

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

**Department 1, Honorable Julie A. Emede, 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: July 10, 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.scsccourt.org/general\\_info/ra\\_teams/video\\_hearings\\_teams.shtml](https://www.scsccourt.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>	23PR194728	Edward Gohl Revocable Living Trust dated 8/23/22	Click on <a href="#">LINE 1</a> or scroll down for attached Tentative Ruling.
<a href="#">LINE 2</a>	23PR194728	Edward Gohl Revocable Living Trust dated 8/23/22	Click on <a href="#">LINE 2</a> or scroll down for attached Tentative Ruling.
<a href="#">LINE 3</a>			
<a href="#">LINE 4</a>			
<a href="#">LINE 5</a>			

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**PROBATE LAW AND MOTION TENTATIVE RULINGS**

[LINE 6](#)

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Line 1

Case Name: The Edward Gohl Revocable Living Trust dated August 23, 2022 Case No.: 23PR194728 Hearing date, time, and department: July 10, 2024 at 9:00 a.m. in Department 1

INTRODUCTION Petitioner Richard Gohl (“Petitioner”) initiated this case by filing a petition to appoint a temporary trustee of the Edward Gohl Revocable Living Trust dated August 23, 2022 and to direct the trustee to sell certain trust real property. The successor trustee, Susan Berecsky (“Respondent”) was named as a respondent. Currently before the court is Respondent’s attorney, Lauren Bradach’s (“Counsel”), motion to be relieved as counsel for Petitioner. The motion is unopposed. DISCUSSION I. Legal Standard Motions to be relieved as counsel are technical and governed by Rules of Court, rule 3.1362 (“Rule 3.1362”). Notice and motion must be directed to the client on Judicial Council Form MC-051. No memorandum is required. (Rule 3.1362(a) & (b)). Counsel must provide a declaration on Judicial Council Form MC-052 stating “in general terms and without compromising the confidentiality of the attorney-client relationship why a motion under Code of Civil Procedure section 284(2) is brought instead of filing a consent under Code of Civil Procedure section 284(1).”<sup>1</sup> (Rule 3.1362(c)). The notice of motion and motion, the declaration, and the proposed order must be served on the client and all parties “by personal service, electronic service, or mail.” (Rule 3.1362(d)). If the notice is served on the client by mail under Code of Civil Procedure section 1013, it must be accompanied by a declaration stating facts showing that either: 1 Code of Civil Procedure section 284 provides, in its entirety, The attorney in an action or special proceeding may be changed at any time before or after judgment of final determination, as follows: 1. Upon the consent of both client and attorney, filed with the clerk, or entered upon the minutes; 2. Upon the order of the court, upon the application of either client or attorney, after notice from one to the other. 2 (A) The service address is the current residence or business address of the client; or (B) The service address is the last known residence or business address of the client and the attorney has been unable to locate a more current address after making reasonable efforts to do so within 30 days before the filing of the motion to be relieved. (Rule 3.1362(d).) The proposed order relieving counsel must be prepared on the Order Granting Attorney’s Motion to Be Relieved as Counsel—Civil (form MC-053) and must be lodged with the court with the moving papers. The order must specify all hearing dates scheduled in the action or proceeding, including the date of trial, if known. If no hearing date is presently scheduled, the court may set one and specify the date in the order. After the order is signed, a copy of the signed order must be served on the client and on all parties that have appeared in the case. The court may delay the effective date of the order relieving counsel until proof of service of a copy of the signed order on the client has been filed with the court. (Rule 3.1362(e).) II. The Instant Motion Here, the reason for the request to withdraw is that there has been a breakdown of the attorney-client relationship. Counsel has provided the court with the required form motion and declaration. A proof of service indicates that the motion, declaration, and proposed order have been served on Petitioner. Counsel indicates in the declaration that Petitioner’s mailing address was confirmed within 30 days via telephone. Counsel has provided a proposed order on the correct judicial counsel form (MC-053). After the motion was filed, the court continued a status hearing to October 4, 2024. The proposed order does not apprise Petitioner of this future court date. Nonetheless, the motion will be GRANTED. The court will write in the October 4, 2024 hearing date when it signs the proposed order. CONCLUSION The motion to be relieved as counsel is GRANTED.

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