

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**1. A. HONOROF V. D. HONOROF**

**SFL20100058**

Petitioner filed a Request for Order (RFO) seeking \$15,423.10 in attorney's fees and costs. The RFO and her Income and Expense Declaration, along with an FL-319 (Requests for Attorney's Fees and Costs Attachment) and an FL-158 (Supporting Declaration for Attorney's Fees and Costs Attachment) were filed and served on February 21, 2023. An updated Income and Expense Declaration was filed on May 3<sup>rd</sup>. On May 4, 2023, Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration. Both were mail served on May 9<sup>th</sup>. Petitioner Aneta Honorof's Reply Brief in Support of Motion for Attorney's Fees and Sanctions; Declaration of Mark Martel was filed on May 22, 2023.

Petitioner requests attorney's fees and costs pursuant to Family Code section 2032. Her request can be broken down into \$15,000 in attorney's fees and \$423.10 in costs. She seeks an additional \$1,000 in sanctions pursuant to Family Code section 271. According to Petitioner, she has incurred extensive fees and costs due to Respondent's failure to abide by custody orders, failure to engage in discussions to amend the order, and his filing of a request for emergency orders which contained false assertions and made outrageous requests. Petitioner argues that Respondent's insistence that he have his way, despite the facts and direct orders of the court, has caused Petitioner's attorney to expend an extensive amount of time on this matter. In fact, Petitioner states she incurred over \$23,000 in attorney's fees and costs to oppose Respondent's RFO which has caused her extreme hardship. Despite the extensive fees incurred she seeks only \$15,000 in fees, plus an additional \$3,600 for the preparation of her reply declaration, \$423.10 in costs, and \$2,000 in sanctions. She increased her request by an additional \$1,000 to account for her preparation and filing of her reply declaration. Petitioner maintains that Respondent sold his mother's home in February of 2020 for a total of \$430,000 and an award of costs and sanctions may be paid using that money.

Respondent objects to the request for fees and argues the assertions being made by Petitioner are meritless. Respondent feels that his proposing language regarding the means of counting vacation days was in compliance with the court order and his RFO was warranted. He argues it was Petitioner who failed to meet and confer with him once the RFO was served, not vice versa. Additionally, he claims Petitioner has withheld information and misrepresented facts which has resulted in the subject legal bills. Respondent is of the opinion that the request for attorney's fees is being used in a punitive manner. He states he is impoverished, as evidenced by his fee waiver, and any order requiring him to pay fees would be highly prejudicial and unfairly burden him.

This matter came before the court for hearing on May 25<sup>th</sup>, at which time the court noted Respondent's Income and Expense Declaration was incomplete. The court continued the matter to August 3<sup>rd</sup> and ordered Respondent to file an updated, and complete, Income and

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

Expense Declaration. At the August 3<sup>rd</sup> hearing the court once again continued the issue of attorney's fees and ordered Respondent to provide opposing counsel with copies of his tax returns dating back to the sale of his mother's home, he was also ordered to file a declaration with the court and serve on opposing counsel details of what happened with the proceeds from the sale of his mother's home, the Crypto Currency loss, and his efforts to become gainfully employed.

As ordered, Respondent filed his Declaration on November 1<sup>st</sup>. While there is no Proof of Service for the declaration Petitioner did file Petitioner Aneta Honorof's Response to Respondent Darin Honorof's Submission of Financial Information. Respondent filed an additional Declaration with financial information on November 22, 2023.

The parties are ordered to appear for hearing.

**TENTATIVE RULING #1: THE PARTIES ARE ORDERED TO APPEAR FOR HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**2 & 6. ALLISON MILLER V. JOSHUA MILLER**

**23FL0464/23FL0689**

On May 22, 2023, Allison Miller (hereinafter Mother) filed for a Domestic Violence Restraining Order (DVRO) under case number 23FL0464. On July 21<sup>st</sup> the court granted the restraining order and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on October 5<sup>th</sup>. The court reserved on the requests for support and attorney's fees. The parties were ordered to file Income and Expense Declarations no later than 10 days prior to the CCRC review hearing.

On July 20, 2023, Joshua Miller (hereinafter Father) filed a Request for Order (RFO) under case number 23FL0689. It appears the RFO was served concurrently with the Summons on August 9<sup>th</sup>. The parties were referred to CCRC with an appointment on September 29<sup>th</sup> and a hearing was set for the present date.

On September 7<sup>th</sup> Mother filed an Income and Expense Declaration and a Responsive Declaration to Request for Order. These documents were personally served on November 8<sup>th</sup>. Father has not filed a Reply.

On September 21<sup>st</sup> the court, on its own motion, vacated the October 5<sup>th</sup> CCRC appointment and reaffirmed the September 29<sup>th</sup> appointment.

Father brings his RFO requesting full legal and physical custody with supervised visitation to Mother because, he states, Mother has a history of domestic violence. Currently Father has supervised visitation with the minor twice per week for two hours each. He is requesting guideline child support. He requests exclusive use, possession, and control of the marital residence located on Pony Express Trail.

Mother opposes the requests made by Father. She requests sole legal and physical custody.

The parties attended CCRC on September 29<sup>th</sup>. A report dated October 4, 2023, was prepared and mailed to the parties that same day. The CCRC counselor makes several recommendations including joint legal and joint physical custody. However, the court notes there is a Domestic Violence Restraining Order in place until July 2026 which gives rise to the Family Code § 3044 presumption that custody with the abuser is not in the child's best interests. To overcome the presumption Father must establish that he has met the § 3044 factors. Neither the CCRC report nor the RFO address the 3044 factors therefore Father has not met his burden to overcome the presumption and his requests for sole legal and sole physical custody are denied.

Father's request for guideline child support is denied for his failure to file a current Income and Expense Declaration. "For all hearings involving child, spousal, or domestic partner

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

support, both parties must complete, file, and serve a current Income and Expense Declaration.” Cal. Rule Ct. 5.260(1); *See also* Cal. Fam. Code §2100. “‘Current’ means the form has been completed within the past three months providing no facts have changed.” Cal. Rule Ct. 5.260(3). Father failed to file an Income and Expense Declaration with his RFO and the one the court has on file is dated July 14<sup>th</sup> which means it is not current as required per code. For these reasons, the request for guideline support is denied.

Father’s request for exclusive use and possession of the marital residence is likewise denied. Given that Mother currently has custody of the minor the court finds it would not be in the minor’s best interest to award Father exclusive use and possession of the residence.

Mother’s requests for spousal support, child support, and attorney’s fees which were brought concurrently with her request for a restraining order under case number 23FL0464 are continued to 2/29/2024 at 8:30 AM in department 5. Both parties are ordered to file updated Income and Expense Declarations. Mother is ordered to file a declaration regarding the amount of attorney’s fees she is requesting and provide evidence thereof. All declarations are to be filed and served no later than 10 days prior to the hearing date. The court continues to reserve jurisdiction on child and spousal support back to the date of filing the DVRO request.

All prior orders remain in full force and effect. Mother shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #2 & 6: FATHER HAS NOT MET HIS BURDEN TO OVERCOME THE PRESUMPTION AND HIS REQUESTS FOR SOLE LEGAL AND SOLE PHYSICAL CUSTODY ARE DENIED. FATHER’S REQUEST FOR GUIDELINE CHILD SUPPORT IS DENIED FOR HIS FAILURE TO FILE A CURRENT INCOME AND EXPENSE DECLARATION. FATHER’S REQUEST FOR EXCLUSIVE USE AND POSSESSION OF THE MARITAL RESIDENCE IS LIKEWISE DENIED.**

**MOTHER’S REQUESTS FOR SPOUSAL SUPPORT, CHILD SUPPORT, AND ATTORNEY’S FEES WHICH WERE BROUGHT CONCURRENTLY WITH HER REQUEST FOR A RESTRAINING ORDER UNDER CASE NUMBER 23FL0464 ARE CONTINUED TO 2/29/2024 AT 8:30 AM IN DEPARTMENT 5. BOTH PARTIES ARE ORDERED TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS. MOTHER IS ORDERED TO FILE A DECLARATION REGARDING THE AMOUNT OF ATTORNEY’S FEES SHE IS REQUESTING AND PROVIDE EVIDENCE THEREOF. ALL DECLARATIONS ARE TO BE FILED AND SERVED NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. THE COURT CONTINUES TO RESERVE JURISDICTION ON CHILD AND SPOUSAL SUPPORT BACK TO THE DATE OF FILING THE DVRO REQUEST.**

**ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. MOTHER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**3. HEATHER L. ANZELC V. DANIE M. ANZELC**

**PFL20180631**

Petitioner filed a Request for Order (RFO) on August 28, 2023. This is a post-judgment request for modification of custody orders therefore, it was personally served on October 27<sup>th</sup> in accordance with Family Code § 215. Petitioner filed and served her Income and Expense Declaration concurrently with the RFO.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on November 21<sup>st</sup>. The court finds these documents to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made November 16<sup>th</sup> the last day for filing the Responsive Declaration to Request for Order. Therefore, these documents are late filed and have not been considered by the court.

Petitioner brings her RFO requesting the following orders: (1) Enforce the prior custody orders which grant Petitioner sole physical custody of the children and give Respondent visitation only upon mutually agreed upon dates and times. If no agreement is reached then Petitioner to have the authority to make the final decision, which can include visitation or no visitation at all if Petitioner has a good faith belief that it would be detrimental to the children’s physical or emotional safety or if the children do not want to visit. (2) Reaffirm the following orders to minimize the negative impact of Respondent’s alcohol abuse on the children – Respondent shall not consume alcohol or recreational or prescription drugs in the 24 hours prior to or during any visitation time with the children; Respondent shall submit to an alcohol testing protocol approved by Petitioner, which should include testing prior to and during Respondent’s parenting time and upon request by Petitioner at the end of Respondent’s parenting time; Petitioner shall have discretion to cancel a visit and/or to prevent Respondent from contacting the children if Respondent appears to be under the influence; Respondent shall continue in treatment with his therapist who specializes in substance abuse. (3) Guideline child support paid by Respondent to Petitioner, based on current financial circumstances and Respondent’s limited visitation with the children. (4) Petitioner to be entitled to claim head-of-household status and the dependency exemption for all three children for the tax year 2023 and all subsequent years. (5) Respondent ordered to pay one-half the cost of the children’s cell phones and bills related to the use thereof.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

Only Petitioner attended Child Custody Recommending Counseling (CCRC) on October 12, 2023. A single parent report was prepared dated October 16, 2023. Due to Respondent's failure to participate in CCRC there are no recommendations contained in the report.

The parties are re-referred to CCRC with an appointment on 1/5/2024 with Michaela Murphy at 1:00 PM. Hearing on the RFO is continued to 2/22/2024 at 8:30 a.m. in Department 5. The court reserves jurisdiction to award child support back to the date of filing the RFO. All prior orders remain in full force and effect.

**TENTATIVE RULING #3: THE PARTIES ARE RE-REFERRED TO CCRC WITH AN APPOINTMENT ON 1/5/2024 AT 1:00 PM WITH MICHAELA MURPHY. HEARING ON THE RFO IS CONTINUED TO 2/22/2024 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION TO AWARD CHILD SUPPORT BACK TO THE DATE OF FILING THE RFO. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**4. JADEN KNIGHT V. MONIQUE LEMIRE**

**23FL076**

Petitioner filed a Request for Order (RFO) on May 26, 2023, seeking orders regarding child custody and visitation. Respondent filed a Responsive Declaration to Request for Order on July 7<sup>th</sup> and the matter came before the court for hearing on July 20<sup>th</sup>. At that time the court referred the parties to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date. Supplemental declarations were ordered to be filed no later than 10 days prior to the hearing date.

On September 25<sup>th</sup> Petitioner filed a Declaration with attached records regarding parenting and domestic violence classes as well as CPS and medical records. There is no Proof of Service for this document therefore the court has not read or considered it. Petitioner filed another Declaration on November 21<sup>st</sup>, however there is no Proof of Service for this declaration either, therefore the court has not read or considered it.

Petitioner brings his RFO requesting joint legal and physical custody with a 50/50 timeshare. He states that there are reports of Respondent's failure to care for the minor. Respondent opposes the RFO and requests sole legal and physical custody of the minor with no visitation to Petitioner. She notes that she has been granted a DVRO which has triggered the Family Code § 3044 presumption that custody with Petitioner is not in the minor's best interests until Petitioner can show he has overcome the 3044 presumption. Respondent argues that Petitioner has not, and cannot, overcome the presumption.

The parties attended CCRC on October 2<sup>nd</sup>. A report dated November 16, 2023, was prepared and mailed to the parties on November 17<sup>th</sup>. The court has reviewed the recommendations contained in the CCRC report and finds them to be in the best interests of the minor. The court further finds that Petitioner has not overcome the § 3044 presumption and therefore it is not in the best interests of the minor to award Petitioner custody at this time. The court adopts the recommendations contained in the CCRC report as the orders of the court. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #4: THE COURT HAS REVIEWED THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT AND FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINOR. THE COURT FURTHER FINDS THAT PETITIONER HAS NOT OVERCOME THE § 3044 PRESUMPTION AND THEREFORE IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO AWARD PETITIONER CUSTODY AT THIS TIME. THE COURT ADOPTS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO* LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**5. JOSHUA LIGHTHALL V. LAUREN LOBER**

**PFL20210103**

Respondent filed a Request for Order (RFO) on July 24, 2023, seeking custody and visitation orders as well as various additional orders. The RFO and all other required documents were mail served on August 1<sup>st</sup>. Given that this is a post-judgment request for modification of custody orders, Respondent filed a Declaration Regarding Address Verification as required by Family Code § 215.

The parties attended Child Custody Recommending Counseling (CCRC) on October 5<sup>th</sup> and were able to reach agreements on all issues. A report codifying the agreements was prepared on October 5, 2023.

The court has reviewed the RFO and the agreements of the parties as stated in the CCRC report. The court finds the agreements of the parties to be in the best interests of the minor and therefore adopts them as the orders of the court. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #5: THE COURT FINDS THE AGREEMENTS OF THE PARTIES AS CONTAINED IN THE OCTOBER 5, 2023 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**7. JULIE SARLAN V. ROBERT SARLAN**

**PFL20140558**

This matter is before the court on a Request for Order (RFO) filed by Petitioner on April 25, 2023. The RFO, along with a declaration in support of her RFO, the referral of the parties to Child Custody Recommending Counseling (CCRC), and all other required documents were mail served on April 26, 2023.

This is a post-judgment request. Petitioner properly filed her Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order. Petitioner states that she verified Respondent’s service address because he was successfully served at that address for a hearing that was held on May 8<sup>th</sup>. However, Respondent did not appear at the May 8<sup>th</sup> hearing. Likewise, he did not appear at the CCRC appointment per the referral which was served with the RFO.

Petitioner filed a Responsive Declaration to the CCRC report on July 6, 2023. Respondent was served by mail and electronically on July 5, 2023. The court deems this to be a Reply Declaration. Petitioner requests the minor continue to reside full time with Petitioner and the parties continue to share joint legal custody. Petitioner additionally requests both parties sign the minor’s California High School Proficiency Examination test results to allow the minor to attend college in the fall.

The parties appeared for hearing on the RFO on July 13<sup>th</sup> to address the court’s concerns regarding service. At that time, the parties were re-referred to CCRC and a review hearing was set for the present date. Supplemental declarations were ordered to be filed and served no later than ten days prior to the hearing date. Parties were advised of the potential for sanctions should they fail to appear at CCRC.

Petitioner brings her RFO requesting orders for child custody and visitation. The parties have been exercising a 50/50 timeshare since 2014 though she states that the minor has expressed that he does not think it is healthy for him to reside with his father and he has not done so since September of 2021. Petitioner now seeks sole physical custody.

The parties attended CCRC on September 28<sup>th</sup> and were able to reach some agreements. A report was prepared on November 20<sup>th</sup> which codifies those agreements and makes recommendations regarding physical custody. The report was mailed to the parties on November 21<sup>st</sup>.

The court has reviewed the filings of the parties as well as the CCRC report. The court finds the agreements and recommendations contained in the CCRC report to be in the best interests of the minor and therefore the court adopts them as its orders. All prior orders not in

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

conflict with this order shall remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #7: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE NOVEMBER 20, 2023 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE THE COURT ADOPTS THEM AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**8. LINDA SZCZEPANIK V. NORMA CLEAVER**

**23FL0708**

On September 7, 2023, Respondent filed a Request for Order (RFO) seeking spousal support and attorney's fees. She filed her Income and Expense Declaration concurrently therewith and both documents were served on September 14<sup>th</sup>. Petitioner filed her Income and Expense Declaration on October 13<sup>th</sup> it was mail served the day prior. She filed and served her Responsive Declaration to Request for Order on October 20<sup>th</sup>.

Respondent requests guideline spousal support based on the fact that her income is insufficient to maintain the marital standard of living. She also requests attorney's fees and costs in the amount of \$8,500 pursuant to Family Code § 2030.

Petitioner agrees to pay Respondent \$1,000 a month per their prior agreement. She opposes the request for attorney's fees but would agree to an early division of the funds in their joint account to provide Respondent with liquidity to pay her attorney's fees and costs.

Generally speaking, a married person has a duty to support his or her spouse. Cal. Fam. Code § 4300. The intent is to ensure that each party, upon separation, is able to maintain the marital standard of living. *See* Cal. Fam. Code § 4330(a). The court maintains broad discretion in determining whether a support award is warranted and if so, the amount and duration thereof. In re Marriage of McLain, 7 Cal. App. 5<sup>th</sup> 262, 269 (2017). Here, given Respondent's age and lack of marketable skills, coupled with the significant disparity in income, the court finds it proper to award temporary guideline support to Respondent. While both parties have referenced Petitioner's potential upcoming surgery and inability to work, it appears that as of right now Petitioner is employed and actively working. Therefore, Petitioner's monthly income is being included in the support calculation. Should circumstances change that warrant a change in support the court may be petitioned for updated orders at that time.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$1,909 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$1,909 per month as and for temporary spousal support, payable on the 15<sup>th</sup> of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective September 15, 2023.

The court finds the above order results in arrears in the amount of \$5,727 through and including November 15, 2023. The court orders Petitioner to pay Respondent \$477.25 on the 1<sup>st</sup> of each month commencing on December 1<sup>st</sup> and continuing until paid in full (approximately 12 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

Regarding Respondent's request for attorney's fees, the request is granted in part. The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In Re Marriage of Keech, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." Alan S. v. Sup. Ct., 172 Cal. App. 4<sup>th</sup> 238,251 (2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Here, as noted above, there is a significant disparity in income and access to funds to retain counsel. Respondent repeatedly states that Petitioner has drained the joint accounts and moved all funds to accounts inaccessible to Respondent. That said, given Petitioner's agreement to concede to the date of separation and the fact that there does not appear to be any significant disagreements regarding property distribution that would render this case particularly complicated or expensive, an award for \$8,500 in costs and fees is excessive at this point in the litigation. That said, Respondent is awarded \$3,000 in costs and fees. This amount is to be paid directly to Respondent's attorney. Petitioner may pay in one lump sum or in monthly increments of \$500 due and payable on the 1<sup>st</sup> of each month commencing December 1<sup>st</sup> and continuing until paid in full (approximately 6 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #8: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,909 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$1,909 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE SEPTEMBER 15, 2023. THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$5,727 THROUGH AND INCLUDING NOVEMBER 15, 2023. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$477.25 ON THE 1ST OF EACH MONTH COMMENCING ON DECEMBER 1<sup>ST</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

**RESPONDENT IS AWARDED \$3,000 IN COSTS AND FEES. THIS AMOUNT IS TO BE PAID DIRECTLY TO RESPONDENT'S ATTORNEY. PETITIONER MAY PAY IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 1<sup>ST</sup> OF EACH MONTH**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**COMMENCING DECEMBER 1<sup>ST</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

**RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Petitioner</b>	DISSOMASTER REPORT 2023, Monthly	
		CASE NUMBER:

Input Data	Petitioner	Responden	Guideline (2023)	Cash Flow Analysis	Petitioner	Responden
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	20%	0%	Petitioner	6,879	Payment (cost)/benefit	(1,909) 1,909
Filing status	MFJ->	<-MFJ	Respondent	1,685	Net spendable income	4,970 3,594
# Federal exemptions	1*	2*	Total	8,564	% combined spendable	58% 42%
Wages + salary	2,753	0	<b>Support (Nondeductible)</b>	Total taxes	971	166
401(k) employee contrib	0	0	Presumed	blocked	Comb. net spendable	8,564
Self-employment income	0	0	Basic CS	blocked	<b>Proposed</b>	
Other taxable income	5,463	1,851	Add-ons	blocked	Payment (cost)/benefit	(1,909) 1,909
Short-term cap. gains	0	0	SS Payor	Petitioner	Net spendable income	4,970 3,594
Long-term cap. gains	0	0	Alameda	1,909	NSI change from gdl	0 0
Other gains (and losses)	0	0	Total	1,909	% combined spendable	58% 42%
Ordinary dividends	0	0	<b>Proposed, tactic 9</b>		% of saving over gdl	0% 0%
Tax. interest received	0	0	Presumed	blocked	Total taxes	971 166
Social Security received	0	0	Basic CS	blocked	Comb. net spendable	8,564
Unemployment compensation	0	0	Add-ons	blocked	Percent change	0.0%
Operating losses	0	0	SS Payor	Petitioner	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Alameda	1,909		
Roy, partnerships, S corp, trusts	0	0	Total	1,909		
Rental income	0	0	Savings	0		
Misc ordinary tax. inc.	5,463	1,851	No releases			
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	0	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	366	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**9. MARY JO ADAMS-HERRMANN V. MICHAEL JOSEPH HERRMANN**

**22FL0326**

On August 7, 2023, Petitioner filed a Request for Order (RFO) seeking spousal support and attorney's fees. She filed her Income and Expense Declaration concurrently with the RFO and both documents were mail served on August 9<sup>th</sup>. Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on November 14<sup>th</sup>.

Petitioner is requesting guideline spousal support based on Respondent's current monthly income which has increased since the last support order was issued in May of 2022. She also requests attorney's fees and costs in the amount of \$30,000 as well as a transfer of \$200,000 of her community property portion of Respondent's IRA so she can purchase a home. Finally, she requests the court set settlement conference and trial dates.

Respondent opposes the request to change support and asks the court to affirm its May 2022 order. In the alternative, Respondent asks the court to award support in accordance with the DissoMaster report attached to his opposition papers. He also opposes the request for attorney's fees noting that he does not have non-retirement sources from which to pay the requested \$30,000. He also argues Petitioner has a Roth IRA of her own containing a significant amount of money she can use to pay her fees. He notes that Petitioner has failed to file a Form FL-157 or provide a comparable declaration. Respondent agrees to the request for \$200,000 as an interim distribution from his Fidelity Traditional IRA, however he states that Petitioner has failed to provide him the exact amount requested to account for taxes.

An award of temporary spousal support lies solely within the trial court's discretion regarding each party's respective need and ability to pay. See Marriage of Tong & Smsom, 197 Cal. App. 4<sup>th</sup> 23, 29 (2011). While the factors listed in Family Code section 4320 may be considered by the court, an award for temporary support is generally unrestricted by any statutory authority. *Id.* Support is appropriate where it is necessary to enable a spouse to advance their earning capacity and obtain marketable skills sufficient to become self-supporting. Marriage of Watt, 24 Cal. App. 3d 340, 347-348 (1989). However, it is not an abuse of discretion for the court to decrease an award for support, or deny it altogether, based on the requesting spouse's failure to maintain employment commensurate with that party's *existing* marketable skills and ability. In re Marriage of Dennis, 35 Cal. App. 3d 279, 283 (1973); See also Marriage of Mason, 93 Cal. App. 3d 215, 221 (1979).

Here, Petitioner has retired since the last support order and while she makes her request for the updated orders based on her argument that Respondent's income has increased, Petitioner cannot voluntarily retire and then force Respondent to incur the cost of higher support due to her own voluntary decrease in income. Therefore, given that Petitioner was

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

previously earning \$2,549 the court finds this to be an accurate measure of her earning capacity and she is imputed income in that amount. Additionally, the court finds that Respondent's increased income in the amount of \$38,293 was temporary due to his increased workload in maintaining two residences. The more accurate income for purposes of calculating support is the more recent amount of \$31,267.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$8,504 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$8,504 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective August 15, 2023.

The court finds the above order results in arrears in the amount of \$34,016 through and including November 15, 2023. This amount is offset by a credit of \$31,564 for the amount paid by Respondent since August. Therefore, the post-credit arrears amount is \$2,452. The court orders Respondent pay Petitioner \$408.67 on the 1st of each month commencing on December 1<sup>st</sup> and continuing until paid in full (approximately 6 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Regarding the request for Section 2030 attorney's fees, the request is once again denied due to Petitioner's failure to file the requisite documentation, namely Form FL-158 or a declaration addressing the factors covered therein.

The parties are ordered to appear to discuss the requested early withdrawal of Respondent's retirement funds and trial and settlement conference dates.

**TENTATIVE RULING #9: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$8,504 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$8,504 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE AUGUST 15, 2023.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$34,016 THROUGH AND INCLUDING NOVEMBER 15, 2023. THIS AMOUNT IS OFFSET BY A CREDIT OF \$31,564 FOR THE AMOUNT PAID BY RESPONDENT SINCE AUGUST. THE POST-CREDIT ARREARS AMOUNT IS \$2,452. THE COURT ORDERS RESPONDENT PAY PETITIONER \$408.67 ON THE 1ST OF EACH MONTH COMMENCING ON DECEMBER 1<sup>ST</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**REGARDING THE REQUEST FOR SECTION 2030 ATTORNEY'S FEES, THE REQUEST IS ONCE AGAIN DENIED DUE TO PETITIONER'S FAILURE TO FILE THE REQUISITE DOCUMENTATION, NAMELY FORM FL-158 OR A DECLARATION ADDRESSING THE FACTORS COVERED THEREIN.**

**THE PARTIES ARE ORDERED TO APPEAR TO DISCUSS THE REQUESTED EARLY WITHDRAWAL OF RESPONDENT'S RETIREMENT FUNDS AND TRIAL AND SETTLEMENT CONFERENCE DATES.**

**RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Resp</b>	<b>DISSOMASTER REPORT</b> 2023, Monthly	
		CASE NUMBER:

Input Data	Resp	Pet	Guideline (2023)	Cash Flow Analysis	Resp	Pet
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	20%	0%	Resp	21,861	Payment (cost)/benefit	(8,504) 8,504
Filing status	MFJ->	<-MFJ	Pet	480	Net spendable income	13,357 8,985
# Federal exemptions	1*	2*	Total	22,341	% combined spendable	59.8% 40.2%
Wages + salary	31,267	2,549	<b>Support (Nondeductible)</b>	Total taxes	8,768	819
401(k) employee contrib	0	0	Presumed	blocked	Comb. net spendable	22,341
Self-employment income	0	0	Basic CS	blocked	<b>Proposed</b>	
Other taxable income	0	0	Add-ons	blocked	Payment (cost)/benefit	(8,504) 8,504
Short-term cap. gains	0	0	SS Payor	Resp	Net spendable income	13,357 8,985
Long-term cap. gains	0	0	Alameda	8,504	NSI change from gdl	0 0
Other gains (and losses)	0	0	Total	8,504	% combined spendable	59.8% 40.2%
Ordinary dividends	0	0	<b>Proposed, tactic 9</b>		% of saving over gdl	0% 0%
Tax. interest received	0	0	Presumed	blocked	Total taxes	8,768 819
Social Security received	0	0	Basic CS	blocked	Comb. net spendable	22,341
Unemployment compensation	0	0	Add-ons	blocked	Percent change	0.0%
Operating losses	0	0	SS Payor	Resp	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Alameda	8,504		
Roy, partnerships, S corp, trusts	0	0	Total	8,504		
Rental income	0	0	Savings	0		
Misc ordinary tax. inc.	0	0	No releases			
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	638	1,250				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	4,852	0				
Other medical expenses	0	0				
Property tax expenses	1,283	0				
Ded. interest expense	3,569	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**10. MYRON QUADROS V. KRYSTAL MCCLELLAN**

**PFL20210184**

Petitioner filed a Request for Order (RFO) on July 27, 2023. It was personally served on August 20<sup>th</sup> in accordance with Family Code § 215 as this is a post-judgment request for modification of custody orders. Respondent filed a Responsive Declaration to Request for Order on October 6<sup>th</sup> and an amended one on October 9<sup>th</sup>. The responsive declaration was served on November 15<sup>th</sup>.

Petitioner filed his RFO seeking joint legal and joint physical custody of the parties' minor child. He requests a 2-2-3 parenting schedule. This is a change in the custody orders that were put in place in 2021. Petitioner states that the change in circumstances that warrants the change in custody is the fact that he recently quit his job in the Bay Area and moved back to the Sacramento Area to be closer to the minor. He now resides with the maternal grandmother. He states that he was initially planning to request a week on/week off schedule, but the minor stated she felt that was too much time away from each parent. For that reason, he feels a 2-2-3 is in the minor's best interest.

Respondent opposes the request citing concerns regarding the maternal grandmother's drinking habits. She is also concerned with Petitioner's intention to become self-employed running a food truck. She feels this is not stable enough to provide for the minor. Respondent asks that Petitioner's visitation be every other weekend and one weekday overnight. She also requests a right of first refusal and an order directing the minor to commence therapy and continue until released by the therapist. Finally, she asks that both parties be ordered not to make negative statements about one another in the presence of the child or question the child about the other parent. She also asks that the child not be exposed to court papers or disputes between the parties.

The parties attended Child Custody Recommending Counseling (CCRC) on October 11<sup>th</sup> and a report was prepared dated October 31<sup>st</sup>. The report was mailed to the parties on November 1<sup>st</sup>. Neither party has filed a response or objection to the report.

The court has reviewed the filings as outlined above, as well as the CCRC report. The court finds the recommendations contained in the CCRC report to be in the best interests of the minor and therefore adopts them as the orders of the court. Additionally, Respondent's requested respect guidelines are granted. Neither party shall speak negatively about the other or discuss these court proceedings within earshot of the minor. The parties shall take reasonable steps to ensure that others do not speak negatively about the other party or discuss these court proceedings within earshot of the minor.

Petitioner shall prepare and file the Findings and Orders After Hearing.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**TENTATIVE RULING #10: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. ADDITIONALLY, RESPONDENT'S REQUESTED RESPECT GUIDELINES ARE GRANTED. NEITHER PARTY SHALL SPEAK NEGATIVELY ABOUT THE OTHER OR DISCUSS THESE COURT PROCEEDINGS WITHIN EARSHOT OF THE MINOR. THE PARTIES SHALL TAKE REASONABLE STEPS TO ENSURE THAT OTHERS DO NOT SPEAK NEGATIVELY ABOUT THE OTHER PARTY OR DISCUSS THESE COURT PROCEEDINGS WITHIN EARSHOT OF THE MINOR. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
November 30, 2023  
8:30 a.m./1:30 p.m.

**11. SARAH ZAMBRUNO V. NICK ZAMBRUNO**

**PFL20210341**

On July 25, 2023, Respondent filed a Request for Order (RFO) seeking child custody and visitation orders. The RFO was mail served on July 31<sup>st</sup>.

Petitioner filed and served an RFO on August 25<sup>th</sup> seeking child support and contribution for payment of childcare expenses.

Respondent filed another RFO on October 13<sup>th</sup> requesting to set aside the stipulation of the parties dated April 18, 2023. He filed a Memorandum of Points and Authorities in Support of Respondent's Request for Order to Set Aside concurrently with the RFO. Both documents were mail served on October 25<sup>th</sup>.

Petitioner filed and served a Responsive Declaration to Request for Order on November 15<sup>th</sup>. Concurrently therewith she filed and served her Income and Expense Declaration and a Declaration with reports from the El Dorado County Sheriff's Office.

Also on November 15<sup>th</sup>, Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration. Petitioner filed and served her Reply to Respondent's Income & Expense Declaration, Responsive Declaration, and CCRC Report on November 21<sup>st</sup>.

*Custody and Visitation*

Respondent brings his RFO requesting joint legal and joint physical custody of the parties' two children with a 2-2-3 visitation schedule. He notes that such a schedule may be difficult for the time being, given that he is currently residing in Stanislaus County and therefore he requests a referral to Child Custody Recommending Counseling (CCRC) to discuss a parenting plan. He also requests an order directing the parties to use Our Family Wizard.

Petitioner asks that the current orders remain in place which allow her sole physical and sole legal custody. Under the current orders Respondent has non-professionally supervised visits twice per week for up to three hours per visit. She asks that Respondent be ordered to enroll in anger management and coparenting counseling at a duration as recommended by the counselor. Finally, she requests a finding that the Family Code § 3044 presumption applies to this case.

The parties attended CCRC on October 5, 2023. A report was prepared and mailed to the parties on November 9<sup>th</sup>. The parties were unable to reach any agreements at CCRC, so the report sets forth the recommendations of the CCRC counselor.

Petitioner opposes the CCRC recommendations arguing that they are not in the best interests of the children.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

The parties are ordered to appear to select hearing dates for an evidentiary hearing on whether Family Code § 3044 applies. In the interim the parties are to continue with the current custody arrangement with the following modification. The paternal grandparents may act as non-professional supervisors upon completion and filing of a Form FL-324(NP) Declaration of Supervised Visitation Provider (Nonprofessional). Prior to the paternal grandparents acting as supervisors Respondent shall provide Petitioner with photographic evidence that a childproof gate has been installed around the pool and a childproof gate or door has been installed at the entrance to the basement at the residence of the paternal grandparents.

*Request to Set Aside Stipulation*

The request to set aside the stipulation is denied as the issue of custody is already before the court on the pending RFO filed on July 25, 2023. The court need not set aside the terms of the stipulation in order to rule on the change in custody.

*Child Support and Childcare Costs*

Petitioner is requesting guideline child support based on her timeshare of 99%. She also requests Respondent pay one-half of all nanny/childcare expenses for the children. She asks the court to include a Smith-Ostler table to account for bonuses and commissions earned by Respondent. She argues that Respondent has failed to provide his actual average monthly income as well as his bonuses and commissions on his Income and Expense Declaration. She requests that support be calculated using Respondent's actual average income which she asserts is \$18,200. She also requests an order directing Respondent to provide his monthly paystubs moving forward.

Respondent does not oppose guideline support, but he requests use of the correct timeshare. He requests a two-way bonus/overtime table to account for additional income by Petitioner, and he objects to payment of half of the nanny costs as he states that are unnecessary.

After reviewing the filings of the parties, the court finds \$14,583 to accurately reflect Respondent's base monthly income. His pay stubs state that his pay rate is \$175,000 annually. Any commissions received by Respondent will be accounted for in the overtime/commission table included in the support orders.

Utilizing the same figures as outlined above, the court finds that child support is \$2,457 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$2,457 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. The court orders the temporary spousal support order effective September 1, 2023.



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

The court finds the above order results in arrears in the amount of \$7,371 through and including November 1, 2023. The court orders Respondent pay Petitioner \$409.50 on the 15th of each month commencing on December 15, 2023 and continuing until paid in full (approximately 6 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

The court further finds Respondent routinely earns commissions and therefore, has included an overtime table with the DissoMaster to account for any additional income made by Respondent. Respondent is to provide his paystubs to Petitioner on a monthly basis and shall make a true up of any commissions earned no later than fourteen days from the date the commission payment is received.

The court further finds Respondent routinely earns bonus pay and therefore, has included a bonus table with the DissoMaster. Respondent shall make a true up of any bonuses earned no later than fourteen days from the date the bonus payment is received.

Finally, Respondent is ordered to pay one-half of the monthly costs for the children's nanny. Petitioner works full-time remotely and given the young age of the children it is unreasonable for her to be expected to work full-time while caring for the children simply because she is at home. Therefore, the court finds the nanny expense to be a necessary expense to care for the children while Petitioner works.

Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR TO SELECT HEARING DATES FOR AN EVIDENTIARY HEARING ON WHETHER OR NOT FAMILY CODE § 3044 APPLIES. IN THE INTERIM THE PARTIES ARE TO CONTINUE WITH THE CURRENT CUSTODY ARRANGEMENT WITH THE FOLLOWING MODIFICATION. THE PATERNAL GRANDPARENTS MAY ACT AS NON-PROFESSIONAL SUPERVISORS UPON COMPLETION AND FILING OF A FORM FL-324(NP) DECLARATION OF SUPERVISED VISITATION PROVIDER (NONPROFESSIONAL). PRIOR TO THE PATERNAL GRANDPARENTS ACTING AS SUPERVISORS, RESPONDENT SHALL PROVIDE PETITIONER WITH PHOTOGRAPHIC EVIDENCE THAT A CHILDPROOF GATE HAS BEEN INSTALLED AROUND THE POOL AND A CHILDPROOF GATE OR DOOR HAS BEEN INSTALLED AT THE ENTRANCE TO THE BASEMENT AT THE RESIDENCE OF THE PATERNAL GRANDPARENTS. THE REQUEST TO SET ASIDE THE STIPULATION IS DENIED AS THE ISSUE OF CUSTODY IS ALREADY BEFORE THE COURT ON THE PENDING RFO FILED ON JULY 25, 2023.**

**THE COURT FINDS THAT CHILD SUPPORT IS \$2,457 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,457 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**TERMINATION. THE COURT ORDERS THE TEMPORARY SPOUSAL SUPPORT ORDER EFFECTIVE SEPTEMBER 1, 2023.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$7,371 THROUGH AND INCLUDING NOVEMBER 1, 2023. THE COURT ORDERS RESPONDENT PAY PETITIONER \$409.50 ON THE 15TH OF EACH MONTH COMMENCING ON DECEMBER 15, 2023 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

**THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS COMMISSIONS AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER TO ACCOUNT FOR ANY ADDITIONAL INCOME MADE BY RESPONDENT. RESPONDENT IS TO PROVIDE HIS PAYSTUBS TO PETITIONER ON A MONTHLY BASIS AND SHALL MAKE A TRUE UP OF ANY COMMISSIONS EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE COMMISSION PAYMENT IS RECEIVED.**

**THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS BONUS PAY AND THEREFORE, HAS INCLUDED A BONUS TABLE WITH THE DISSOMASTER. RESPONDENT SHALL MAKE A TRUE UP OF ANY BONUSES EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE BONUS PAYMENT IS RECEIVED.**

**RESPONDENT IS ORDERED TO PAY ONE-HALF OF THE MONTHLY COSTS FOR THE CHILDREN'S NANNY.**

**PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	DISSOMASTER REPORT 2023, Monthly	
		CASE NUMBER:

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	1%	0%	Father	9,902	Payment (cost)/benefit	(2,457) 2,457
Filing status	MFJ->	<-MFJ	Mother	11,732	Net spendable income	7,445 14,189
# Federal exemptions	1*	3*	Total	21,634	% combined spendable	34.4% 65.6%
Wages + salary	14,583	17,500	<b>Support</b>		Total taxes	4,681 5,429
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	21,634
Self-employment income	0	0	Presumed	(2,457)	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	(2,457)	Payment (cost)/benefit	(2,457) 2,457
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	7,445 14,189
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	(932)	% combined spendable	34.4% 65.6%
Ordinary dividends	0	0	Child 2	(1,525)	% of saving over gdl	0% 0%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	4,681 5,429
Social Security received	0	0	Total	(2,457)	Comb. net spendable	21,634
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>		Percent change	0.0%
Operating losses	0	0	CS Payor	Father	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Presumed	(2,457)		
Roy, partnerships, S corp, trusts	0	0	Basic CS	(2,457)		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	(932)		
New-spouse income	0	0	Child 2	(1,525)		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	(2,457)		
Adj. to income (ATI)	0	0	Savings	0		
Ptr Support Pd. other P'ships	0	0	No releases			
Health insurance	0	339				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	2,568				
Other medical expenses	0	0				
Property tax expenses	0	659				
Ded. interest expense	0	1,909				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	Father Annual Bonus Wages Report 2023 Yearly	
		CASE NUMBER:

"R" denotes that Father is a recipient for the corresponding support  
"CS%" is the percentage of Bonus paid as additional Child Support  
"SS%" is the percentage of Bonus paid as additional Spousal Support

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
10,000	15.73	1,573	0.00	0	31,057	0	31,057
11,000	15.72	1,729	0.00	0	31,213	0	31,213
12,000	15.71	1,886	0.00	0	31,370	0	31,370
13,000	15.66	2,035	0.00	0	31,519	0	31,519
14,000	15.60	2,184	0.00	0	31,668	0	31,668
15,000	15.55	2,332	0.00	0	31,816	0	31,816
16,000	15.47	2,476	0.00	0	31,960	0	31,960
17,000	15.41	2,619	0.00	0	32,103	0	32,103
18,000	15.35	2,763	0.00	0	32,247	0	32,247
19,000	15.29	2,906	0.00	0	32,390	0	32,390
20,000	15.24	3,048	0.00	0	32,532	0	32,532
21,000	15.19	3,191	0.00	0	32,675	0	32,675
22,000	15.15	3,333	0.00	0	32,817	0	32,817
23,000	15.11	3,475	0.00	0	32,959	0	32,959
24,000	15.07	3,617	0.00	0	33,101	0	33,101
25,000	15.04	3,759	0.00	0	33,243	0	33,243
26,000	15.00	3,900	0.00	0	33,384	0	33,384
27,000	14.97	4,042	0.00	0	33,526	0	33,526
28,000	14.94	4,183	0.00	0	33,667	0	33,667
29,000	14.91	4,323	0.00	0	33,807	0	33,807
30,000	14.88	4,464	0.00	0	33,948	0	33,948
31,000	14.85	4,604	0.00	0	34,088	0	34,088
32,000	14.83	4,745	0.00	0	34,229	0	34,229
33,000	14.80	4,884	0.00	0	34,368	0	34,368
34,000	14.78	5,024	0.00	0	34,508	0	34,508
35,000	14.75	5,164	0.00	0	34,648	0	34,648
36,000	14.73	5,303	0.00	0	34,787	0	34,787
37,000	14.71	5,442	0.00	0	34,926	0	34,926
38,000	14.69	5,581	0.00	0	35,065	0	35,065
39,000	14.67	5,720	0.00	0	35,204	0	35,204
40,000	14.65	5,859	0.00	0	35,343	0	35,343
41,000	14.63	5,997	0.00	0	35,481	0	35,481
42,000	14.61	6,135	0.00	0	35,619	0	35,619
43,000	14.59	6,273	0.00	0	35,757	0	35,757
44,000	14.57	6,411	0.00	0	35,895	0	35,895
45,000	14.55	6,549	0.00	0	36,033	0	36,033



PETITIONER:  RESPONDENT:	CASE NUMBER:
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### Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
46,000	14.53	6,686	0.00	0	36,170	0	36,170
47,000	14.52	6,823	0.00	0	36,307	0	36,307
48,000	14.50	6,960	0.00	0	36,444	0	36,444
49,000	14.48	7,097	0.00	0	36,581	0	36,581
50,000	14.47	7,234	0.00	0	36,718	0	36,718
51,000	14.45	7,370	0.00	0	36,854	0	36,854
52,000	14.44	7,507	0.00	0	36,991	0	36,991
53,000	14.42	7,643	0.00	0	37,127	0	37,127
54,000	14.41	7,779	0.00	0	37,263	0	37,263
55,000	14.39	7,915	0.00	0	37,399	0	37,399
56,000	14.38	8,050	0.00	0	37,534	0	37,534
57,000	14.36	8,186	0.00	0	37,670	0	37,670
58,000	14.35	8,321	0.00	0	37,805	0	37,805
59,000	14.33	8,456	0.00	0	37,940	0	37,940
60,000	14.32	8,591	0.00	0	38,075	0	38,075
61,000	14.30	8,726	0.00	0	38,210	0	38,210
62,000	14.29	8,860	0.00	0	38,344	0	38,344
63,000	14.28	8,995	0.00	0	38,479	0	38,479
64,000	14.26	9,129	0.00	0	38,613	0	38,613
65,000	14.25	9,263	0.00	0	38,747	0	38,747
66,000	14.24	9,397	0.00	0	38,881	0	38,881
67,000	14.23	9,531	0.00	0	39,015	0	39,015
68,000	14.21	9,665	0.00	0	39,148	0	39,148
69,000	14.20	9,798	0.00	0	39,282	0	39,282
70,000	14.19	9,931	0.00	0	39,415	0	39,415
71,000	14.18	10,064	0.00	0	39,548	0	39,548
72,000	14.16	10,197	0.00	0	39,681	0	39,681
73,000	14.15	10,330	0.00	0	39,814	0	39,814
74,000	14.14	10,463	0.00	0	39,947	0	39,947
75,000	14.13	10,595	0.00	0	40,079	0	40,079
76,000	14.12	10,728	0.00	0	40,212	0	40,212
77,000	14.10	10,860	0.00	0	40,344	0	40,344
78,000	14.09	10,992	0.00	0	40,476	0	40,476
79,000	14.08	11,124	0.00	0	40,608	0	40,608
80,000	14.07	11,256	0.00	0	40,740	0	40,740
81,000	14.06	11,387	0.00	0	40,871	0	40,871
82,000	14.05	11,519	0.00	0	41,003	0	41,003
83,000	14.04	11,650	0.00	0	41,134	0	41,134
84,000	14.03	11,781	0.00	0	41,265	0	41,265
85,000	14.01	11,912	0.00	0	41,396	0	41,396
86,000	14.00	12,043	0.00	0	41,527	0	41,527
87,000	13.99	12,174	0.00	0	41,658	0	41,658
88,000	13.98	12,305	0.00	0	41,789	0	41,789
89,000	13.97	12,435	0.00	0	41,919	0	41,919
90,000	13.96	12,566	0.00	0	42,050	0	42,050
91,000	13.95	12,696	0.00	0	42,180	0	42,180
92,000	13.94	12,826	0.00	0	42,310	0	42,310



PETITIONER:	CASE NUMBER:
RESPONDENT:	

### Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
93,000	13.93	12,956	0.00	0	42,440	0	42,440
94,000	13.92	13,086	0.00	0	42,570	0	42,570
95,000	13.91	13,215	0.00	0	42,699	0	42,699
96,000	13.91	13,350	0.00	0	42,834	0	42,834
97,000	13.90	13,485	0.00	0	42,969	0	42,969
98,000	13.90	13,620	0.00	0	43,104	0	43,104
99,000	13.89	13,754	0.00	0	43,238	0	43,238
100,000	13.89	13,888	0.00	0	43,372	0	43,372
101,000	13.88	14,023	0.00	0	43,507	0	43,507
102,000	13.88	14,157	0.00	0	43,641	0	43,641
103,000	13.87	14,291	0.00	0	43,775	0	43,775
104,000	13.87	14,425	0.00	0	43,909	0	43,909
105,000	13.87	14,559	0.00	0	44,043	0	44,043
106,000	13.86	14,693	0.00	0	44,177	0	44,177
107,000	13.86	14,826	0.00	0	44,310	0	44,310
108,000	13.85	14,960	0.00	0	44,444	0	44,444
109,000	13.85	15,093	0.00	0	44,577	0	44,577
110,000	13.84	15,226	0.00	0	44,710	0	44,710
111,000	13.84	15,358	0.00	0	44,842	0	44,842
112,000	13.83	15,488	0.00	0	44,972	0	44,972
113,000	13.82	15,617	0.00	0	45,101	0	45,101
114,000	13.81	15,747	0.00	0	45,231	0	45,231
115,000	13.81	15,876	0.00	0	45,360	0	45,360
116,000	13.80	16,006	0.00	0	45,490	0	45,490
117,000	13.79	16,132	0.00	0	45,616	0	45,616
118,000	13.78	16,261	0.00	0	45,745	0	45,745
119,000	13.77	16,389	0.00	0	45,873	0	45,873
120,000	13.76	16,515	0.00	0	45,999	0	45,999
121,000	13.75	16,643	0.00	0	46,127	0	46,127
122,000	13.74	16,768	0.00	0	46,252	0	46,252
123,000	13.74	16,896	0.00	0	46,380	0	46,380
124,000	13.73	17,024	0.00	0	46,508	0	46,508
125,000	13.72	17,149	0.00	0	46,633	0	46,633
126,000	13.71	17,277	0.00	0	46,761	0	46,761
127,000	13.70	17,402	0.00	0	46,886	0	46,886
128,000	13.69	17,529	0.00	0	47,013	0	47,013
129,000	13.69	17,657	0.00	0	47,141	0	47,141
130,000	13.68	17,781	0.00	0	47,265	0	47,265
131,000	13.67	17,908	0.00	0	47,392	0	47,392
132,000	13.66	18,033	0.00	0	47,516	0	47,516
133,000	13.65	18,159	0.00	0	47,643	0	47,643
134,000	13.65	18,286	0.00	0	47,770	0	47,770
135,000	13.64	18,410	0.00	0	47,894	0	47,894
136,000	13.63	18,537	0.00	0	48,021	0	48,021
137,000	13.62	18,661	0.00	0	48,145	0	48,145
138,000	13.61	18,787	0.00	0	48,271	0	48,271
139,000	13.61	18,913	0.00	0	48,397	0	48,397

PETITIONER:	CASE NUMBER:
RESPONDENT:	

**Father Annual Bonus Wages Report, cont'd**

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
140,000	13.60	19,037	0.00	0	48,521	0	48,521
141,000	13.59	19,163	0.00	0	48,647	0	48,647
142,000	13.58	19,286	0.00	0	48,770	0	48,770
143,000	13.57	19,412	0.00	0	48,896	0	48,896
144,000	13.57	19,538	0.00	0	49,022	0	49,022
145,000	13.56	19,661	0.00	0	49,145	0	49,145
146,000	13.55	19,786	0.00	0	49,270	0	49,270
147,000	13.54	19,909	0.00	0	49,393	0	49,393
148,000	13.54	20,035	0.00	0	49,518	0	49,518
149,000	13.53	20,160	0.00	0	49,644	0	49,644
150,000	13.52	20,282	0.00	0	49,766	0	49,766



ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	Father Monthly Overtime Wages Report 2023 Monthly	
		CASE NUMBER:

"R" denotes that Father is a recipient for the corresponding support  
"CS%" is the percentage of Overtime paid as additional Child Support  
"SS%" is the percentage of Overtime paid as additional Spousal Support

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
500	15.77	79	0.00	0	2,536	0	2,536
750	15.74	118	0.00	0	2,575	0	2,575
1,000	15.71	157	0.00	0	2,614	0	2,614
1,250	15.55	194	0.00	0	2,651	0	2,651
1,500	15.35	230	0.00	0	2,687	0	2,687
1,750	15.19	266	0.00	0	2,723	0	2,723
2,000	15.07	301	0.00	0	2,758	0	2,758
2,250	14.97	337	0.00	0	2,794	0	2,794
2,500	14.88	372	0.00	0	2,829	0	2,829
2,750	14.80	407	0.00	0	2,864	0	2,864
3,000	14.73	442	0.00	0	2,899	0	2,899
3,250	14.67	477	0.00	0	2,934	0	2,934
3,500	14.61	511	0.00	0	2,968	0	2,968
3,750	14.55	546	0.00	0	3,003	0	3,003
4,000	14.50	580	0.00	0	3,037	0	3,037
4,250	14.45	614	0.00	0	3,071	0	3,071
4,500	14.41	648	0.00	0	3,105	0	3,105
4,750	14.36	682	0.00	0	3,139	0	3,139
5,000	14.32	716	0.00	0	3,173	0	3,173
5,250	14.28	750	0.00	0	3,207	0	3,207
5,500	14.24	783	0.00	0	3,240	0	3,240
5,750	14.20	816	0.00	0	3,273	0	3,273
6,000	14.16	850	0.00	0	3,307	0	3,307
6,250	14.13	883	0.00	0	3,340	0	3,340
6,500	14.09	916	0.00	0	3,373	0	3,373
6,750	14.06	949	0.00	0	3,406	0	3,406
7,000	14.03	982	0.00	0	3,439	0	3,439
7,250	13.99	1,015	0.00	0	3,472	0	3,472
7,500	13.96	1,047	0.00	0	3,504	0	3,504
7,750	13.93	1,080	0.00	0	3,537	0	3,537
8,000	13.91	1,113	0.00	0	3,570	0	3,570
8,250	13.89	1,146	0.00	0	3,603	0	3,603
8,500	13.88	1,180	0.00	0	3,637	0	3,637
8,750	13.87	1,213	0.00	0	3,670	0	3,670
9,000	13.85	1,247	0.00	0	3,704	0	3,704
9,250	13.84	1,280	0.00	0	3,737	0	3,737



PETITIONER:  RESPONDENT:	CASE NUMBER:
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### Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
9,500	13.81	1,312	0.00	0	3,769	0	3,769
9,750	13.79	1,344	0.00	0	3,801	0	3,801
10,000	13.76	1,376	0.00	0	3,833	0	3,833
10,250	13.74	1,408	0.00	0	3,865	0	3,865
10,500	13.71	1,440	0.00	0	3,897	0	3,897
10,750	13.69	1,471	0.00	0	3,928	0	3,928
11,000	13.66	1,503	0.00	0	3,960	0	3,960
11,250	13.64	1,534	0.00	0	3,991	0	3,991
11,500	13.61	1,566	0.00	0	4,023	0	4,023
11,750	13.59	1,597	0.00	0	4,054	0	4,054
12,000	13.57	1,628	0.00	0	4,085	0	4,085
12,250	13.54	1,659	0.00	0	4,116	0	4,116
12,500	13.52	1,690	0.00	0	4,147	0	4,147
12,750	13.50	1,721	0.00	0	4,178	0	4,178
13,000	13.48	1,752	0.00	0	4,209	0	4,209
13,250	13.46	1,783	0.00	0	4,240	0	4,240
13,500	13.43	1,814	0.00	0	4,271	0	4,271
13,750	13.41	1,844	0.00	0	4,301	0	4,301
14,000	13.39	1,875	0.00	0	4,332	0	4,332
14,250	13.37	1,906	0.00	0	4,363	0	4,363
14,500	13.35	1,936	0.00	0	4,393	0	4,393
14,750	13.33	1,967	0.00	0	4,424	0	4,424
15,000	13.31	1,997	0.00	0	4,454	0	4,454
15,250	13.30	2,028	0.00	0	4,485	0	4,485
15,500	13.28	2,058	0.00	0	4,515	0	4,515
15,750	13.26	2,088	0.00	0	4,545	0	4,545
16,000	13.24	2,119	0.00	0	4,576	0	4,576
16,250	13.22	2,149	0.00	0	4,606	0	4,606
16,500	13.21	2,179	0.00	0	4,636	0	4,636
16,750	13.19	2,209	0.00	0	4,666	0	4,666
17,000	13.17	2,239	0.00	0	4,696	0	4,696
17,250	13.16	2,269	0.00	0	4,726	0	4,726
17,500	13.14	2,299	0.00	0	4,756	0	4,756
17,750	13.12	2,329	0.00	0	4,786	0	4,786
18,000	13.11	2,359	0.00	0	4,816	0	4,816
18,250	13.09	2,389	0.00	0	4,846	0	4,846
18,500	13.07	2,419	0.00	0	4,876	0	4,876
18,750	13.06	2,449	0.00	0	4,906	0	4,906
19,000	13.04	2,478	0.00	0	4,935	0	4,935
19,250	13.03	2,508	0.00	0	4,965	0	4,965
19,500	13.01	2,538	0.00	0	4,995	0	4,995
19,750	13.00	2,567	0.00	0	5,024	0	5,024
20,000	12.98	2,597	0.00	0	5,054	0	5,054
20,250	12.97	2,626	0.00	0	5,083	0	5,083
20,500	12.95	2,656	0.00	0	5,113	0	5,113
20,750	12.94	2,685	0.00	0	5,142	0	5,142
21,000	12.92	2,714	0.00	0	5,171	0	5,171



PETITIONER:  RESPONDENT:	CASE NUMBER:
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### Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
21,250	12.91	2,743	0.00	0	5,200	0	5,200
21,500	12.90	2,773	0.00	0	5,230	0	5,230
21,750	12.88	2,802	0.00	0	5,259	0	5,259
22,000	12.87	2,831	0.00	0	5,288	0	5,288
22,250	12.86	2,860	0.00	0	5,317	0	5,317
22,500	12.84	2,889	0.00	0	5,346	0	5,346
22,750	12.83	2,919	0.00	0	5,376	0	5,376
23,000	12.82	2,948	0.00	0	5,405	0	5,405
23,250	12.80	2,977	0.00	0	5,434	0	5,434
23,500	12.79	3,005	0.00	0	5,462	0	5,462
23,750	12.78	3,034	0.00	0	5,491	0	5,491
24,000	12.76	3,063	0.00	0	5,520	0	5,520
24,250	12.75	3,092	0.00	0	5,549	0	5,549
24,500	12.74	3,121	0.00	0	5,578	0	5,578
24,750	12.73	3,150	0.00	0	5,607	0	5,607
25,000	12.71	3,179	0.00	0	5,636	0	5,636
25,250	12.70	3,207	0.00	0	5,664	0	5,664
25,500	12.69	3,236	0.00	0	5,693	0	5,693
25,750	12.68	3,265	0.00	0	5,722	0	5,722
26,000	12.67	3,293	0.00	0	5,750	0	5,750
26,250	12.66	3,322	0.00	0	5,779	0	5,779
26,500	12.64	3,351	0.00	0	5,808	0	5,808
26,750	12.63	3,379	0.00	0	5,836	0	5,836
27,000	12.62	3,408	0.00	0	5,865	0	5,865
27,250	12.61	3,437	0.00	0	5,894	0	5,894
27,500	12.60	3,465	0.00	0	5,922	0	5,922
27,750	12.59	3,494	0.00	0	5,951	0	5,951
28,000	12.58	3,522	0.00	0	5,979	0	5,979
28,250	12.57	3,551	0.00	0	6,008	0	6,008
28,500	12.56	3,579	0.00	0	6,036	0	6,036
28,750	12.55	3,607	0.00	0	6,064	0	6,064
29,000	12.53	3,635	0.00	0	6,092	0	6,092
29,250	12.52	3,663	0.00	0	6,120	0	6,120
29,500	12.51	3,690	0.00	0	6,147	0	6,147
29,750	12.50	3,718	0.00	0	6,175	0	6,175
30,000	12.49	3,746	0.00	0	6,203	0	6,203
30,250	12.47	3,773	0.00	0	6,230	0	6,230
30,500	12.46	3,801	0.00	0	6,258	0	6,258
30,750	12.45	3,828	0.00	0	6,285	0	6,285
31,000	12.44	3,856	0.00	0	6,313	0	6,313
31,250	12.43	3,883	0.00	0	6,340	0	6,340
31,500	12.41	3,910	0.00	0	6,367	0	6,367
31,750	12.40	3,937	0.00	0	6,394	0	6,394
32,000	12.39	3,964	0.00	0	6,421	0	6,421
32,250	12.38	3,991	0.00	0	6,448	0	6,448
32,500	12.36	4,018	0.00	0	6,475	0	6,475
32,750	12.35	4,045	0.00	0	6,502	0	6,502



PETITIONER:  RESPONDENT:	CASE NUMBER:
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### Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
33,000	12.34	4,072	0.00	0	6,529	0	6,529
33,250	12.33	4,099	0.00	0	6,556	0	6,556
33,500	12.32	4,126	0.00	0	6,583	0	6,583
33,750	12.31	4,153	0.00	0	6,610	0	6,610
34,000	12.29	4,180	0.00	0	6,637	0	6,637
34,250	12.28	4,207	0.00	0	6,664	0	6,664
34,500	12.27	4,234	0.00	0	6,691	0	6,691
34,750	12.26	4,260	0.00	0	6,717	0	6,717
35,000	12.25	4,287	0.00	0	6,744	0	6,744
35,250	12.24	4,314	0.00	0	6,771	0	6,771
35,500	12.23	4,341	0.00	0	6,798	0	6,798
35,750	12.22	4,367	0.00	0	6,824	0	6,824
36,000	12.21	4,394	0.00	0	6,851	0	6,851
36,250	12.20	4,421	0.00	0	6,878	0	6,878
36,500	12.19	4,448	0.00	0	6,905	0	6,905
36,750	12.17	4,474	0.00	0	6,931	0	6,931
37,000	12.16	4,501	0.00	0	6,958	0	6,958
37,250	12.16	4,528	0.00	0	6,985	0	6,985
37,500	12.15	4,555	0.00	0	7,012	0	7,012
37,750	12.14	4,581	0.00	0	7,038	0	7,038
38,000	12.13	4,608	0.00	0	7,065	0	7,065
38,250	12.12	4,635	0.00	0	7,092	0	7,092
38,500	12.11	4,662	0.00	0	7,119	0	7,119
38,750	12.10	4,688	0.00	0	7,145	0	7,145
39,000	12.09	4,715	0.00	0	7,172	0	7,172
39,250	12.08	4,742	0.00	0	7,199	0	7,199
39,500	12.07	4,768	0.00	0	7,225	0	7,225
39,750	12.06	4,795	0.00	0	7,252	0	7,252
40,000	12.05	4,822	0.00	0	7,279	0	7,279

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**12. VADIM ZANKO V. KRISTINA ZANKO**

**23FL0706**

The parties are before the court for hearing on a Request for Order (RFO) filed by Petitioner on August 2, 2023 and an ex parte request filed by Respondent on October 9, 2023.

Petitioner filed a Responsive Declaration to the ex parte RFO on October 6, 2023, opposing the requested orders. A Memorandum of Points and Authorities in Opposition to Ex Parte Request for Order and a Proof of Electronic Service were concurrently filed. The Ex Parte Application was denied on October 9<sup>th</sup> and the issue was set for hearing on the present date.

On October 10, 2023, Respondent filed a Responsive Declaration to Request for Order opposing the requests made by Petitioner in the August 2<sup>nd</sup> RFO.

On November 17<sup>th</sup> Petitioner filed an Updating Declaration on all pending issues. Respondent filed her Reply to the Updating Declaration on November 21<sup>st</sup>.

Petitioner filed his RFO requesting joint legal and physical custody, the use of Talking Parents or Our Family Wizard, and co-parenting classes. Respondent does not consent to Petitioner's request for child custody or visitation. Respondent requests private mediation or a Family Code section 3111 child custody evaluation with Deborah Barnes, psychological testing of Petitioner, and for Petitioner to have visitation Tuesdays and Thursdays from 4-7 p.m. and Saturdays from 11-4 p.m. Respondent offers to advance the costs of private mediation subject to reallocation as the court deems appropriate.

The parties attended Child Custody Recommending Counseling (CCRC) on October 11<sup>th</sup> but a CCRC report was not prepared until November 20<sup>th</sup> and it was not mailed to the parties until November 21<sup>st</sup>. Respondent objects to the CCRC report as hearsay and requests the opportunity to cross examine the CCRC counselor. The parties are therefore ordered to appear to set dates for an evidentiary hearing.

**TENTATIVE RULING #12: THE PARTIES ARE ORDERED TO APPEAR TO SET DATES FOR AN EVIDENTIARY HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**13. DARBARA SIDHU V. FATEMEH SIDHU**

**22FL0406**

This matter is before the court on a Request for Order (RFO) filed by Respondent on March 14, 2023. Respondent's Income and Expense Declaration and an Attorney Declaration in Support of Respondent's Request for Attorney Fees Pursuant to FC 2030 and FC 271, were filed concurrently with the RFO. All documents were electronically served on March 20th.

Petitioner filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on June 9th. Both were served on June 6th. The matter came before the court on June 22nd at which time the parties stipulated to continue the hearing to the present date. Thereafter, Petitioner filed an Amended Income and Expense Declaration and a Supplemental Declaration of Darbara Sidhu. Both documents were electronically served on July 3rd.

Respondent requests the court make orders regarding spousal support, attorney's fees pursuant to Family Code section 2030, and sanctions pursuant to Family Code section 271. She proposes that upon receiving spousal support she will be solely responsible for the mortgage and the property taxes for the marital residence, though it appears that the parties stipulated to Petitioner continuing all such payments. Respondent's moving papers indicate that she has included an Xspouse calculation, though there is not one attached to the pleadings.

According to Respondent, Petitioner has the ability to pay attorney's fees for both himself, and Respondent given his significant 401k assets as well as a restricted stock award he received from his company in May of 2022. Additionally, she asks the court to consider duplicative litigation in two different states which has caused her to incur excessive attorney's fees. She is requesting \$12,000 in attorney's fees and costs.

In addition to her request for Section 2030 attorney's fees, Respondent is requesting Section 271 sanctions. She requests sanctions on the basis of Petitioner's redundant litigation and gamesmanship. Previously Respondent had filed for divorce in California while Petitioner had filed in Missouri. Petitioner had the California matter dismissed and was awarded sanctions against Respondent for the filing. Thereafter, he filed to dismiss the Missouri case and then re-filed in California. This has caused Respondent to incur significant attorney's fees.

Petitioner objects to all of the requested orders. He states he was terminated from his job at the end of March 2023 and has not had any income since that time despite his efforts to obtain work. He has withdrawn money from his 401k to pay for living expenses. Given his current financial position he believes Respondent owes him spousal support. Additionally, he requests \$1,500 in attorney's fees pursuant to Family Code section 2030.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

Petitioner late filed an updated Income and Expense Declaration on November 27, 2023. Respondent was served on November 27, 2023.

Respondent late filed a Declaration on November 27, 2023. There is no Proof of Service for this document.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**14. JAMMIE HICKS V. MATTHEW HICKS**

**PFL20170682**

Petitioner filed a Request for Order (RFO) on August 29, 2023, requesting modification of child custody and child support. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 13, 2023, and a review hearing on November 30, 2023. Respondent was served by mail with address verification as required by Family Code section 215 on August 29, 2023. The Department of Child Support Services (DCSS) was not served with the RFO.

Both parties attended CCRC on October 13, 2023, and reached a full agreement. The parties submitted a stipulation to the court with their agreement and a request to have the child support matter heard on the child support calendar in Department 8. The court adopted the parties' agreement as its order on October 26, 2023.

The court affirms the parties' agreement as its order. The matter is transferred to Department 8 for a further hearing on modification of child support on 1/22/2024 at 10:00 AM. Petitioner is directed to serve DCSS with both the RFO and the October 26, 2023 stipulation forthwith.

All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #14: THE COURT AFFIRMS THE PARTIES' AGREEMENT AS ITS ORDER. THE MATTER IS TRANSFERRED TO DEPARTMENT 8 FOR A FURTHER HEARING ON MODIFICATION OF CHILD SUPPORT ON 1/22/2024 AT 10:00. PETITIONER IS DIRECTED TO SERVE DCSS FORTHWITH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**15. KARAALIE MORRIS V. DEREK SEMANSKI**

**PFL20170198**

Respondent filed a Request for Order (RFO) on August 1, 2023, requesting modification of the parenting plan. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 9, 2023, and a review hearing on November 30, 2023. Petitioner was served by mail on August 23, 2023. Respondent is requesting the current parenting plan remain in place, with Respondent having parenting time every other weekend. Respondent asserts Petitioner has not followed the parenting plan for six to seven months prior to the filing of the petition.

Both parties appeared for the CCRC appointment on October 9, 2023, however, Petitioner refused to participate. As such a single parent report was filed with the court with no recommendations or agreements. Copies were mailed to the parties on October 9, 2023.

Petitioner filed a Responsive Declaration on September 6, 2023. Respondent was served by mail on September 21, 2023. Petitioner makes vague assertions about alleged criminal activity by Respondent. Petitioner is objecting to Respondent's requested orders.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**16. PATRICIA DAVY V. CHARLES DAVY**

**PFL20200494**

Respondent filed a Request for Order (RFO) on August 25, 2023, requesting the court modify the parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 6, 2023, and a review hearing on November 30, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner or the Department of Child Support Services (DCSS) were properly served with the RFO or referral to CCRC.

Nevertheless, both parties appeared for CCRC on October 6, 2023. However, the parties were unable to reach any agreements. A report with recommendations was filed with the court on October 17, 2023. Copies were mailed to the parties the same day.

Petitioner has not filed a Responsive Declaration.

The court finds good cause to proceed with the matter despite the lack of Proof of Service, as Petitioner appeared at the CCRC appointment and is aware of the requested orders. The court has read and considered the recommendations as set forth in the October 17, 2023, CCRC report and finds them to be in the best interest of the minors. The court adopts the recommendations as set forth in the October 17, 2023, CCRC report as its orders with the following exceptions: the court is not adopting the order for joint physical custody at this time. The court finds Respondent has not yet overcome the Family Code section 3044 presumption. The court is also not adopting the final step in the step-up plan. The court sets a further review hearing for May 30, 2024, at 1:30 in Department 5 to address the Family Code section 3044 presumptions and determine if Respondent has overcome the presumptions.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing. Respondent is directed to provide a copy of the Findings and Orders After Hearing to DCSS.

**TENTATIVE RULING #16: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE MATTER DESPITE THE LACK OF PROOF OF SERVICE, AS PETITIONER APPEARED AT THE CCRC APPOINTMENT AND IS AWARE OF THE REQUESTED ORDERS. THE COURT HAS READ AND CONSIDERED THE RECOMMENDATIONS AS SET FORTH IN THE OCTOBER 17, 2023, CCRC REPORT AND FINDS THEM TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE OCTOBER 17, 2023 CCRC REPORT AS ITS ORDERS WITH THE FOLLOWING EXCEPTIONS: THE COURT IS NOT ADOPTING THE ORDER FOR JOINT PHYSICAL CUSTODY AT THIS TIME. THE COURT FINDS RESPONDENT HAS NOT YET OVERCOME THE FAMILY CODE SECTION 3044 PRESUMPTION. THE COURT IS ALSO NOT ADOPTING THE FINAL STEP IN THE STEP-UP PLAN. THE COURT SETS A FURTHER REVIEW HEARING FOR MAY 30, 2024 AT 1:30 IN DEPARTMENT 5 TO ADDRESS THE FAMILY CODE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**SECTION 3044 PRESUMPTIONS AND DETERMINE IF RESPONDENT HAS OVERCOME THE PRESUMPTION. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. RESPONDENT IS DIRECTED TO PROVIDE A COPY OF THE FINDINGS AND ORDERS AFTER HEARING TO DCSS.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**17. RISHA SHANKAR V. SEAN KRIDER**

**23FL0390**

On May 2, 2023, Petitioner filed a Request for Order (RFO) to make custody, child support, and property control orders. An Income and Expense Declaration was filed concurrently with the RFO. A Child Custody Recommending Counseling (CCRC) session was scheduled on June 8, 2023, with a hearing set on August 3, 2023. On May 31, 2023, Petitioner filed a proof of service indicating service of all the above filings on Respondent.

Both parties participated in CCRC. They reached no agreements, but the CCRC report contains recommendations, which include a recommendation for the parties to share joint custody on a 2-2-3 parenting schedule. The report notes that the parties currently cohabitate, but Petitioner wants Respondent to move out of the home, which she owns. She also wants Respondent to find a new home in same area as where the parties currently live. Respondent states that finding a home in the same area is challenging for financial reasons.

On August 3, 2023, the court adopted its tentative ruling, and found that the recommendations contained within the CCRC report are in the best interest of the child, and the court adopted them as the orders of the court effective upon Respondent moving out of the parties' current home. Petitioner had also requested child support in the RFO. The court noted that Petitioner filed an updated Income and Expense Declaration on July 27, 2023. However, there was no Proof of Service in the file indicating service of this filing on Respondent. As such, the court could not review nor consider this filing. The court further noted that Respondent failed to file an Income and Expense Declaration.

The court went on to find that the parties were currently cohabitating and presumably sharing expenses for the minor, the court continued the child support issue to November 30, 2023, at 1:30 p.m. in Department 5 to allow Respondent an opportunity to file an Income and Expense Declaration and to determine when and if Respondent moved out of the home. Both parties were ordered to file updated Income and Expense Declarations at least 10 days in advance of the next hearing. If Respondent failed to file an Income and Expense Declaration, the court would consider issuing sanctions for the failure to follow a court order. The court reserved jurisdiction to make child support orders retroactive the date of filing of the RFO, May 2, 2023.

Petitioner filed an Income and Expense Declaration on November 16, 2023. Proof of Service shows Respondent was personally served on November 19, 2023.

Respondent has once again failed to file an Income and Expense Declaration as ordered.

The court finds it needs additional information as to the current living arrangement of the parties as well as Respondent's financial information. Therefore, the parties are ordered to

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

appear for the hearing. Respondent is ordered to file a complete Income and Expense Declaration forthwith and bring copies to the hearing. The court will consider sanctions at the hearing for Respondent's failure to comply with the court's orders.

**TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. RESPONDENT IS ORDERED TO FILE A COMPLETE INCOME AND EXPENSE DECLARATION FORTHWITH AND BRING COPIES TO THE HEARING. THE COURT WILL CONSIDER SANCTIONS AT THE HEARING FOR RESPONDENT'S FAILURE TO COMPLY WITH THE COURT'S ORDERS.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**19. STEFFI AHART V. TEDDY AHART**

**PFL20150560**

Petitioner filed an ex parte application for emergency custody orders on August 3, 2023. The court granted the request for Petitioner to have sole physical custody of the minors and Respondent to have professionally supervised visitation on August 4, 2023. Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte application on August 4, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 12, 2023, and a review hearing on November 30, 2023. Respondent was personally served with the ex parte orders, RFO, and referral to CCRC on August 8, 2023.

Both parties attended CCRC on October 12, 2023, but were unable to reach agreements. A report with recommendations was filed with the court on November 14, 2023. Copies were mailed to the parties on November 15, 2023.

Respondent filed a Responsive Declaration on October 16, 2023. However, there is no Proof of Service showing Petitioner was served with the document, and therefore, the court cannot consider it.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the November 14, 2023 CCRC report are in the best interest of the minors. The court adopts the recommendations as its orders.

All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #19: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE NOVEMBER 14, 2023 CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT.  
3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**20. STEPHENIE VOLK V. WILLIAM MORALES II**

**PFL20090195**

On May 4, 2023, Petitioner filed a Request for Order (RFO) requesting a modification of the custody and visitation orders. A Child Custody Recommending Counseling (CCRC) session was scheduled on June 16, 2023 with a hearing set on August 3, 2023. Upon review of the file, there is no proof of service indicating service of the RFO and referral to CCRC on Petitioner.

However, on May 25, 2023, Respondent filed a Responsive Declaration, served by mail on Petitioner on May 23, 2023, which makes no objection as to defective service. As such, the court considers Petitioner's RFO on its merits.

Both parties participated in CCRC and informed the mediator that they reached a full agreement. They were referred to the Family Law Facilitator to draft an agreement, which was approved by the court on June 22, 2023.

On June 30, 2023, Petitioner filed a declaration. However, upon review of the file, there is no proof of service indicating service of this declaration on Respondent. As such, the court has not reviewed nor considered it.

On July 10, 2023, Petitioner filed an ex parte application to modify custody, to grant Petitioner authority to enroll the child in El Dorado High, and to order the mediator to speak to the minor. On July 13, 2023, Respondent filed a Responsive Declaration, objecting to Petitioner's requests. On July 14, 2023, the court granted Petitioner temporary physical custody pending the August 3, 2023 hearing. These temporary orders and the RFO were served personally on Respondent.

On August 3, 2023, the court adopted its tentative ruling, and referred the parties back to a CCRC session on October 12, 2023 and ordered the mediator to arrange a time to speak to the minor. The court continued the CCRC review November 30, 2023 at 1:30 p.m. in Department 5.

Neither party appeared for the CCRC appointment on October 12, 2023.

Respondent late filed an updating Declaration on November 27, 2023. Petitioner was served electronically and by mail on November 27, 2023. As this document was not timely filed, the court has not read or considered it.

Parties are ordered to appear for the hearing.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

November 30, 2023

8:30 a.m./1:30 p.m.

**TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**