

Superior Court of California, County of Tuolumne**Consolidated Calendar****Hon: Steven Streger****Department 5****February 6, 2026 8:30 am****DA Case #****Date Filed**

1	PR12625	Estate of Thomas Amedio Palombi Jessica Lynn Reyes Thomas Amedio Palombi Petition Hearing First and Final Distribution 04/03/2025 Petition	04/03/2025
			File Tracking 04/03/2025 High Density

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<https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [Meeting ID: 161 581 3960; Passcode: 123456].

All matters set for hearing in Department 5 are presumptively assigned to that department for all purposes. Parties retain the right under Cal. Const. art VI §21 to decline consent to the Commissioner serving as a Judge Pro Tem. By participating in the first hearing, or electing not to attend after due notice thereof, parties are deemed to have stipulated to the Commissioner serving as a Judge Pro Tem for the entire case. See CRC 2.816.

This is a petition to approve the final account and proposed distribution of this testate estate. The petition itself is fairly innocuous, save and except for the anomaly that Jessica would accept the job of executor, incur a personal financial obligation of \$8,789.00 for doing that job, and then attempt an unsuccessful disclaimer of her own devise for no apparent reason. Pursuant to Probate Code §11604(b), this Court may "inquire into the circumstances surrounding the execution of, and the consideration for" Jessica's putative assignment and "may refuse to order distribution, or may order distribution on any terms that the court deems just and equitable, if the court finds" that the terms "are grossly unreasonable" or obtained by duress, fraud, or undue influence." Jessica gave away \$220,000, and incurred a debt of nearly \$9,000, with no explanation provided at all. An ordinary disclaimer by Jessica would have directed the real property interest "to her issue by right of representation" (Probate Code §282), even though her disclaimer was presumptively late (Probate Code §279). This seems much like a gift from Jessica, which could have tax ramifications for either party. Has Susan created an estate plan devising the whole of the subject property back to Jessica?

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Department 5	February 6, 2026	8:30 am	DA Case #	Date Filed
2 PR12411	Estate of William W. Nichols			02/15/2024
	William W. Nichols			
	Antoinette Key	Attorney: David Wade		
	Daniel S. Nichols	Attorney: Carrie McKernan		
	Review Hearing - Report - Probate Code 12200			
02/15/2024 Petition			File Tracking	
			01/28/2025	High Density

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Parties to confirm whether §850 petition filed 01/14/2025 is now resolved.

Executor is to update court via §12200 on whether this estate is ready to close the administration and get a petition on file.

Superior Court of California, County of Tuolumne**Consolidated Calendar****Hon: Steven Streger**

Department 5	February 6, 2026	8:30 am	DA Case #	Date Filed
3 FL18618	Mandeep Raj vs. Jyoti Seroya			06/07/2024
	Mandeep Raj		Attorney: Nathan Nutting	
	Jyoti Seroya		Attorney: Hal Channell	
	OSC Hearing - Reconsideration			
	or Stay			
06/07/2024 Petition			File Tracking	
			05/30/2025 High Density	

Hearing on motion to stay pending Hague hearing Feb. 12-13 or, in the alternative, a motion for reconsideration of this Court's return order.

The Hague Convention seeks to deter parents from abducting their children across national borders by limiting the main incentive for international abduction – forum shopping of custody disputes. *Valenzuela v. Michel*, 736 F.3d 1173, 1176 (9th Cir.2013) A court handling a Hague Convention petition does not address the issue of who, as between the parents, is best suited to have custody of the child; that is left for the nation to which the child is returned. Stated otherwise, a Hague Convention case is more akin to a provisional remedy – to determine if the child was wrongfully removed from his or her habitual residence, and if so, then to order the child to be returned to that nation. *Marriage of Forrest & Eaddy* (2006) 144 Cal.App.4th 1202, 1210; in accord, *West v. Dobrev*, 735 F.3d 921, 929 (10th Cir.2013).

A parent petitioning for the return of a child must show by a preponderance of evidence that: (1) a child under the age of 16; (2) has been wrongfully removed/retained; (3) from his or her habitual residence; (4) in violation of the custody rights of the left-behind parent. Under article 3 of the Hague Convention, the removal/retention of a child is wrongful “where it breaches the petitioner's rights of custody, providing that the petitioner was exercising those rights” at the time. *Marriage of Witherspoon* (2007) 155 Cal.App.4th 963, 972. If the petitioner succeeds in showing a wrongful removal, the Hague Convention requires repatriation of the abducted child to its country of habitual residence in all but a few exceptional circumstances. Exceptions to the Hague Convention must be narrowly interpreted. *Maurizio R. v. L.C.* (2011) 201 Cal.App.4th 616, 633. One such exception is the “grave risk” exception, which provides that return of a child to his or her country of habitual residence need not be ordered if “there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. The grave risk exception is narrow and must be proved by clear and convincing evidence. See 22 U.S.C. §9003(e)(2)(A) and *Maurizio* at 633.

When a left-behind parent applies for specific custody orders after the other parent has taken the child out of the country, the subsequent custody order is sometimes referred to as a “chasing order.” However, a true chasing order is one which establishes the applicant's custodial rights to the absent child after the removal/retention by finding that the removal/retention was wrongful. That is not exactly what occurred here. To be more precise, this Court observed that Father had co-parenting rights prior to Mother's removal of the child from the United States, and that Mother's retention of the child in Canada did not become wrongful until she refused to return to the United States as promised. Mother further denied Father legal access to the child when he visited Canada in May of 2025. Mother has become unreasonably entrenched in her own self-dealing.

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DA Case #

Date Filed

4	PR12737	The Estate of Dora Mae Hartman	12/05/2025
		Robert Anthony Hartman	Attorney: Yet Not Entered
		Dora Mae Hartman	
		Letters of Administration	
12/05/2025	Petition		File Tracking 12/19/2025 High Density

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This is the initial hearing on a petition to admit a will to probate, and for Letters to issue to an administrator with will annexed. A review of the petition and file reveals the following current concerns:

1. Pursuant to Probate Code §8124, "a petition for administration of a decedent's estate shall not be heard by the court unless an affidavit showing due publication of the notice of hearing has been filed with the court." No proof of publication is yet on file.
2. Pursuant to Probate Code §8110(b), notice of the initial hearing must be provided to everyone named in the will alive at the time of Dora's passing. The will names Robert Sr., Lois, Walter, Bernard Sr., Blanche, Rebecca, Thomas, Margaret, Charles, and Bernard Jr. – all of whom are reported "deceased" though it is imprecise that they died before Dora. The only survivors appear to be Robert Jr., Michael and Richard, which leaves this Court to guess that the named grandkids are named by right of representation from someone deceased. This is where a family tree is usually provided. Otherwise, this Court can only guess if proper notice has been provided.
3. Robert and Michael have equal priority to serve as administrators (see Probate Code §8441). Absent a nomination from Michael, Robert is required to "sign and file with the court a statement of [his] permanent address" which must be routinely updated. §8573. In addition, "notwithstanding a waiver of a bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court." §8571. Why not have both brothers serve as co-administrators? This would avoid any conflicts regarding sale of the property.

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Department 5	February 6, 2026 10:00 am	DA Case #	Date Filed
5 PR8852	Conservatorship of Allison L. Condit Ross Condit Susan Condit Allison L. Condit Polly Levin Review Hearing - Investigator Report - PR Code 1850 FURTHER 03/05/2010 Accounting: Other		03/23/2001

File Tracking
01/28/2025 High Density

This is a general conservatorship over a person and estate. Although the annual investigative report is not yet complete, this Court anticipates finding by clear and convincing evidence that (1) the conservatee remains unable to provide properly for her personal needs for physical health, food, clothing, or shelter; (2) the conservatee remains substantially unable to manage her finances or resist undue influence; and (3) a general conservatorship is still the least restrictive alternative needed for the conservatee's protection, taking into consideration her abilities and capacities with current and possible supports. Court intends to consider whether biennial reviews are appropriate in this case.

Superior Court of California, County of Tuolumne**Consolidated Calendar****Hon: Steven Streger****Department 5****February 6, 2026 10:00 am****DA Case #****Date Filed**

6	PR11378	Conservatorship of Brooke Winham	10/25/2016
		Lucien Winham	Attorney: Jennifer Lothert
		Brooke Winham	
		Review Hearing - Investigator Report - PR Code 1850	
		FURTHER	
10/25/2016	Petition: Other		File Tracking
10/25/2016	Petition		01/28/2025 High Density

This is the annual review of a general conservatorship of the person. The Court, having received and reviewed the investigative report, intends to find by clear and convincing evidence that (1) the conservatee remains unable to provide properly for her personal needs for physical health, food, clothing, or shelter; (2) a general conservatorship is still the least restrictive alternative needed for the conservatee's protection, taking into consideration her abilities and capacities with current and possible supports; and (3) the conservator continues to act in the conservatee's best interests. Court intends to consider whether biennial reviews are appropriate in this case.

Superior Court of California, County of Tuolumne

Consolidated Calendar

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Department 5

February 6, 2026 10:00 am

DA Case #

Date Filed

7	PR12736	Conservatorship of: Larry Richard Barr	12/03/2025
		Larry Kevin Barr	Pro Per
		Larry Richard Barr	Attorney: Dru Hunt
		Appoint Conservator	
		PERM	
		Appoint Conservator	
		Temp	

12/03/2025 Petition

File Tracking

12/19/2025 High Density

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This is the continued hearing on a petition to establish a temporary (and eventual permanent) conservatorship over the person and estate of LRB who now resides in Nevada. As previously identified, the petition had some issues – most notably service concerns (§1260), no nominations (§1811), no capacity declaration (§1890), and a genuine question regarding jurisdiction/venue (§1993). At that first hearing, numerous members of LRB's extended family specially appeared via Zoom to oppose the pending petition for conservatorship, largely it appeared on the basis of jurisdiction and venue. Counsel for LRB also made a special appearance objecting to jurisdiction and venue.

On 12/04/2025, petitioner caused the citation to be served upon the proposed conservatee via Certified Mail with Return Receipt, accepted on 12/12/2025 by Eileen Stewart at Cascade Living Group – a senior assisted living community in Sparks, Nevada. Petitioner was allowed to serve the citation via Certified Mail with Return Receipt (see Probate Code §1824), but using this method extended the notice period from 15 days to 25 days (see CCP §415.40), making the initial notice period insufficient. In addition, neither the supplied Residency Agreement nor anything in the file provides this Court sufficient information from which to establish "actual delivery" from Eileen to LRB in a timely manner (see CCP §417.20(a)). However, since LRB appeared at the initial hearing, and had time beforehand to retain local counsel, actual notice is established.

On 01/26/2026, LRB filed a detailed substantive opposition to the petition for conservatorship, which this Court will treat as a responsive pleading consistent with CCP §418.10(e) so as to not cause LRB to have made an unwitting general appearance. The same day LRB filed a "motion to quash" pursuant to CCP §410.30 (presumably to secure sanctuary under §418.10(a)(2)). This statute codifies the common law doctrine of *forum non conveniens*, which is an equitable doctrine invoking the discretionary power of a court to decline jurisdiction over a transitory cause of action when it believes that the action may be more appropriately tried in another state. See *Stangvik v. Shiley Inc.* (1991) 54 Cal.3d 744, 751; *Grove v. Juul Labs, Inc.* (2022) 77 Cal.App.5th 1081, 1090; *Fox Factory, Inc. v. Superior Court* (2017) 11 Cal.App.5th 197, 206; *National Football League v. Fireman's Fund Ins. Co.* (2013) 216 Cal.App.4th 902, 929. However, reading the motion informs this Court that this is *not* a motion directed at this Court's discretionary authority under the doctrine of *forum non conveniens*, but instead a challenge to personal jurisdiction over LRB pursuant to Probate Code §§ 1991 et seq (thereby giving sanctuary under §418.10(a)(1)). Without prejudging the evidence, LRB's declaration presents a *prima facie* basis for concluding that personal jurisdiction may be lacking. Does petitioner intend to respond to the motion, and provide evidence to counter the averments provided?

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Department 5	February 6, 2026 10:00 am	DA Case #	Date Filed
8 PR12738	Guardianship of Abigail Butow		12/11/2025
	Nicole Butow	Attorney: Jennifer Lothert	
	Michael Butow	Attorney: Jennifer Lothert	
	Abigail Butow	Pro Per	
	Appoint Guardian - Estate		
12/11/2025	Petition	File Tracking	
		12/24/2025	High Density

This is the initial hearing on a petition to establish a guardianship over the estate of a minor who is set to inherit an annuity from a family friend. The appointment of the court investigator will be rescinded. Based on the petition, the court intends to grant the petition and waive the bond and require only summary accountings if the funds will be deposited into a blocked account at an FDIC insured financial institution. If the guardians intend to invest the funds actively, then a bond will be required, as will annual accountings.

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Department 5	February 6, 2026 10:00 am	DA Case #	Date Filed
9 PR11862	Guardianship of Aryahlinn Rivera		10/02/2020
	Jeffrey Breseman	Attorney: April Meyer	
	Sharon Beuttler	Attorney: Michael Kalanta	
	Aryahlinn Renee Ava Rivera	Attorney: Sally Chenault	
	Dillon Rivera	Attorney: Kelly Bentley	
	Review Hearing		
	Status Update		
08/31/2023 Petition		File Tracking 07/02/2025 High Density	
<u>Other Cases</u> FL18178			

Review hearing to confirm that an agreement has been reached and that the parties will no longer require a trial.

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Department 5	February 6, 2026 10:00 am	DA Case #	Date Filed
10 PR10483	Guardianship of Patrisha Lynn Trevino, et al. Rebecca Lynn TERMINATED Deaton Randall Terry TERMINATED Deaton Patrisha Lynn Trevino TERMINATED Brianna Cara Trevino TERMINATED Bradley Joseph Trevino TERMINATED Jeremy Glen Phillip Moore TERMINATED Harley James Trevino Brittany Miller Jeremy Moore Brianna Trevino Review Hearing termination - ward turns 18 02/06/2026		07/29/2009

07/29/2009 Petition

File Tracking
03/12/2025 High Density

As no petition to extend the guardianship has been filed, this guardianship terminates by operation of law.

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February 6, 2026 10:00 am

DA Case #

Date Filed

11 PR12325

In The Matter John Landrum Martin III

09/19/2023

Melissa Hunter Martin

Attorney: James Cilley

Petition Hearing - Attorney's Fees

and Costs

12/18/2025 Petition

File Tracking

02/14/2025 From Court-Probate on Calendar

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Before the Court this day is a petition to fix and approve reasonable fees for the law firm previously representing the conservator in these proceedings. While it does appear from a review of the court file that timely notice was provided to the interested parties, no opposition is of record.

Probate Code §2642 authorizes "an attorney who has rendered legal services to the conservator" to secure an order for reasonable fees and costs. In general, reimbursement is limited to fees/costs actually incurred in good faith and served the conservatee's best interests. See *Conservatorship of A.B.* (2021) 66 Cal.App.5th 384, 389; *Conservatorship of Cornelius* (2011) 200 Cal.App.4th 1198, 1207. Because any award here is charged against the conservatee's estate (see §§ 2642(b) and 2646) and not the petitioner herself, judicial scrutiny is required in order to protect conservatees "from exploitation by professionals who treat their estates as blank checks." *Conservatorship of Bower* (2016) 247 Cal.App.4th 495, 509; in accord, *Estate of Moore* (2015) 240 Cal.App.4th 1101, 1107.

To calculate the amount of attorneys' fees, the court begins with a lodestar figure based upon the number of hours reasonably expended multiplied by the prevailing average rate for lawyers doing similar work where the court is located. See *Frym v. 601 Main Street LLC* (2022) 82 Cal.App.5th 613, 619; *Marshall v. Webster* (2020) 54 Cal.App.5th 275, 285; in accord, *Tidrick v. FCA US LLC* (2025) 112 Cal.App.5th 1147, 1157. That rate is \$400/hr. for lawyers, and \$150/hr for paralegals. How many lawyer and paralegal hours are actually billed? Then, as for what is reasonable, it is not immediately apparent how inter-office meetings and file reviews were for the benefit of the conservatee, and the supporting declaration does not address the issue at all. Some haircut will be warranted.

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Hon: Steven Streger

Department 5	February 6, 2026	1:30 pm	DA Case #	Date Filed
12 CV67884	Petition of Thomas Richard Barker			12/09/2025
	Thomas Richard Barker	Pro Per		
	OSC Hearing - Name Change			
12/09/2025 Petition			File Tracking	
			12/24/2025	High Density

Nonconfidential petition to change name; proof of publication missing

Superior Court of California, County of Tuolumne

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Department 5	February 6, 2026 1:30 pm	DA Case #	Date Filed
13 FL19250	Tabitha Cwikowski and Piotr Cwikowski		10/10/2025
	Tabitha Cwikowski	Pro Per	
	Piotr Cwikowski		
	Review Hearing - Child Custody/Visitation		
	Custody/Visitation		
10/10/2025 Petition		File Tracking 12/19/2025 High Density	

Not on calendar

Superior Court of California, County of Tuolumne
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Department 5	February 6, 2026 1:30 pm	DA Case #	Date Filed
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14	CV67931	Petition of A.D.	12/18/2025
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A.D. Pro Per

OSC Hearing - Name Change

Petitioner called to check on status of name change and missed the hearing because the OSC said appearances are only required if there are objections made. Placed back on calendar to appear before the Court.

12/18/2025 Petition

File Tracking

12/24/2025 High Density

Confidential name change.