

**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 25, 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>	22PR193527	Rita P. Catalano Trust of 2000	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.
<a href="#">LINE 4</a>			

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

Line 1

## INTRODUCTION

In 2010, Rita Catalano (“Decedent”) loaned her daughter, Regina Drysdale (“Respondent”) \$300,000 allegedly for the purposes of bridging a gap in funding due to the pending sale of Respondent’s real property. Thereafter, Decedent made another loan of \$150,000 to Michelle McCarthy, Decedent’s granddaughter and Respondent’s daughter. The terms of the loan appear to be in dispute, but it is undisputed that Respondent agreed to pay interest on both loans. Decedent passed away on January 5, 2021.

On October 25, 2022, Petitioners Lisa Boyer and Daniel Catalano (“Petitioners”), trustees of the Rita P. Catalano Trust of 2000, initiated this action by filing a petition to confirm property. In it, they alleged causes of action for (1) financial elder abuse, (2) promissory fraud, (3) conversion, (4) accounting, and (5) declaratory relief. The petition alleges that Respondent failed to pay the interest on the loans and that, as of October 15, 2022, the amount of interest owing was \$161,562.21.

Currently before the court is Respondent’s motion for summary judgment or, in the alternative, summary adjudication as to Petitioners’ October 25, 2022, petition and each cause of action therein. Petitioners have filed an opposition. Respondent has submitted a reply for filing.

## DISCUSSION

### I. The Motion Must Be Continued

On Friday, September 20, 2024, at 3:46 p.m., Respondent submitted her reply for filing along with multiple additional documents. The court was not made aware of the reply until Monday, September 23, 2024. In order to permit the court’s full consideration of the reply and supporting documents, the court must continue the hearing on the motion.

## CONCLUSION

The motion is hereby CONTINUED. The parties are ordered to appear at the hearing on this matter to select a new date for the continued hearing.

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