

**SUPERIOR COURT, STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA**

**Department 1, Honorable Le Jacqueline Duong, Presiding**  
Mai Jansson, Courtroom Clerk

191 North First Street, San Jose, CA 95113  
Telephone 408.882-2120

**To contest the ruling, call (408) 808-6856 before 4:00 P.M.**

**PROBATE LAW AND MOTION TENTATIVE RULINGS**

**DATE: September 4, 2024 TIME: 10:00 A.M.**

**\*\*\*NOTICE\*\*\***

**APPEARANCES IN DEPT. 1 MAY BE IN PERSON OR  
REMOTE THROUGH MICROSOFT TEAMS**

**PLEASE GO TO:**

**[https://www.sccourt.org/general\\_info/ra\\_teams/video\\_hearings\\_teams.shtml](https://www.sccourt.org/general_info/ra_teams/video_hearings_teams.shtml) to find the appropriate link.**

**State and local Court Rules prohibit recording of court proceedings without a Court order. This prohibition applies while on Microsoft Teams.**

**Prevailing party shall prepare the order by e-file, unless stated otherwise below**

**The court does not provide official court reporters for civil/probate law and motion hearings. See court website for policy and forms for court reporters at hearing**

**TROUBLESHOOTING TENTATIVE RULINGS**

If do not see this week's tentative rulings, they have either not yet been posted or your web browser cache (temporary internet files) is accessing a prior week's rulings. "REFRESH" or "QUIT" your browser and reopen it, or adjust your internet settings to see only the current version of the web page. Your browser will otherwise access old information from old cookies even after the current week's rulings have been posted.

LINE #	CASE #	CASE TITLE	RULING
<a href="#">LINE 1</a>	23PR194524	The Jose and Amalia Santiago Revocable Living Trust, Dated July 8, 2021	Click on <a href="#">LINE 1</a> or scroll down for attached Tentative Ruling.
<a href="#">LINE 2</a>			Click on <a href="#">LINE 2</a> or scroll down for attached Tentative Ruling.
<a href="#">LINE 3</a>			Click on <a href="#">LINE 3</a> or scroll down for attached Tentative Ruling.

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<a href="#">LINE 4</a>			
<a href="#">LINE 5</a>			
<a href="#">LINE 6</a>			

Line 1

Case Name: The Jose and Amalia Santiago Revocable Living Trust, dated July 8, 2021

Case No.: 23PR194524

Hearing date, time, and department: September 4, 2024 at 10:00 a.m. in Department 1

Petitioner Ricardo Santiago (“Petitioner”) is the son of trustors Jose O. Santiago, Sr. and Amalia Santiago, who executed the Jose and Amalia Santiago Revocable Living Trust, dated July 8, 2021 (“the trust”). On July 26, 2023, Petitioner filed a petition to invalidate the trust (“the petition” or “the subject petition”). The petition alleges that trustors were predeceased by their son Jose Santiago, Jr., whose will appointed Jose O. Santiago, Sr. as personal representative. Thereafter, trustors executed the trust and then passed away themselves. The petition appears to assert, inter alia, that Petitioner should have inherited a portion of Jose Santiago, Jr.’s estate. The petition argues that trustors lacked capacity to execute the trust and that they were unduly influenced by Respondent Erika Santiago (aka Erika Dominguez) (“Successor Trustee”), the successor trustee.

Respondents Konstantine Demiris and his law firm the Demiris Law Firm (collectively, “Demiris”) represented Jose O. Santiago, Sr. in the probate proceedings relating to the estate of Jose Santiago, Jr. in docket 21PR189448 to assist him in becoming the personal representative of Jose Santiago, Jr.’s estate. Respondent Doris E. Mitchell dba Mitchell Law Firm (“Respondent Mitchell”) also assisted Jose O. Santiago, Sr. in becoming personal representative and in filing in court all documents required of the personal representative.

On November 1, 2023, the court granted Demiris’s anti-SLAPP special motion to strike.

On November 22, 2023, Petitioner moved to voluntarily dismiss the entire action and dismissal was entered by the clerk of the court.

Demiris has filed a proposed judgment. In order to provide Petitioner with the opportunity to be heard regarding the proposed judgment, the court ordered a hearing. (See, e.g., *Rooney v. Vermont Investment Corp.* (1973) 10 Cal.3d 351, 368-370 [finding that opposing party should have been given notice of the date on which the court intended to sign the ambiguous stipulated judgment].) Petitioner has filed no opposition to the proposed judgment.

As mentioned above, the court granted the anti-SLAPP motion. The effect of the order granting the motion is that the only portion of the petition that mentioned wrongdoing by Demir is stricken. Thus, Demir is entitled to dismissal of the petition as it relates to him. He is also the prevailing party on the anti-SLAPP motion as his motion was granted. The requested judgment indicates that Demir is the prevailing party and that he may file a memorandum of costs to obtain his attorney fees, which he may be entitled to as the prevailing party, despite the fact that the petition has been dismissed. (See, e.g., *Pfeiffer Venice Properties v. Bernard* (2002) 101 Cal.App.4th 211, 218.) The proposed judgment appropriately memorializes the effect of the order granting the anti-SLAPP motion.

The court will sign the proposed judgment.

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