

1. ASHLYN HARDIN V. ANTHONY GORDON POLLO

23FL0357

On April 21, 2023, Petitioner filed a Request for a Domestic Violence Restraining Order (DVRO). The parties ultimately stipulated to grant the DVRO for a period of two years and Respondent was ordered to have no contact with the parties' minor children until therapeutically indicated. Respondent filed a Request for Order (RFO) seeking reconsideration of the custody orders. That RFO came before the court for hearing on December 29, 2023 at which time the custody orders were upheld and the court set a review hearing for the present date to address the progress of therapy for the minors. The parties were directed to file updating declarations no later than 10 days prior to the hearing date.

Respondent Anthony Pollo's Supplemental Declaration was filed and served on April 11th. Petitioner's Response to Respondent's Supplemental Declaration was filed and served on April 12th.

In his supplemental declaration, Respondent requests an order allowing him to choose a therapist to conduct therapeutic visits with the children or, in the alternative, Respondent to propose a list of three therapists and Petitioner to choose one within two weeks thereafter. Respondent notes that after the September 14th hearing the parties agreed upon Stephanie Stilley to conduct the therapeutic visits. Ms. Stilley has since failed to make any progress in getting any visits scheduled and has been increasingly difficult to get in contact with.

Petitioner asks that the parties move forward with Ms. Stilley to conduct therapeutic visitation. Petitioner does not believe that Ms. Stilley is either unable or unwilling to assist them and Petitioner argues that changing therapists would delay the matter further.

After reviewing the filings as outlined above, the court finds it to be in the best interests of the minors to allow the parties to choose a new reunification therapist. Respondent's request is granted. Respondent shall propose the names of three reunification therapists to Petitioner no later than May 2, 2024. Petitioner shall choose one name from the list no later than May 9, 2024.

A review hearing is set for August 22, 2024 at 8:30am in Department 5. The parties are to submit updating declarations to the court no later than 10 days prior to the next hearing date.

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.

TENTATIVE RULING #1: RESPONDENT'S REQUEST IS GRANTED. RESPONDENT SHALL PROPOSE THE NAMES OF THREE REUNIFICATION THERAPISTS TO PETITIONER NO LATER THAN MAY 2, 2024. PETITIONER SHALL CHOOSE ONE NAME FROM THE LIST NO LATER THAN MAY 9, 2024. A REVIEW HEARING IS SET FOR August 22, 2024 AT 8:30AM IN DEPARTMENT 5. THE PARTIES ARE TO SUBMIT UPDATING DECLARATIONS TO THE COURT NO LATER THAN 10 DAYS PRIOR TO THE

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NEXT HEARING DATE. 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.

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.

2. CHANTHEE SALAYPHONH V. AN T. HUYNH

22FL0846

On February 13, 2024, Petitioner filed a Request for Order (RFO) seeking a waiver of Respondent's preliminary and final declarations of disclosure and entry of judgment pursuant to the Marital Settlement Agreement of the parties. There is no Proof of Service on file for the RFO therefore this matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #2: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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.

3. FAITH ROBLES V. ARMANDO ROBLES

24FL0048

Petitioner filed a Request for Order (RFO) on February 7, 2024 requesting orders for custody and visitation as well as child support, and attorney's fees. She filed her Income and Expense Declaration on February 13, 2024. Both documents were served on February 13th along with all other required documents. Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on April 11th.

Petitioner filed and electronically served her Reply Declaration on April 17th. Respondent filed and served Respondent's Reply Declaration to CCRC Report on April 18th.

Petitioner brings her RFO requesting joint legal and joint physical custody of the parties' two minor children. She asks that the children reside primarily with her but have visits with Respondent every other weekend from Saturday at 9:00 am until Sunday at 5:00 pm. She also requests an order directing Respondent to purchase and install separate beds for the minors to sleep on when they are at his residence. Additionally, Petitioner is asking for guideline spousal support pursuant to the custody orders established by the court as well as an order directing the parties to evenly split any and all daycare and schooling costs. Finally, she is requesting \$8,500 in attorney's fees pursuant to Family Code § 2030.

Respondent does not oppose joint legal and physical custody though he is asking for visitation from Friday at 5:00 pm until Tuesday drop off at daycare or to return to Petitioner directly. He notes that during his weekday visits he can use the same daycare that the children attend when they are with Petitioner.

Respondent asks the court to deny Petitioner's request for spousal support, however, according to her moving papers, Petitioner has not made such a request. She requests only child support. Regarding child support, Respondent asks that the support order be based on Petitioner's average gross monthly income for 2023 which was approximately \$3,336 per month. He also asks that each party pay for the daycare costs incurred during their parenting time.

The parties attended Child Custody Recommending Counseling (CCRC) on March 6th and, according to the report, were apparently able to reach agreements as to custody and visitation. The CCRC report was prepared and mailed to the party on April 12th.

Petitioner states that the parties did not reach any agreements at CCRC. However, if the purported agreements are in fact recommendations of the CCRC counselor, Petitioner is not opposed to them so long as the following modification is adopted. The Parenting Time section be amended to state, "Respondent to have parenting time during the 1st, 2nd, and 4th weekend of the month starting at 9:00am on Saturday and ending at 5:00 pm on Sunday." Additionally, Petitioner is asking for the imposition of a holiday schedule. Finally, Petitioner notes that she has returned to work from maternity leave but is on a reduced schedule and therefore earns \$2,773 per month.

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Respondent also maintains that the parties did not reach an agreement during CCRC. He asks that if a holiday schedule is established, the parties either split Christmas Day equally or the parties alternate annually. He further requests Petitioner be imputed with 30 hours of work per week at \$32 per hour and that the parties be ordered to evenly split the costs of uncovered healthcare expenses for the children.

The court has reviewed the filings as outlined above and, while it appears the parties did not reach an agreed upon visitation schedule, the court does find that the remainder of the purported agreements as stated in the April 12, 2024 CCRC report are in the best interests of the children and they are therefore adopted as the orders of the court with the exception of the Parenting Time section. The parties are to exercise visitation as follows. The parties are to share physical custody of the children. The children are to reside primarily with Petitioner. Respondent shall have parenting time on the 1st, 2nd, and 4th weekends of the month from Friday at 6:00 pm to Tuesday either at drop off at daycare or to be returned to Petitioner at a time agreed upon by the parties. Additionally, the parties are to maintain a holiday schedule wherein the children are with Petitioner on Mother's Day and with Respondent on Father's Day. In odd years, Petitioner shall have the children for Easter and Christmas day, and Respondent shall have Thanksgiving and Christmas Eve. In even years, Petitioner shall have Thanksgiving and Christmas Eve, and Respondent shall have Easter and Christmas day.

Turning now to the issue of child support, Family Code section 3900 codifies the general obligation of both parties to support their minor children. The court maintains broad discretion in determining the amount of child support based on each party's earning capacity. *See Fam. Code § 4050*. In doing so, the court has the ability to impute an unemployed, or under employed party with income commensurate with his or her earning capacity. *State of Oregon v. Vargas*, 70 Cal. App. 4th 1123 (1999). Such imputation is warranted where the parent has the ability and opportunity to work but simply lacks the willingness to do so. *In re Marriage of Regnery*, 214 Cal. App. 3d 1367 (1989).

Respondent is requesting Petitioner be imputed with 30 hours of work per week. However, it is apparent from the pleadings that Petitioner has a very young child at home and therefore the court does not find that she has the ability and opportunity to work more than 20 hours per week for the time being. Therefore, the court is calculating support based on Petitioner's current gross monthly income of \$2,773.

Utilizing the same figures as outlined above, the court finds that child support is \$851 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$851 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of March 1, 2024.

The court finds the above order results in arrears in the amount of \$1,702 through and including April 1, 2024. The court orders Respondent pay Petitioner \$141.83 on the 15th of

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each month commencing on May 15th and continuing until paid in full (approximately 12 months). If any payment is late or missed the remaining balance is due in full, with legal interest within five (5) days.

In addition to the above support amounts, the parties are ordered to equally split all uninsured healthcare, dental, vision and mental health costs for the children. Payment procedures are to be in accordance with Family Code § 4063. The parties shall split evenly all childcare costs related to employment as well as costs related to the educational or other special needs of the children. This includes the costs associated with the children's attendance at Building Kidz School.

Petitioner's request for attorney's fees is denied due to her failure to file the requisite paperwork. In making a request pursuant to Family Code § 2030, the requesting party must file either a Request for Attorney's Fees and Costs Attachment (FL-319) or a declaration that addresses the same factors, and a Supporting Declaration for Attorney's Fees and Costs Attachment (FL-158). Without the aforementioned, the court does not have sufficient information to grant the request at this time and therefore it is denied without prejudice.

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

TENTATIVE RULING #3: THE COURT FINDS THAT THE PURPORTED AGREEMENTS AS STATED IN THE APRIL 12, 2024 CCRC REPORT ARE IN THE BEST INTERESTS OF THE CHILDREN AND THEY ARE THEREFORE ADOPTED AS THE ORDERS OF THE COURT WITH THE EXCEPTION OF THE PARENTING TIME SECTION. INSTEAD, THE PARTIES ARE TO EXERCISE VISITATION AS FOLLOWS. THE PARTIES ARE TO SHARE PHYSICAL CUSTODY OF THE CHILDREN. THE CHILDREN ARE TO RESIDE PRIMARILY WITH PETITIONER. RESPONDENT SHALL HAVE PARENTING TIME ON THE 1ST, 2ND, AND 4TH WEEKENDS OF THE MONTH FROM FRIDAY AT 6:00 PM TO TUESDAY EITHER AT DROP OFF AT DAYCARE OR TO BE RETURNED TO PETITIONER AT A TIME AGREED UPON BY THE PARTIES. ADDITIONALLY, THE PARTIES ARE TO MAINTAIN A HOLIDAY SCHEDULE WHEREIN THE CHILDREN ARE WITH PETITIONER ON MOTHER'S DAY AND WITH RESPONDENT ON FATHER'S DAY. IN ODD YEARS, PETITIONER SHALL HAVE THE CHILDREN FOR EASTER AND CHRISTMAS DAY, AND RESPONDENT SHALL HAVE THANKSGIVING AND CHRISTMAS EVE. IN EVEN YEARS, PETITIONER SHALL HAVE THANKSGIVING AND CHRISTMAS EVE, AND RESPONDENT SHALL HAVE EASTER AND CHRISTMAS DAY.

THE COURT FINDS THAT CHILD SUPPORT IS \$851 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$851 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF MARCH 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$1,702 THROUGH AND INCLUDING APRIL 1, 2024. THE COURT ORDERS RESPONDENT PAY

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PETITIONER \$141.83 ON THE 15TH OF EACH MONTH COMMENCING ON MAY 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL, WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

IN ADDITION TO THE ABOVE SUPPORT AMOUNTS, THE PARTIES ARE ORDERED TO EQUALLY SPLIT ALL UNINSURED HEALTHCARE, DENTAL, VISION AND MENTAL HEALTH COSTS FOR THE CHILDREN. PAYMENT PROCEDURES ARE TO BE IN ACCORDANCE WITH FAMILY CODE § 4063. THE PARTIES SHALL SPLIT EVENLY ALL CHILDCARE COSTS RELATED TO EMPLOYMENT AS WELL AS COSTS RELATED TO THE EDUCATIONAL OR OTHER SPECIAL NEEDS OF THE CHILDREN. THIS INCLUDES THE COSTS ASSOCIATED WITH THE CHILDREN'S ATTENDANCE AT BUILDING KIDZ SCHOOL.

PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS DENIED DUE TO HER FAILURE TO FILE THE REQUISITE PAPERWORK.

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

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ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO: Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly	CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	25%	0%	Father	3,336	Payment (cost)/benefit	(851) 851
Filing status	Single	HH/MLA	Mother	3,202	Net spendable income	2,485 4,053
# Federal exemptions	1*	3*	Total	6,538	% combined spendable	38% 62%
Wages + salary	3,655	2,773	Support		Total taxes	630 (429)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	6,538
Self-employment income	0	0	Presumed	851	Proposed	
Other taxable income	0	0	Basic CS	851	Payment (cost)/benefit	(1,036) 1,036
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	2,682 3,904
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	197 (149)
Other gains (and losses)	0	0	Child 1	291	% combined spendable	40.7% 59.3%
Ordinary dividends	0	0	Child 2	560	% of saving over gdl	406.7% -306.7%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	248 (95)
Social Security received	0	0	Total	851	Comb. net spendable	6,586
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.7%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	1,036		
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,036		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	417	0	Child 1	414		
New-spouse income	0	0	Child 2	622		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	1,036		
Adj. to income (ATI)	0	0	Savings	48		
Ptr Support Pd. other P'ships	0	0	Total releases to Father	2		
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	106	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				

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4. GRACE SJOTVEDT V. CONNOR EVANS

PFL20210559

Pursuant to a stipulation filed on April 19, 2024 this matter is hereby continued to July 11, 2024 at 8:30 in Department 5.

TENTATIVE RULING #4: PURSUANT TO A STIPULATION FILED ON APRIL 19, 2024 THIS MATTER IS HEREBY CONTINUED TO JULY 11, 2024 AT 8:30 IN DEPARTMENT 5.

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.

5. JUSTIN SIMARRO V. YAJAIRA SIMARRO

PFL20200099

On October 23, 2023, Petitioner filed a Request for Order (RFO) seeking custody and child support orders. The matter came before the court for hearing on February 1st at which time custody orders were made, however the court noted that Petitioner's Income and Expense Declaration was out of date and therefore the matter of child support was continued to the present date. Both parties were ordered to file and serve updated Income and Expense Declarations no later than 10 days prior to the hearing. Petitioner was admonished that failure to do so may result in his request for support being dropped.

Per the court's order, Respondent filed her Income and Expense Declaration on April 16th. It was served April 12th. Petitioner has not filed an updated Income and Expense Declaration therefore the matter is dropped from calendar.

TENTATIVE RULING #5: THIS MATTER IS DROPPED FROM CALENDAR DUE TO THE MOVING PARTY'S FAILURE TO FILE A CURRENT INCOME AND EXPENSE DECLARATION.

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.

6. KRISTA KLINGENBERG V. DANIEL KERSEY

PFL20120509

On March 12, 2024, the parties appeared before the court for hearing on a Domestic Violence Restraining Order (DVRO). The DVRO was granted and the parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 15th. A review hearing was set for the present date. Respondent was ordered to file and serve an Income and Expense Declaration no later than 10 days prior to the hearing date. The court noted it would accept Petitioner's Income and Expense Declaration dated February 13, 2024.

Only Respondent attended the CCRC appointment and therefore no recommendations could be made.

There have been no filings by either party since the March 12th hearing therefore, this matter is dropped from calendar. All prior orders remain in full force and effect.

TENTATIVE RULING #6: THIS MATTER IS DROPPED FROM CALENDAR. 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.

7. MARY FONSECA V. JOHN FONSECA SR.

23FL0809

Petitioner filed a Request for Order (RFO) on December 18, 2023, it was served by mail the next day. Respondent filed and served his Responsive Declaration to Request for Order on February 23, 2024.

Petitioner brings her RFO requesting prevailing party attorney fees pursuant to Family Code § 6344. She states she incurred \$7,035 in attorney's fees and costs in furtherance of her obtaining a Domestic Violence Restraining Order (DVRO) against Respondent. She expects to incur an additional \$900 by appearing for and arguing the present RFO. She is requesting a total of \$7,935 to be paid in monthly increments of \$1,322.50 sent directly to Petitioner's attorneys.

Respondent opposes the request on the basis that he cannot afford to pay Petitioner's attorney's fees due to the amount of spousal support awarded to Petitioner. He notes that he is unable to pay even his own attorney's fees.

Family Code section 6344 is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that filed for the DVRO then, "[a]fter notice and a hearing, a court, upon request shall issue and order for the payment of attorney's fees and costs." Cal. Fam. Code § 6344 (a). However, "[b]efore a court awards attorney's fees and costs pursuant to this section, the court shall first determine pursuant to Section 270 that the party ordered to pay has, or is reasonably likely to have, the ability to pay." *Id.* at (c).

The court has reviewed the filings of the parties and does find that Respondent has established an inability to pay. He states that his monthly support payments, plus arrears, amount to \$6,758. However, he has not provided the court with his monthly income and if there has been any change in income since the DVRO hearing when the court found Respondent's income to be approximately \$15,000 per month. This leaves plenty of income for at least small monthly payments.

While the court is finding an ability to pay, the court does not find an award of \$900 for appearing at, and arguing for, the RFO is proper unless that amount is actually incurred. As of this writing Petitioner has only incurred \$7,035 in fees and costs and therefore that is the amount awarded.

Petitioner is awarded \$7,035 as and for attorney's fees pursuant to Family Code § 6344. Respondent shall pay monthly increments of \$390.83 no later than the 15th of each month commencing April 15, 2024 and continuing until paid in full (approximately 18 months). Payments are to be made to Herrig, Vogt & Hensley, LLP located at 4210 Douglas Blvd., Suite 100, Granite Bay, CA 95746. If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

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TENTATIVE RULING #7: PETITIONER IS AWARDED \$7,035 AS AND FOR ATTORNEY'S FEES PURSUANT TO FAMILY CODE § 6344. RESPONDENT SHALL PAY MONTHLY INCREMENTS OF \$390.83 NO LATER THAN THE 15TH OF EACH MONTH COMMENCING APRIL 15, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 18 MONTHS). PAYMENTS ARE TO BE MADE TO HERRIG, VOGT & HENSLEY, LLP LOCATED AT 4210 DOUGLAS BLVD., SUITE 100, GRANITE BAY, CA 95746. IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

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.

8. SARAH ZAMBRUNO V. NICK ZAMBRUNO

PFL20210341

This matter is before the court for a review hearing on Respondent's parenting time. In November of 2023, Respondent was granted supervised visits with the minor children twice per week for three hours per visit. Petitioner filed and served a Supplemental Declaration on April 12th.

According to Petitioner, Respondent has utilized just 30% of the visitation that he has allotted to him per the court's order, and the visits that have occurred have not gone well. She requests Respondent have non-professional supervised visits on Thursdays from 4pm - 7pm and Saturdays from 9am – 12pm in El Dorado Hills. She requests an order directing Respondent to participate in an anger management course and a parenting skills course. Finally, she is requesting a gate be placed around the second pool at Respondent's property and she asks that all weapons at Respondent's be stored in a safe location out of reach of the children and Respondent must provide proof that the sword has been removed from the children's play area.

As stated above, Respondent has not filed a supplemental declaration or any declaration in response to Petitioner's requests. Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Therefore, treating the allegations in Petitioner's declaration as true, the court finds her requests to be in the best interests of the children. Respondent shall have non-professionally supervised visits on Thursdays from 4pm – 7pm and on Saturdays from 9am – 12 pm in El Dorado Hills. Respondent is ordered to store all weapons in a safe location and out of reach of the children. This includes the sword in Respondent's possession which shall be removed from the children's play area. Respondent is ordered to install a gate around the second pool on the property where he resides per the current order. He is further ordered to provide Petitioner photographic evidence that the gate has been installed and that all weapons, including the sword, have been stored in a safe location. Finally, Respondent is ordered to complete an anger management course and a parenting skills course and to provide the court and Petitioner with proof of completion thereof.

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

TENTATIVE RULING #8: RESPONDENT SHALL HAVE NON-PROFESSIONALLY SUPERVISED VISITS ON THURSDAYS FROM 4PM – 7PM AND ON SATURDAYS FROM 9AM – 12 PM IN EL DORADO HILLS. RESPONDENT IS ORDERED TO STORE ALL WEAPONS IN A SAFE LOCATION AND OUT OF REACH OF THE CHILDREN. THIS INCLUDES THE SWORD IN RESPONDENT'S POSSESSION WHICH SHALL BE REMOVED FROM THE CHILDREN'S PLAY AREA. RESPONDENT IS ORDERED TO INSTALL A GATE AROUND THE SECOND POOL ON THE PROPERTY WHERE HE RESIDES PER THE CURRENT ORDER. HE IS FURTHER ORDERED TO PROVIDE PETITIONER PHOTOGRAPHIC EVIDENCE THAT THE GATE HAS BEEN INSTALLED AND THAT ALL WEAPONS, INCLUDING THE SWORD, HAVE BEEN STORED IN A SAFE LOCATION. FINALLY, RESPONDENT IS ORDERED TO

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COMPLETE AN ANGER MANAGEMENT COURSE AND A PARENTING SKILLS COURSE AND TO PROVIDE THE COURT AND PETITIONER WITH PROOF OF COMPLETION THEREOF.

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.

On April 29, 2022, Respondent filed a Request for Order (RFO) wherein Respondent asked the court to institute a 2-2-4 schedule with a graduated step-up plan to 50/50 physical custody, or a schedule recommended by a child custody evaluator, for the youngest minor. Additional orders requested in the RFO were as follows: (1) the court to order a complete child custody evaluation under Family Code section 3111; (2) Remove Donelle Anderson as therapist and Barbara Newman as Minors' Counsel and appoint neutral, unbiased individuals for those roles; (3) Respondent to attend graduation. The RFO was set to be heard on August 11th.

At the August 11th hearing the court ruled on all matters including ordering the parties to participate in a Family Code Section 3111 evaluation with an Evidence Code Section 730 component. However, after several continuances, on June 22, 2023 the court vacated the order for a Family Code 3111 evaluation and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on July 28, 2023 and a review hearing on September 14, 2023.

Only Petitioner attended CCRC on July 24, 2023. The court thereafter re-referred the parties to CCRC and set a further review hearing. Both parties attended the reset CCRC appointment and were able to reach an agreement. A report with the parties' agreement and further recommendations was filed with the court on January 8, 2024. Copies were mailed to the parties on the same day.

The parties appeared for the CCRC review hearing on January 25, 2024. At the request of both Petitioner and Minors' Counsel the court continued the hearing to February 22, 2024. Petitioner and Respondent appeared at the February 22nd hearing and once again requested a continuance. Minor's Counsel was not present. The continuance was granted and a review hearing was set for the present date.

On March 11th, Minor's Counsel filed a request for temporary emergency ex parte orders. The request was denied on an ex parte basis but Minor's Counsel filed an RFO reiterating her ex parte requests and a hearing was set for the present date. Respondent filed a Declaration of Wallace Francis in Opposition to Ex Parte. Petitioner did not oppose the ex parte, nor did she file a Responsive Declaration to Request for Order.

Minor's Counsel is requesting supervised/therapeutic visits with the minor, Emile, only. She also requests an order precluding Respondent from driving with Emile in his vehicle.

The court has reviewed the filings as outlined above and finds the agreements of the parties as stated in the December 29, 2023 CCRC report to be in the best interests of the minors with the following modification. The Counseling section shall be amended to state that Emile shall continue therapy with Heather Fabbre, LMFT, at a frequency and duration as determined by Ms. Fabbre.

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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.

TENTATIVE RULING #9 & 16: THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS STATED IN THE DECEMBER 29, 2023 CCRC REPORT AS THE ORDERS OF THE COURT, WITH THE FOLLOWING MODIFICATION. THE COUNSELING SECTION SHALL BE AMENDED TO STATE THAT EMILE SHALL CONTINUE THERAPY WITH HEATHER FABBRE, LMFT, AT A FREQUENCY AND DURATION AS DETERMINED BY MS. FABBRE. 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.

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.

10. ALIVIA DURGAN V. JOHN SULLIVAN

24FL0120

On February 9, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. It was originally filed ex parte but the court denied the ex parte and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on March 4th and the review hearing set for the present date.

On February 28th Petitioner filed another ex parte request for custody orders. The request was once again denied and the CCRC and review hearing dates affirmed.

On March 19, 2024, Respondent filed an RFO seeking custody and visitation orders. The request was also originally filed ex parte and the court referred the parties to an emergency set CCRC appointment on April 2nd. A review hearing was set for the present date.

The parties attended CCRC on March 4th and again on April 2nd but were unable to reach any agreements therefore a report with recommendations was prepared on April 11th.

The parties are each requesting sole legal and sole physical custody of their minor child. Either way, this would be a change from the current parenting plan which allows Respondent supervised visits every other Saturday and Sunday from 9:00am to 5:00pm, no overnights.

The court has reviewed the filings as outlined above and finds the recommendations contained in the CCRC report to be in the best interests of the minor, they are therefore hereby adopted as the orders of the court. In addition to the recommendations contained in the CCRC report, the minor shall continue in individual therapy with Wendy Barillass, LMFT. The court also orders that neither party shall move out-of-state with the child without first obtaining a court order.

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 #10: THE RECOMMENDATIONS CONTAINED IN THE APRIL 11, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. IN ADDITION TO THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT, THE MINOR SHALL CONTINUE IN INDIVIDUAL THERAPY WITH WENDY BARILLASS, LMFT. THE COURT ALSO ORDERS THAT NEITHER PARTY SHALL MOVE OUT-OF-STATE WITH THE CHILD WITHOUT FIRST OBTAINING A COURT ORDER.

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

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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.

11. DAVID SLAY V. KRYSTAL SLAY

23FL0827

This matter is before the court for hearing on a Request for Order (RFO) filed by Respondent on December 18, 2023. She filed her Income and Expense Declaration concurrently with the RFO. Both documents were mail served on December 29th.

On April 16th Petitioner filed and served his Responsive Declaration to Request for Order and a Memorandum of Points & Authorities in Opposition to Respondent's Requested Orders. He did not file an Income and Expense Declaration.

The court finds Respondent's 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 made April 12th the last day for filing the responsive declaration. Therefore, these documents are late filed and have not been considered by the court.

Respondent's default was entered on November 30, 2023. She now brings her RFO requesting to set aside the default. She also requests spousal support and exclusive use and possession of the parties' 2014 Ram 1500, their 2004 Bison Horse trailer, and one of each of the following Milwaukee tools: circular saw, Sawzall, shop vacuum, battery charger, and battery.

Civil Procedure Section 473(b) governs the circumstances in which a party may be relieved of the terms of a judgment, dismissal, order, or other proceeding in instances of mistake, inadvertence, or excusable neglect. Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must file the request within a reasonable time and must provide a copy of the pleading proposed to be filed. *Id.*

While the FL-300 does indicate that Respondent is requesting her default be set aside, her declaration provides no grounds on which the court can do so. Additionally, she has not attached her proposed Response to the Summons. Therefore, the request to set aside the default is denied. As such, the remaining issues of spousal support and property control are not properly before the court and cannot be ruled on.

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

TENTATIVE RULING #11: THE REQUEST TO SET ASIDE THE DEFAULT IS DENIED. AS SUCH, THE REMAINING ISSUES OF SPOUSAL SUPPORT AND PROPERTY CONTROL ARE NOT PROPERLY BEFORE THE COURT AND THEREFORE CANNOT BE RULED ON.

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

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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.

13. JENNIFER HENRICH V. SHAWN MATTHEWS

PFL20190796

Petitioner filed a Request for Order (RFO) on April 28, 2023, requesting a modification of the parenting plan. Respondent was served by mail on April 28, 2023.

Respondent filed a Responsive Declaration to Request for Order on June 7, 2023. Petitioner was served by mail on June 12, 2023. Respondent objected to the requested orders. Respondent requested joint legal custody of the minor. Further, Respondent requested parenting time each summer commencing seven days after the minor ends the school year until seven days prior to the start of the school year. Respondent to be responsible for purchasing the plane tickets to his parenting time and Petitioner to be responsible for the travel back. Respondent requested each party provide at least nine days' notice of the travel arrangements.

On June 15, 2023, the court found good cause to refer the parties to Child Custody Recommending Counseling (CCRC) with an appointment on August 10, 2023 and a further review hearing on September 28, 2023. The court directed the minor to be made available to the CCRC counselor to interview upon the counselor's request.

Only Petitioner appeared for the CCRC appointment on August 10, 2023. As such, the parties were ordered to appear for the September 28th hearing at which time the parties presented an agreement to the court to maintain the current parenting plan and travel expense orders. The parties were once again referred to CCRC and a review hearing was set for the present date.

On February 29, 2024, Respondent filed another Responsive Declaration to Request for Order. There is no Proof of Service for this document and therefore the court cannot consider it.

The parties attended CCRC on March 13, 2024 and a report with recommendations was prepared on April 9th. It was mailed to the parties on April 10th.

After reviewing the filings as outlined above, the court finds the recommendations contained in the CCRC report to be in the best interests of the minors. Therefore, they are hereby adopted as the orders of the court.

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

TENTATIVE RULING #13: THE RECOMMENDATIONS CONTAINED IN THE APRIL 9, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. 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

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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.

14. REBEKAH MONTESANTI V. MATTHEW MONTESANTI

PFL20190300

Petitioner filed a Request for Order (RFO) on March 22, 2024, it was mail served on March 25th. Respondent filed and served his Responsive Declaration to Request for Order on April 10th.

Petitioner brings her RFO asking the court to allow her to enroll the minor Kylia in Mountainside Middle College High School (MMCHS). She provides numerous reasons as to why enrollment in MMCHS would be in the best interest of the minor. Respondent opposes the request and states only that he does not consent and he would like the child to continue in public school.

After reviewing the filings as outlined above, the court finds attendance at MMCHS to be in the minor's best interest. Petitioner articulates clearly that MMCHS affords the minor the opportunity to obtain an associate degree alongside her high school diploma for free. This will give her a head start in her pursuit of a career as a dentist. On the other hand, Respondent has not provided the court with any reason why enrollment is either not feasible or not in the best interests of the minor. Therefore, Petitioner's request is granted. The minor is to be enrolled in high school at MMCHS.

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

TENTATIVE RULING #14: THE MINOR SHALL BE ENROLLED IN HIGH SCHOOL AT MOUNTAINSIDE MIDDLE COLLEGE HIGH SCHOOL. 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.

15. THOMAS WHEELER V. CHIANTI CASTRO

23FL1161

In the interest of judicial economy this matter is continued to join with the hearing set for May 30, 2024 at 8:30 am in Department 5.

TENTATIVE RULING #15: IN THE INTEREST OF JUDICIAL ECONOMY THIS MATTER IS CONTINUED TO JOIN WITH THE HEARING SET FOR MAY 30, 2024 AT 8:30 AM IN DEPARTMENT 5.

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.