

Superior Court of the State of California  
County of Orange  
TENTATIVE RULINGS FOR DEPARTMENT CM04  
**HON. JUDGE Carol L. Henson**

**Date 01/17/25**

Court Room Rules and Notices

#	Case Name	Tentative
1	Holcomb – Trust 2022-01294552	<p style="text-align:center"><b>MOTION TO RELATE ACTIONS AND TRANSFER CIVIL CASE TO PROBATE DEPARTMENT</b></p> <p>Petitioner Drucilla Robinson-Mang (“Petitioner”) brings this motion for an order (1) deeming the instant case related to an action commenced by Petitioner in the civil department, and (2) transferring the civil action to the probate department. (ROA 48).</p> <p>This motion is joined by beneficiaries and petitioners Brittany D. Perrineau, Phillip Trent Holcomb, Matthew C. Robinson, Keith Ryan Holcomb, Kimberly Holcomb, and Terral A. Holcomb (collectively, “Beneficiaries”). (ROA 78.)</p> <p>The motion is opposed by Respondent Dawn Piel (“Respondent”). (ROAs 82 and 84.)</p> <p><u>Background</u></p> <p>On 11/30/22, Petitioner filed a Petition Concerning Internal Affairs of the Trust Instrument: (1) To Compel Trustee Dawn Piel to Cooperate with and Provide Co-Trustee with Records Related to Trust; (2) For Order Compelling Report and Accounting; (3) Suspend and Remove Dawn Piel as Co-Trustee; and (4) Further Relief and Instructions to Allow Petitioner to Administer the Trust (“Petition”). (ROA 2.)</p> <p>On 12/29/23, Petitioner commenced a civil action, bearing case no. 2023-01370979, (“Civil Action”) by filing a Verified Complaint for Financial Elder Abuse, Elder Abuse, Breach of Trust as a Fiduciary, Accounting, Constructive Trust, and Compensatory and Punitive Damages (“Complaint”). (ROA 2 in the Civil Action.)</p> <p>On 1/18/24, Petitioner filed a Notice of Related Case in the instant probate action (ROA 36) and in the Civil Action (ROA 8 in Civil Action). Respondent did not file a response to either.</p> <p>On 1/31/24, the Honorable Judge Jonathan Fish issued a chambers order which declined to relate the civil case to the probate and stated that the parties may move for a stay of action (ROA 10.)</p> <p>On 8/12/24, Beneficiaries filed a Petition for Removal of Co-Trustee and Confirmation of Sole Successor Trustee; Recovery of Property and Double Damages; Conversion. (“Beneficiaries’</p>

Petition"). (ROA 71.) On the same date, Beneficiaries filed a Notice of Related Case in this probate action. (ROA 72.) No has fled a response thereto.

#### Merits of the Motion

Rule 3.300(h)(1)(C) requires that, where the notice of related case includes a probate case, the presiding judge, or a judge designated by the presiding judge, must determine whether cases should be related and to which judge or department they should be assigned. Accordingly, Presiding Judge Maria D. Hernandez has designated Judge Carol L. Henson, the Probate Panel Supervising Judge, to make the determination. In making the determination set forth below, Judge Henson has consulted with Judge Layne Melzer, the Civil Panel Supervising Judge (re-assigned as of Jan. 10, 2025) and Judge Hesselstine, the Civil Panel Supervising Judge (effective January 13, 2025). All Supervising Judges are in agreement.

California Rules of Court, Rule 3.300(a) states as follows:

#### **(a) Definition of "related case"**

A pending civil case is related to another pending civil case, or to a civil case that was dismissed with or without prejudice, or to a civil case that was disposed of by judgment, if the cases:

- (1) Involve the same parties and are based on the same or similar claims;
- (2) Arise from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact;
- (3) Involve claims against, title to, possession of, or damages to the same property; or
- (4) Are likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Upon the court's review of the Petition and the Complaint, it appears that the two actions have some of the same parties and that the some of the causes of action in both cases arise from the same or substantially identical transactions, incidents, or events. It appears that both actions involve some factual and legal issues that are substantially identical. The two actions also involve claims against, title to, possession of, or damages to property belonging to the trust. Thus, the two actions appear to be related.

Notwithstanding, the court is not inclined to exercise its discretion to transfer the Civil Action to the Probate Department.

		<p>This court agrees with Judge Fish that a motion to stay (brought in either action) would adequately address any concerns about duplication of judicial resources. Additionally, the court notes that Petitioners did not timely file a Notice of Related Cases in either action. (CRC, Rule 3.300(e).) Further, Respondent is demanding a jury trial in the Civil Action, which the civil department is much better equipped to handle. Finally, the court is not persuaded that any of the causes of action in the Civil Action are under the exclusive jurisdiction of the Probate Court.</p> <p>Based on the foregoing, the court's tentative ruling is to deem the cases related but exercise its discretion to decline transferring the civil case to the probate department.</p>
2		
3		
4		