

Tentative Rulings
June 10, 2024
Department 24

This Court does not follow the procedures described in Rules of Court, Rule 3.1308(a). Tentative rulings appear on the calendar outside the court department on the date of the hearing, pursuant to California Rule of Court, Rule 3.1308(b)(1). As a courtesy to counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court’s website (www.shasta.courts.ca.gov) and are available by clicking on the “Tentative Rulings” link. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

2:00 p.m.

IN RE MECCHI TRUST
Case Number: CVPB19-0029935

Tentative Ruling on Motion to Compel Production: Jeffrey Mecchi¹ filed a Motion to Compel Trustee to Provide a Fifth Accounting on April 14, 2023. On July 4, 2023, the Court granted the Motion in part – ordering Trustee Janet Mecchi to file and serve the Fifth Accounting for the period of December 2, 2020 – July 31, 2022. On November 28, 2023, the Court issued an OSC re Contempt for Janet’s failure to timely file and serve the Fifth Accounting. On December 5, 2023, Janet Mecchi filed a Petition for Approval of Fifth Accounting. Jeffrey filed an Objection to the Fifth Accounting on January 17, 2024. Jeffrey served Requests for Production on Janet on January 25, 2024. He sought documents in support of disbursements itemized in Schedule C to the Fifth Accounting. Janet served responses and objections on February 23, 2024. Jeffrey filed the instant Motion to Compel Production of Documents on April 12, 2024. Hearing on the Motion has previously been continued by stipulation of the parties.

Requests for Production 1-44 request all documents which support reimbursement for certain items paid for by check and itemized in Schedule C to the Fifth Accounting. Requests for Production 45-47 request any and all documents, including but not limited to purchase agreements, appraisals and checks which refer to the transfer of: 974 Paramount Way in Redding, California; 274 Oak Street in Tahoma, California; and Lot 8, Block 26 of Tahoe Cedar Tract.

Petitioner concedes that Janet has produced a series of redacted checks, which hide Janet’s trust account information and account information of a third party, Andrew Roche. (Mtn. 4:15-17.) Janet also produced redacted escrow documents and appraisals relating to the real property at issue. (Mtn. 4:19-23.) Jeffery now seeks unredacted checks and other documentation to further support the accounting.

Merits of Motion: Code of Civil Procedure section 2031.310(a)(3) provides a party may move for an order compelling further responses to requests for production if an objection to the response is

¹ The parties share a last name. The Court will use their first names for clarity. No disrespect is intended.

without merit or too general. The motion must set forth specific facts showing good cause justifying the discovery sought by the demand. CCP § 2031.310(b)(1). The court must impose monetary sanctions against any party who unsuccessfully makes or opposes such a motion absent substantial justification or other circumstances that would make the imposition of the sanction unjust. CCP § 2031.310(h).

Jeffrey argues there is good cause to justify the discovery sought. He concedes that all of the checks he seeks have already been identified by Janet. (Mtn. 6:12-13.) He now seeks account information, which he can use to “identify the bank from which the checks were drawn, and thus verify from the bank itself what checks have come into and out of the trust account.” (Mtn. 6:16-19.) Janet objects to further discovery, including of bank account numbers, on the grounds of her right of privacy.

“Whether a legally recognized privacy interest is present in a given case is a question of law to be decided by the court. Whether plaintiff has a reasonable expectation of privacy in the circumstances and whether defendant's conduct constitutes a serious invasion of privacy are mixed questions of law and fact. If the undisputed material facts show no reasonable expectation of privacy or an insubstantial impact on privacy interests, the question of invasion may be adjudicated as a matter of law.” *Hill v. Nat'l Collegiate Athletic Assn.* (1994) 7 Cal. 4th 1, 40 (internal citations omitted.) The Court must determine: 1) whether there is a legally protected privacy interest, 2) whether respondent has a reasonable expectation of privacy, and 3) whether the alleged invasion is serious. *Hill, supra* 7 Cal. 4th at 35-37. Courts must place the burden on the party asserting a privacy interest to establish its extent and the seriousness of the prospective invasion, and against that showing must weigh the countervailing interests the opposing party identifies, as *Hill* requires. What suffices to justify an invasion will vary according to the context. Only obvious invasions of interests fundamental to personal autonomy must be supported by a compelling interest. *Williams v. Superior Ct.* (2017) 3 Cal. 5th 531, 557.

Here, Jeffrey concedes Janet has provided documents in support of the itemized accounting. This is already more information than Jeffrey is entitled to as a remainder beneficiary of the Trust. As several decisions in this matter have previously opined, Jeffrey has no present interest in the Trust. (Findings and Orders November 2020, Ex. L to Decl. Pressman.) Under Probate Code § 16062, there is only a duty to account to a beneficiary who is currently entitled to distribution. As a remainder beneficiary, Jeffrey is not entitled to an accounting under this provision. However, as part of a stipulation entered as an order of the Contra Costa County Superior Court on August 19, 2025, Janet agreed to provide accountings on a biennial basis. This Court has previously ordered that these accountings will continue on a biennial basis, and has held that the sole purpose of the accountings is to demonstrate that the trust assets are being used for the care and support of Janet. (Findings and Orders November 2020, Ex. L to Decl. Pressman.) The Court finds that the distributions itemized in Janet's Fifth Accounting are sufficient to meet this standard. Further as Trustor, Trustee, and sole present Beneficiary, Janet has a reasonable expectation of privacy in the Trust's bank account numbers. Prior Court orders have made it abundantly clear that the Trustee (Janet) in her sole discretion may pay to or apply for the benefit of the surviving Trustor (Janet), such amounts from the principal of the Trust, *up to the whole thereof*, as the Trustee may from time to time deem necessary or advisable for the Trustor's use and benefit. (Findings and Orders November 2020, Ex. L to Decl. Pressman.) There is no provision of the trust that would preclude Janet from liquidating trust assets in order to pay for ongoing trust expenses and to provide liquid assets for Janet's care and future needs. *Id.* The Fifth Accounting evidences that she has done so,

as she is permitted to do. Jeffrey argues Janet “should be required to prove that her claims of income and expense stated in her Fifth Accounting are accurate.” The Court declines to impose such a requirement. The Petition to Approve Fifth Accounting is properly verified. Further, the Court reiterates its previous admonition that remainder beneficiaries should be mindful that asserting unmeritorious objections for the purpose of continuing litigation at Janet’s expense may result in the imposition of an award of attorney’s fees against an objecting party.

Sanctions: The court must impose monetary sanctions against any party who unsuccessfully makes or opposes such a motion absent substantial justification or other circumstances that would make the imposition of the sanction unjust. CCP § 2031.310(h). However, Respondent did not seek monetary sanctions and provided no evidence regarding attorney’s fees or other costs associated with opposing the motion. Sanctions should only be imposed for “reasonable” expenses. CCP § 2023.030. The Court does not have information upon which to make a finding that any amount of sanctions were for reasonable expenses and will not impose sanctions.

The Motion to compel Production is **DENIED**. A proposed order has been lodged. It will be modified to conform to the Court’s ruling.

Fifth Accounting: The Accounting filed December 5, 2023 is deficient in that it does not include a Schedule B. Janet Mecchi is **ORDERED** to file and serve Schedule B to the Fifth Accounting within 15 days of Notice of Entry of Order on this Motion. Failure to timely file Schedule B will result in an Order to Show Cause Re: Sanctions to Respondent and Counsel for failure to comply with this Court’s July 4, 2023 Order to provide a Fifth Accounting.

Pending 850 Petition: Finally, the Court notes that a Petition to Restore Real Property to Trust was filed July 3, 2023. Respondent filed an Objection to the Petition on December 1, 2023. Hearing on the Petition was continued several times due to notice defects. The Petition has never been properly noticed for hearing, as the person in possession of the property, Andrew Roche, has never been properly served as required by Probate Code section 851. Petitioner has not withdrawn the Petition, however it appears to have been abandoned. **The parties should be prepared to address the status of the Petition at today’s hearing.**