTER OF FRANCES H. VALDEZ

Petition for Probate of Will and for Letters Testamentary, filed by Elvira V. Broida-Shirk on 11/17/25.

Ruling. Absent objections, this Petition will be **granted without hearing.** The Order to Show Cause is **discharged** Petitioner is ordered to comply with the following future dates:

1. **Final Inventory and Appraisal.**
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on **June 4, 2026**, at 10:00 a.m. (Prob. Code, § 8800.)
 - b. An appearance will be required on that date if the Final Inventory and Appraisal is not filed at least five court days prior to hearing. (Super. Ct. Marin County, Local Rules, rule 6.2(b), Filing, Hearing, and Continuance Procedures.)
2. **Status on Closing Estate.**
 - a. **Either:** (1) a Petition for Final Distribution; **or** (2) a Report on Status of Administration shall be filed by **February 4, 2027**, as required by Probate Code sections 12200 and 12201.
 - b. A status hearing re filing the Petition or Report shall be set on **February 25, 2027, at 10:00 a.m.**
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on **February 25, 2027, at 9:00 a.m.**

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PRO1604203 LORI C. O'HARA, ESTATE OF

Status Report of Administration, filed by Jamie O'Hara on 12/12/25.

Ruling. Absent objections, the Report of Status of Administration is **accepted and approved.**

Personal Representative is ordered to comply with the following future dates:

1. **Status on Closing Estate.**
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report of Status of Administration shall be filed by **January 28, 2027**, as required by Probate Code sections 12200-12201.
 - b. A status hearing re filing the Petition or Report shall be set on **February 18, 2027**, at 10:00 a.m.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on **February 18, 2027**, at 9:00 a.m.

PRO1702411 IN RE THE BRUCE T. CONZELMAN 2006 REVOCABLE TRUST

Status Conference – Settlement or Set Trial.

Ruling. **The parties are ordered to appear for further setting.**

PRO2002412 IN RE ROBERT D. WOLFE LIVING TRUST AS AMENDED AND RESTATED

1. Petition for Instructions Regarding Sub-Trust Allocation, filed by Marc Wolfe, Lisa Wolfe, and Roger Herst.
2. Independent Trustee's Petition to Approve Fees Incurred from January 2024 through September 2025 and Set Periodic Future Reviews, filed by Susan Zeme on 10/3/25.

Ruling. **The parties are ordered to appear.**

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PRO2102432 DUCK YO QUOSS, ESTATE OF

Petition for Approval of Report of Status of Administration and Petition Requesting Additional Time for Estate Administration, filed by Caron Schmierer on 1/8/26.

Ruling. Continued to February 25, 2026, at 9:00. Petitioner is ordered to:

1. Mail notice to all interested parties using the mandatory Judicial Council Form "Notice of Hearing – Decedent's Estate or Trust" (DE-120) with the box checked in Item 1 stating this is a report of status of administration.
2. File a copy of the DE-120 that was mailed, with the Proof of Service completed on page 2 showing that all interested parties received at least 15 days' notice of the Report of Status of Administration. (Prob. C. § 12201(b).) The Proof of Service must be filed at least 5 court days prior to hearing. (Super. Ct. Marin County, Local Rules, rule 6.2(b), filing, Hearing, and Continuance Procedures.)

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Judge James T. Chou
Department C
10:00 Calendar

PR0000476 IN THE MATTER OF CLARA BULLOCK

1. Status Conference – Status Report of Administration or Petition for Final Distribution.
2. Order – Show Cause – Failure to File Report/Petition and Failure to Appear on 1/8/26.

Ruling. Personal representative and counsel are ordered to appear.

PR0000552 IN THE MATTER OF ISABEL PONCE FLORES

1. Status Conference – Filing of Final Inventory and Appraisal or Status regarding litigation in Santa Clara rendering moot need for Final Inventory and Appraisal.
2. Status Conference – Status Report of Administration or Petition for Final Distribution.
3. Order – Show Cause – Why counsel should not be sanctioned in the amount of \$149 for each of the following: failure to appear on 11/13/25, 12/4/25, 1/8/26 and the failure to file the requested documents.

Ruling. Personal representative and counsel are ordered to appear.

PR0000936 IN THE MATTER OF SACHEEN LITTLEFEATHER RUBIO

1. Status Conference – Status Report of Administration or Petition for Final Distribution.
2. Status Conference – Filing of Final Inventory and Appraisal and Update regarding litigation in parallel matter.

Ruling. Personal representative and counsel are ordered to appear.

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PR0001351 IN THE MATTER OF ALI KUHZARANI

1. Status Conference – Filing of Final Inventory and Appraisal.
2. Order – Show Cause – Failure to appear on 1/8/26.

Ruling. This matter is ordered **off calendar**; the Order to Show Cause is **discharged**.

PR0001405 IN THE MATTER OF SARA SZOLD

Status Conference – Filing of Final Inventory and Appraisal.

Ruling. This matter is ordered **off calendar**; the Final Inventory and Appraisal has been filed.

PR0001406 IN THE MATTER OF URSULA H. DEUSTER

Status Conference – Filing of Final Inventory and Appraisal.

Ruling. This matter is **continued to July 30, 2026, at 10:00 a.m.** for filing of the Final Inventory and Appraisal.

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Judge James T. Chou
Department C
1:30 Calendar

PR0000003 IN THE MATTER OF JOHN KRAUS

1. First and Final Account and Report of Conservator of Estate and Petition for Settlement of Account and for Termination of Conservatorship, filed by Anne F. Smith on 2/3/25.
2. Order to Show Cause – Failure to file requested documentation as ordered on 6/26/25 and failure to appear on 11/5/25.

Ruling. Conservator and counsel are ordered to appear.

PR0001188 IN THE MATTER OF NEYAT TESFAY

1. Status Conference - filing of the Confidential Conservatorship Care Plan
2. Order to Show Cause - Failure to File Confidential Conservatorship Care Plan and failure to appear on 01/08/2026.

Ruling. This matter is ordered **off calendar; the Order to Show Cause is **discharged**.**

PR0001275 IN THE MATTER OF JOSE A. GARCIA

Status Conference – Filing of Final Inventory and Appraisal.

Ruling. This matter is ordered **off calendar; the Final Inventory and Appraisal has been filed.**

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PR0001329 IN THE MATTER OF YARI ADIEL SOLIS

Petition for Appointment of Probate Conservator of the Person, filed by Sonia Floridalma Gutierrez on 6/30/25.

Ruling. **The parties are ordered to appear.** If the Petition is granted, Conservator is **ordered to comply** with the following future dates:

1. Confidential Conservatorship Care Plan.
 - a. A status hearing for the filing of the Confidential Conservatorship Care Plan shall be set on **June 11, 2026, at 1:30 p.m.**
 - b. An appearance will be required on that date if the Confidential Conservatorship Care Plan is not filed at least five court days prior to the hearing.

PR0001396 IN THE MATER OF SURREYAYA WARD

Petition for Appointment of Guardian of the Person, filed by Britney Paige McCaulie on 7/29/25.

Ruling. **The parties are ordered to appear** to determine the amount of time necessary to look into alternative options for care and to extend the Temporary Letters for that period.

PR0001413 IN THE MATTER OF TAYLynn ZHUKOV AND GAVIN ZHUKOV

Petition for Appointment of Guardian of the Person and Estate, filed by Bridget Connolly on 8/13/25.

Ruling. **The parties are ordered to appear.**

PR0001447 IN THE MATTER OF MICHAL ROONEY

Amended Petition for Appointment of Probate Conservator of the Person, filed by Michal Rooney on 11/17/25.

Ruling. **The parties are ordered to appear.** If the Petition is granted, Conservator is **ordered to comply** with the following future dates:

1. Confidential Conservatorship Care Plan.
 - a. A status hearing for the filing of the Confidential Conservatorship Care Plan shall be set on **June 11, 2026, at 1:30 p.m.**
 - b. An appearance will be required on that date if the Confidential Conservatorship Care Plan is not filed at least five court days prior to the hearing.

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PR0001480 IN THE MATTER OF MANUEL ALEXIS FLORES GARCIA

Petition for Appointment of Limited Probate Conservatorship of the Person, filed by Maria de Lourdes Garcia & David Flores Avila on 9/23/25.

Ruling. The parties are ordered to appear. If the Petition is granted, Conservator is **ordered to comply** with the following future dates:

1. Confidential Conservatorship Care Plan.
 - a. A status hearing for the filing of the Confidential Conservatorship Care Plan shall be set on **June 11, 2026, at 1:30 p.m.**
 - b. An appearance will be required on that date if the Confidential Conservatorship Care Plan is not filed at least five court days prior to the hearing.

PR0001499 IN THE MATTER OF CHARLES O'MELVENY ALLRED

Petition for Appointment of Limited Probate Conservatorship of the Person, filed by Margaret O'Melveny and Kelly M. Allred on 10/20/25.

Ruling. The parties are ordered to appear. If the Petition is granted, Conservator is **ordered to comply** with the following future dates:

1. Confidential Conservatorship Care Plan.
 - a. A status hearing for the filing of the Confidential Conservatorship Care Plan shall be set on **June 11, 2026, at 1:30 p.m.**
 - b. An appearance will be required on that date if the Confidential Conservatorship Care Plan is not filed at least five court days prior to the hearing.

PRO1602863 OLIVIA ROSE GOMEZ, GUARDIANSHIP OF THE PERSON

1. Petition for Termination of Guardianship, filed by Olivia Rose Gomez on 9/22/25.
2. Order - Show Cause - Other - why the petition should not be dismissed

Ruling. The parties are ordered to appear.

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