

TENTATIVE RULINGS

DEPT. CM7

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TENTATIVE RULING

Date: 02/05/2025

Case #	Case Name	Tentative
(01313504)	Speier – Trust	<p style="text-align: center;">TENTATIVE RULING</p> <p>Case: (01313504) Calendar No.: 8</p> <hr/> <p style="text-align: center;">Date: 02/05/2025</p> <p style="text-align: center;">MOTION TO TAX COSTS</p> <p>The motion of Respondent William B. Hanley for an order taxing the memorandum of costs filed by Petitioner James S. Bosley by \$1,770.07 for "court ordered transcripts" is GRANTED.</p> <p>Respondent William B. Hanley ("Respondent") moves for an order taxing the memorandum of costs filed by Petitioner James S. Bosley ("Petitioner"). Specifically, Respondent challenges the claim for \$1,770.07 for "court ordered transcripts."</p> <p>Petitioner filed and served a memorandum of costs on October 31, 2024. (ROA 161.) Petitioner is claiming costs of \$3,932.32, including \$1,770.07 for court-ordered transcripts in item 9. The worksheet attached to the summary shows that the costs were incurred for trial proceedings on September 6, 2024, September 9, 2024, and September 16, 2024.</p> <p>Respondent timely filed a motion to tax costs. Respondent contends that Petitioner cannot</p>

		<p>properly recover the cost for these trial transcripts because they were not ordered by the court. As Respondent correctly notes, subdivision (a)(9) of Code Civil Procedure section 1033.5 provides that allowable costs include "[t]ranscripts of court proceedings ordered by the court." By contrast, subdivision (b)(5) of section 1033.5 provides that costs that are not allowed include "[t]ranscripts of court proceedings not ordered by the court."</p> <p>Respondent has submitted his declaration and attached as Exhibit 2 email correspondence between counsel in which counsel agreed to equally share the cost of trial transcripts.</p> <p>Despite proof of service of notice of this motion, Petitioner has not opposed the motion or otherwise shown that the Court ordered the trial transcripts.</p> <p>Based on the foregoing, the motion is granted. Respondent should prepare, file, and serve an order after hearing.</p>
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(00909203)	McCulloch - Trust	<p style="text-align: center;">TENTATIVE RULING</p> <p>Case: 00909203 Calendar No.: 11</p> <hr/> <p style="text-align: center;">Date: 02/05/2025</p> <p style="text-align: center;">MOTION TO BE RELIEVED AS COUNSEL</p> <p>Attorney Stephen M. Magro seeks to be relieved as counsel for trustee Mark P. McCulloch.</p> <p>Counsel has fully complied with California Rules of Court, Rule 3.1362 and Orange County Local Rule 601.21. The motion is GRANTED.</p>

		Withdrawal is effective upon filing the proof of service of the signed Order Granting Attorney's Motion to Be Relieved as Counsel.
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