

**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 Or Email at  
Department1@scscourt.org before 4:00 P.M.**

**PROBATE LAW AND MOTION TENTATIVE RULINGS**  
**DATE: October 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.scscourt.org/general\\_info/ra\\_teams/video\\_hearings\\_teams.shtml](https://www.scscourt.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.

**This is NOT Probate Examiner's note. For that please click here**

**And look for probate advance case status.**

**[https://santaclara.courts.ca.gov/divisions/probate-division/probate-advance-case-  
status-reports](https://santaclara.courts.ca.gov/divisions/probate-division/probate-advance-case-status-reports)**

LINE #	CASE #	CASE TITLE	RULING
<a href="#">LINE 1</a>	20141PR173920	Paul D. Cureton Irrevocable Trust	Click on <a href="#">LINE 1</a> or scroll down for attached Tentative Ruling.

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**PROBATE LAW AND MOTION TENTATIVE RULINGS**

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

Line 1

In 2014, trust beneficiary Paul D. Cureton (“Cureton”) filed this action against Eric A. Hersh (“Hersh”), trustee of the Paul D. Cureton Irrevocable Trust (the “Trust”) contending, inter alia, that Hersh was charging excessive trustee fees. The parties entered into a stipulation and the trust was terminated. On August 29, 2024, Cureton filed a motion entitled, “MOTION TO CITE HERSH & ASSOCIATES FOR FAILURE TO ABIDE BY TERMS OF STIPULATION TO SETTLEMENT AGREEMENT AND ORDER, THE CLEAR NON-CONTROVERSIAL NATURE OF THE AGREEMENT CALLS FOR A MOTION FOR SUMMARY JUDGEMENT AGAINST THE DEDFENDANT, IN FAVOR OF THE PLAINTIFF”, the motion currently before the court. The motion is unopposed.

It is not clear that Cureton has properly served the motion as no proof of services has been filed with the court. Code of Civil Procedure section 1005, subdivision (b) provides that “[u]nless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing.” Accordingly, the court must continue the motion in order to ensure proper service. Cureton is ordered to properly serve all necessary parties and to file a proof of service with the court indicating timely service.

The parties are ordered to appear at the hearing on this matter to set a date for the continued hearing.

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