

Superior Court of the State of California  
County of Orange  
TENTATIVE RULINGS FOR DEPARTMENT CM3  
**Temporary Judge Hope Mathena**  
**Date: 07/01/25**

Court Room Rules and Notices

#	Case Name	Tentative
9	Porter - Trust 01312432	<p style="text-align: center;"><b>MOTION FOR RECONSIDERATION</b></p> <p>Petitioner Dominick A. Scalise, Trustee ("Petitioner"), brings this "Motion for Order Reconsidering Matter and Modifying/Amending/Revoking Order Confirming Trust Assets and Waiver of Bond" pursuant to Code of Civil Procedure section 1008. (ROA 35.)</p> <p>In his notice of motion, Petitioner requests that the court reconsider the petition filed on 3/14/23 and modify, amend, or revoke the order dated 1/19/24 (ROA 29.) Petitioner alleges that the legal description on the 1/19/24 Order is incorrect. The court notes that the 1/19/24 order is titled "Amended Order Confirming Trust Assets and Waiver of Bond," as the order has already been corrected once via ex parte application for order nunc pro tunc.</p> <p>Pursuant to subdivision (b) of Code of Civil Procedure section 1008, the party who made the initial application may make a subsequent application for the same order upon new or different facts, circumstances or law, at any time. The motion must be supported by an affidavit identifying the previous order, the judge that made the order, and the new or different facts, circumstances, or law claimed to exist. (Code Civ. Proc., § 1008(b).)</p> <p>Petitioner submitted a thorough declaration/affidavit through their land and mineral rights attorney, Gisele Goetz, on 6/4/25 (ROA #48), which sets forth the complex transactions and history that resulted in the erroneous legal description(s) on the 1/19/24 Order. The court is persuaded that this declaration constitutes sufficient changes in facts and circumstances to support the motion, that a modification of the order would not prejudice any party, and notes there has been no opposition to this noticed motion.</p> <p>Therefore, the court GRANTS the unopposed motion by Petitioner to modify the court's 1/19/24 order on Petitioner's Petition for Order Confirming Trust Assets. Petitioner is directed to submit a second amended order which reflects the corrected language as set forth in the subject motion.</p> <p>Petitioner to provide notice of this ruling.</p>

