

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

1. ATHENA JOY SOLNOK V. DANIEL ALLEN SOLNOK

23FL0839

On January 26, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) asserting one count of contempt. It was personally served on February 3rd. The parties are ordered to appear for arraignment.

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

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2. BRENT GOLUBSKI V. MICHELLE RUSSO

22FL0901

This matter is before the court for hearing on a Request for Order (RFO) filed by Petitioner on February 9, 2024. It was served on February 16th and then again on February 27th. Respondent has not filed a Responsive Declaration to Request for Order. Petitioner filed and served a Reply Declaration on April 3, 2024.

Petitioner asks the court to enter final judgment on the divorce pursuant to the settlement agreement previously reached by the parties and sign and approve the QDROs. In the alternative, he requests at least a bifurcated judgment be entered which would allow him to proceed with his upcoming wedding date in May. He would like to remove Respondent from his health insurance coverage as of the date of the bifurcation. Finally, Petitioner requests attorney's fees in the amount of \$4,037.50. His request for fees is made pursuant to Family Code § 271, Civil Procedure § 128.5 and 128.7, and pursuant to the terms of the stipulation. He proposes a credit on the attorney's fees in the amount of \$3,000 which is the buyout amount Respondent would have otherwise received under the QDROs.

Civil Procedure § 664.4 vests the court with the authority to enter judgment on a matter where, as here, the parties entered a written stipulation to settle the case, regardless of the fact that such stipulation was reached outside the presence of the court. Cal. Civ. Pro. § 664.4(a). The matter before the court falls well within the purview of Section 664.4. The parties clearly reached a stipulation to resolve the matter and therefore Petitioner's RFO is granted. The court directs the clerk of the court to act as elisor to sign the QDROs on behalf of Respondent and enter judgment.

Petitioner's request for attorney's fees is also granted. Though he cites several grounds for his request the court does not find the need to address all of them as Family Code § 271 seems to be the most applicable under the circumstances. Family Code section 271 states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). Here, Respondent's lack of communication and refusal to cooperate with Petitioner has caused him to incur the costs and fees associated with the preparation and filing of the present motion. Petitioner is therefore awarded \$4,037.50 as and for attorney's fees and sanctions pursuant to Family Code § 271. The \$3000 awarded to Respondent pursuant to the QDROs shall be used to off-set the attorney's fees award. Accordingly, Respondent is left to pay the difference of \$1,037.50 out-of-pocket. This amount is to be paid directly to Petitioner's counsel, Michelle Bumgarner at The Stratte Firm. Payment may be made in one lump sum or in monthly increments of \$86.46

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commencing on May 1st and continuing until paid in full (approximately 12 months). If any payment is late or missed, the entire amount shall become immediately due and payable with legal interest.

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

TENTATIVE RULING #2: PETITIONER'S RFO IS GRANTED. THE COURT DIRECTS THE CLERK OF THE COURT TO ACT AS ELISOR TO SIGN THE QDROS ON BEHALF OF RESPONDENT AND ENTER JUDGMENT. PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS ALSO GRANTED. PETITIONER IS AWARDED \$4,037.50 AS AND FOR ATTORNEY'S FEES AND SANCTIONS PURSUANT TO FAMILY CODE § 271. THE \$3000 AWARDED TO RESPONDENT PURSUANT TO THE QDROS SHALL BE USED TO OFF-SET THE ATTORNEY'S FEES AWARD. ACCORDINGLY, RESPONDENT IS LEFT TO PAY THE DIFFERENCE OF \$1,037.50 OUT-OF-POCKET. THIS AMOUNT IS TO BE PAID DIRECTLY TO PETITIONER'S COUNSEL, MICHELLE BUMGARNER AT THE STRATTE FIRM. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$86.46 COMMENCING ON MAY 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS LATE OR MISSED, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE with LEGAL INTEREST.

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.

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3. CIDNEY CUNNINGHAM V. ROBERT HOVLAND

PFL20160019

On March 14, 2024, Respondent filed and served a Request for Order (RFO) seeking custody and visitation orders. On March 15th, Petitioner also filed an RFO seeking custody and visitation orders. Respondent filed and served his responsive declaration to Petitioner's RFO on March 14th. Petitioner's Reply Declaration was filed and served on March 15th.

Petitioner filed her responsive declaration to Respondent's RFO on March 29th. It was served on March 27th.

The parties attended Child Custody Recommending Counseling (CCRC) on March 19th but were unable to reach any agreements. A report with recommendations was prepared and sent to the parties on April 2, 2024.

Respondent brings his RFO requesting sole legal and sole physical custody of the minor child with professionally supervised visits to Petitioner. He also asks that Petitioner be ordered to undergo a psychiatric evaluation and the minor be put into therapy immediately.

Petitioner is also asking for temporary sole legal and sole physical custody, though at other points in her RFO she requests joint legal custody with final decision-making authority and sole physical custody. She proposes professionally supervised visits to Respondent, at Respondent's expense. She further asks for a custody evaluation pursuant to Evidence Code § 730 with both parties to share in the cost equally. Finally, she asks that the minor continue in therapy with his current therapist, and neither parent be allowed to participate in the minor's counseling unless the therapist deems it necessary, appropriate, and safe.

After reviewing the filings of the parties and 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 its orders. Additionally, the minor is to continue individual therapy with his current therapist with both parties to equally split any costs not covered by insurance. Neither party shall participate in, or sit-in on, the minor's counseling unless the therapist recommends it.

Both requests for a psychological/§ 730 evaluation are denied as there has not been a sufficient showing of necessity to justify doing so at this time.

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

TENTATIVE RULING #3: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE APRIL 2, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE ADOPTS THEM AS ITS ORDERS. ADDITIONALLY, THE MINOR IS TO CONTINUE INDIVIDUAL THERAPY WITH HIS CURRENT THERAPIST WITH BOTH PARTIES TO EQUALLY SPLIT ANY COSTS NOT

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COVERED BY INSURANCE. NEITHER PARTY SHALL PARTICIPATE IN, OR SIT-IN ON, THE MINOR'S COUNSELING UNLESS THE THERAPIST RECOMMENDS IT.

BOTH REQUESTS FOR A PSYCHOLOGICAL/§ 730 EVALUATION ARE DENIED AS THERE HAS NOT BEEN A SUFFICIENT SHOWING OF NECESSITY TO JUSTIFY DOING SO AT THIS TIME.

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

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4. JASON WARDEN V. JULIE WARDEN

23FL1211

On January 23, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders, child support, spousal support, property control, and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. All documents were mail served on January 24, 2024.

Petitioner filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on March 25th. They were served electronically and by mail on March 22nd and then again on March 25th.

Respondent is requesting joint legal custody of the parties' three minor children and sole physical custody. She proposes a parenting plan schedule of every other weekend from Friday at 6:00 pm to Sunday at 4:00 pm. She is also requesting child support in the amount of \$1,500 a month and spousal support in the amount of \$2,000 a month. She would like exclusive use and possession of the marital residence until the youngest minor graduates from high school. Finally, she is asking the court to order \$5,000 in attorney's fees pursuant to Family Code § 2030.

The parties attended Child Custody Recommending Counseling (CCRC) on February 23rd. They were only able to reach a partial agreement therefore, a report with the agreements and recommendations was prepared on February 29th. It was mailed to the parties on March 4th.

Petitioner consents to the CCRC recommendations with certain modifications. He also consents to guideline child support and guideline spousal support with a credit for any regular expenses that Petitioner has exclusive use and possession of. He agrees to let Respondent continue living in the marital residence so long as she is responsible for the utilities, mortgage, and other expenses related to the home.

The court has reviewed the filings as outlined above and finds the agreements and recommendations contained in the February 29, 2024 CCRC report to be in the best interests of the minors. All agreements and recommendations contained in the CCRC report are hereby adopted as the orders of the court with the modification that Petitioner's parenting time shall start on Sunday at 3:00 pm (after church) and shall end the following Sunday at 8:00 am (before church). Additionally, during Petitioner's parenting time, Petitioner may bring the minor Dennis to the marital residence after school for approximately 15-20 minutes to allow the minor to care for, feed, and walk his pig for 4H until the pig is sold this summer. During that time Petitioner shall remain in his vehicle.

Respondent is granted exclusive use and possession of the marital residence located on Highway 49 in Placerville. Respondent shall be solely responsible for the mortgage, utilities, and

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any other expenses related to the residence. Any of Petitioner's personal property that remains at the residence shall not be deemed abandoned. Neither party may destroy or dispose of the personal or community property stored at the residence without a court order. If Petitioner needs to obtain any of his items from the residence, he is to give Respondent at least 48 hours-notice prior to doing so and the parties are to meet and confer on a mutually agreeable time for him to pick up his items.

Regarding child support, the court is utilizing a 50% timeshare for the youngest child. However, given that the two older children have so far mostly refused visits with Petitioner and given that the custody order allows them to continue refusing visits should they so choose, the court is utilizing a 0% timeshare for each of them.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$346 per month and child support is \$2,068 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$2,414 per month as and for temporary spousal support and 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 February 1, 2024. Petitioner has requested a credit against spousal support for expenses that he is paying solely for Respondent's use and possession, such as health insurance, cell phone, and car insurance but he has not provided any documentation as to what exactly he wants credits for, how much has and will be paid, and for how long, therefore, the court reserves jurisdiction on this request as there is not sufficient information to rule on it at this time.

The court finds the above order results in arrears in the amount of \$7,242 through and including April 1, 2024. The court orders Petitioner to pay Respondent \$301.75 on the 15th of each month commencing April 15, 2024 and continuing until paid in full (approximately 24 months). If any payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Respondent requests \$5,000 in attorney's fees pursuant to Family Code § 2030. In making such a request she is required to provide the court with information regarding the nature and difficulty of the matter, the skill required in handling the matter and why the fees and costs are just, necessary, and reasonable. Respondent has shown that she has paid a \$5,000 retainer, though she has not indicated whether she expects to use the entire amount in the course of this litigation and why that amount is just, necessary and reasonable. Therefore, Respondent's request for attorney's fees is denied.

Petitioner shall prepare and file the Finding's and Orders After Hearing.

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TENTATIVE RULING #4: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE FEBRUARY 29, 2024 CCRC REPORT ARE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE PARENTING TIME SCHEDULE SHALL BE MODIFIED TO INDICATE THAT PETITIONER'S PARENTING TIME SHALL START ON SUNDAY AT 3:00 PM (AFTER CHURCH) AND SHALL END THE FOLLOWING SUNDAY AT 8:00 AM (BEFORE CHURCH). ADDITIONALLY, DURING PETITIONER'S PARENTING TIME, PETITIONER MAY BRING THE MINOR, DENNIS, TO THE MARITAL RESIDENCE AFTER SCHOOL FOR APPROXIMATELY 15-20 MINUTES TO ALLOW THE MINOR TO CARE FOR, FEED, AND WALK HIS PIG FOR 4H UNTIL THE PIG IS SOLD THIS SUMMER. DURING THAT TIME PETITIONER SHALL REMAIN IN HIS VEHICLE.

RESPONDENT IS GRANTED EXCLUSIVE USE AND POSSESSION OF THE MARITAL RESIDENCE LOCATED ON HIGHWAY 49 IN PLACERVILLE. RESPONDENT SHALL BE SOLELY RESPONSIBLE FOR THE MORTGAGE, UTILITIES, AND ANY OTHER EXPENSES RELATED TO THE RESIDENCE. ANY OF PETITIONER'S PERSONAL PROPERTY THAT REMAINS AT THE RESIDENCE SHALL NOT BE DEEMED ABANDONED. NEITHER PARTY MAY DESTROY OR DISPOSE OF THE PERSONAL OR COMMUNITY PROPERTY STORED AT THE RESIDENCE WITHOUT A COURT ORDER. IF PETITIONER NEEDS TO OBTAIN ANY OF HIS ITEMS FROM THE RESIDENCE, HE IS TO GIVE RESPONDENT AT LEAST 48 HOURS-NOTICE PRIOR TO DOING SO AND THE PARTIES ARE TO MEET AND CONFER ON A MUTUALLY AGREEABLE TIME FOR HIM TO PICK UP HIS ITEMS.

RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED WITHOUT PREJUDICE.

THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$346 PER MONTH AND CHILD SUPPORT IS \$2,068 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$2,414 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT AND 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 FEBRUARY 1, 2024. PETITIONER HAS REQUESTED A CREDIT AGAINST SPOUSAL SUPPORT FOR EXPENSES THAT HE IS PAYING SOLELY FOR RESPONDENT'S USE AND POSSESSION, SUCH AS HEALTH INSURANCE, CELL PHONE, AND CAR INSURANCE BUT HE HAS NOT PROVIDED ANY DOCUMENTATION AS TO WHAT EXACTLY HE WANTS CREDITS FOR, HOW MUCH HAS AND WILL BE PAID, AND FOR HOW LONG, THEREFORE, THE COURT RESERVES JURISDICTION ON THIS REQUEST AS THERE IS NOT SUFFICIENT INFORMATION TO RULE ON IT AT THIS TIME.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$7,242 THROUGH AND INCLUDING APRIL 1, 2024. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$301.75 ON THE 15TH OF EACH MONTH COMMENCING APRIL 15, 2024 AND

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CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

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	3	Nets (adjusted)	Guideline		
% time with Second Parent	16.67%	0%	Father	4,682	Payment (cost)/benefit	(2,414) 2,414
Filing status	MFJ->	<-MFJ	Mother	2,038	Net spendable income	2,269 4,451
# Federal exemptions	1*	4*	Total	6,720	% combined spendable	33.8% 66.2%
Wages + salary	7,232	2,900	Support (Nondeductible)		Total taxes	769 308
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	6,720
Self-employment income	0	0	Presumed	2,068	Proposed	
Other taxable income	0	0	Basic CS	2,068	Payment (cost)/benefit	(2,414) 2,414
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	2,269 4,451
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	255	% combined spendable	33.8% 66.2%
Ordinary dividends	0	0	Child 2	717	% of saving over gdl	0% 0%
Tax. interest received	0	0	Child 3	1,096	Total taxes	769 308
Social Security received	0	0	SS Payor	Father	Comb. net spendable	6,720
Unemployment compensation	0	0	Alameda	346	Percent change	0.0%
Operating losses	0	0	Total	2,414	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father		
Rental income	0	0	Presumed	2,068		
Misc ordinary tax. inc.	0	0	Basic CS	2,068		
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 1	255		
CS paid other relationship	0	0	Child 2	717		
Adj. to income (ATI)	0	0	Child 3	1,096		
Ptr Support Pd. other P'ships	0	0	SS Payor	Father		
Health insurance	719	0	Alameda	346		
Qual. Bus. Inc. Ded.	0	0	Total	2,414		
Itemized deductions	0	0	Savings	0		
Other medical expenses	0	0	No releases			
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	85	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	977	554				
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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6. JENNIFER CURTIS V. LEON CURTIS

22FL0526

On March 15, 2024, Petitioner filed a Request for Order (RFO) seeking an order shortening time, an order to show cause, an order for attorney's fees, and for sanctions. The order shortening time was granted and a hearing was set for the present date. The RFO and supporting documents were mail served on March 15th. Respondent filed a Responsive Declaration to Request for Order on March 27th.

Petitioner's request for an order to show cause is denied for lack of proper service and failure to file the mandatory Judicial Council Form FL-410. Forms adopted for mandatory use "must be used by all parties." Cal. Rule of Ct. Rule 1.31. Where contempt proceedings have been filed using the requisite FL-410, service of contempt papers must be done by personal service to the accused. Albrecht v. Sup. Ct., 132 Cal. App. 3d 612, 618-619 (1982); *See also* Cal. Civ. Pro. §§ 1015 & 1016. Here, Petitioner failed to file the FL-410 and service of her request was done via mail with the rest of the RFO documents. Therefore, the request for an order to show cause is denied.

Petitioner is requesting attorney's fees and costs in the amount of \$19,590.40 pursuant to Family Code § 2030. She is requesting sanctions in the same amount pursuant to Family Code § 271. She was previously awarded \$5,000 in attorney's fees, which has not been paid. Since that time, she has incurred a total of \$17,090.40 in fees and costs. She anticipates incurring an additional \$2,500 as a result of filing a reply, if any, and appearing at the hearing on the present RFO.

Respondent opposes the request as Petitioner has the ability to pay her own attorney's fees. He argues that it is Petitioner who is dragging out the proceedings and causing both parties to incur fees and costs. He also notes that Petitioner did not serve an Income and Expense Declaration with her RFO, which she is required to do when requesting fees.

The court denies Petitioner's request for attorney's fees. Petitioner failed to file an Income and Expense Declaration concurrently with her RFO, as required by El Dorado County Local Rule 8.03.01. The court reserves on Petitioner's request for sanctions until the time of trial.

All prior orders remain in full force and effect. Respondent is admonished that failure to comply with court orders may result in sanctions and/or contempt.

TENTATIVE RULING #6: THE COURT DENIES PETITIONER'S REQUEST FOR ATTORNEY'S FEES. PETITIONER FAILED TO FILE AN INCOME AND EXPENSE DECLARATION CONCURRENTLY WITH HER RFO, AS REQUIRED BY EL DORADO COUNTY LOCAL RULE 8.03.01. THE COURT RESERVES ON PETITIONER'S REQUEST FOR SANCTIONS UNTIL THE TIME OF TRIAL.

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ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ADMONISHED THAT FAILURE TO COMPLY WITH COURT ORDERS MAY RESULT IN SANCTIONS AND/OR CONTEMPT.

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7. 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 matter came before the court on November 30, 2023, at which time the parties presented the court with a stipulation in which they agreed to adopt the CCRC report and reached several other agreements. The stipulation was adopted as the orders of the court and a review hearing was set for the present date to address the issue of physical custody.

The Supplemental Declaration of Respondent Lauren Lober in Support of Joint Physical Custody was filed on March 28, 2024. It was served both electronically and by mail on the same date. Petitioner has not filed a supplemental declaration.

According to Respondent the visits have been going well and she has obtained suitable housing for the minor. She further states she has been sober for 18 months. She is requesting joint physical custody, though she has not proposed a visitation schedule.

In the initial RFO, Respondent was requesting the court affirm its prior orders for parenting time from Friday evenings to Sunday evenings. In the CCRC report, the parties agreed that after two weeks of a shortened visitation schedule the parties would move to a schedule of Friday through Sunday on the 1st, 3rd, and 4th weekend of each month. It is somewhat unclear if Respondent is requesting an increase in parenting time from that schedule. That said, the parties are to share joint physical custody with Respondent to have visitation on the 1st, 3rd, and 4th weekend of each month from 6:00 pm on Friday (Respondent to pick the minor up from the Boys and Girls Club) to 4:00 pm on Sunday. 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 #7: THE PARTIES ARE TO SHARE JOINT PHYSICAL CUSTODY WITH RESPONDENT TO HAVE VISITATION ON THE 1ST, 3RD, AND 4TH WEEKEND OF EACH MONTH FROM 6:00 PM ON FRIDAY (RESPONDENT TO PICK THE MINOR UP FROM THE BOYS AND GIRLS CLUB) TO 4:00 PM ON SUNDAY. 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

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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.

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8. LORRAINE SEBREN V. ERNEST SEBREN

PFL20200288

This matter is before the court for hearing on a Request for Order (RFO) filed by Petitioner on March 27, 2024. It was electronically served on March 29th. Respondent filed and served a Responsive Declaration to Request for Order on April 5th. Petitioner's Reply Declaration to Respondent's Responsive Declaration was filed and served on April 8th.

Petitioner filed her RFO requesting the following orders: (1) Respondent to list the property located on Shell Lane in Placerville at the fair market value of \$860,000 with Petitioner to choose the listing agent and to be in charge of the sale; (2) An injunction precluding Respondent from renewing the lease on 502 Shell Lane, which extends through May 31, 2024, and an injunction from pursuing a lease for the home located at 503 Shell Lane; (3) Respondent to pay Petitioner one-half of the monthly SSDI payments for their son from July 2022 to present and future payments to be made to Petitioner within 7 days of Respondent's receipt of each SSDI payment. She also asks for the court to enforce its prior order that the Shell Lane properties be listed for sale and the equalization payment of \$100,000, which was due on November 18, 2023, be paid to her with interest at 5% per annum. She calculates the total amount owed to be \$110,000.

Respondent opposes Petitioner's requests. He states that as of the hearing date the home will likely have been refinanced and Petitioner will have received her equalization payment, plus interest. He requests Petitioner be ordered to sign the documents from the title company which would allow him to obtain the loan to pay Petitioner the amount owed which he calculates to be \$109,684.93. He also asks for an order denying Petitioner half of the SSDI payments as she has not had any meaningful parenting time with the disabled adult child for the past two years.

To ensure that community assets are divided equally, the court holds broad discretion to "...make any orders [it] considers necessary..." Fam. Code § 2553. This includes ordering the sale and division of proceeds of the marital residence. Marriage of Holmgren, 60 Cal. App. 3d 869 (1976); *See also* In re Marriage of Horowitz, 159 Cal. App. 3d 368 (1984).

The court has reviewed the filings as outlined above and finds that Respondent has had more than sufficient opportunity to pay the equalization payment by its due date and he has not done so. The April 29, 2022 judgment states, in no uncertain terms, "[s]ale of Shell Lane is required if the equalization payment is not paid by the due date..." Therefore, the parties are ordered to list the Shell Lane property for sale with a real estate agent or broker no later than April 25, 2024. Petitioner shall choose the real estate agent or broker and the parties are to list the property at the price recommended by the real estate agent or broker. The parties are ordered to take no action which would delay, hinder, or otherwise prevent the sale, including

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actions which would prevent cleaning, repairs, and maintenance or showing of the home in furtherance of its sale. The parties are ordered to cooperate with the real estate professional to make the home available for showings and to communicate with the real estate professional as needed. The parties are ordered to accept any reasonable offer for the purchase of the home if one is received. The parties are to sign all documents related to the sale of the home in a timely manner. To facilitate the sale of the home as expeditiously as possible, Petitioner's requests for injunctive relief are granted. Respondent shall not renew the lease for the home at 503 Shell Lane, nor shall he commence any new lease at 501 Shell Lane.

Net proceeds of the sale are to be placed in an attorney trust account with Respondent's attorney. The proceeds shall not be distributed to Respondent until after Petitioner has received her portion of the SSDI payments from July 2022 to present and her equalization payment, in the amount of \$100,000 plus interest at 5% per annum which shall be calculated as of the date of distributing the funds.

Moving forward, Respondent is ordered to pay Petitioner her portion of the SSDI payments within 7 days of his receipt thereof.

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

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO LIST THE SHELL LANE PROPERTY FOR SALE WITH A REAL ESTATE AGENT OR BROKER NO LATER THAN APRIL 25, 2024. PETITIONER SHALL CHOOSE THE REAL ESTATE AGENT OR BROKER AND THE PARTIES ARE TO LIST THE PROPERTY AT THE PRICE RECOMMENDED BY THE REAL ESTATE AGENT OR BROKER. THE PARTIES ARE ORDERED TO TAKE NO ACTION WHICH WOULD DELAY, HINDER, OR OTHERWISE PREVENT THE SALE, INCLUDING ACTIONS WHICH WOULD PREVENT CLEANING, REPAIRS, AND MAINTENANCE OR SHOWING OF THE HOME IN FURTHERANCE OF ITS SALE. THE PARTIES ARE ORDERED TO COOPERATE WITH THE REAL ESTATE PROFESSIONAL TO MAKE THE HOME AVAILABLE FOR SHOWINGS AND TO COMMUNICATE WITH THE REAL ESTATE PROFESSIONAL AS NEEDED. THE PARTIES ARE ORDERED TO ACCEPT ANY REASONABLE OFFER FOR THE PURCHASE OF THE HOME IF ONE IS RECEIVED. THE PARTIES ARE TO SIGN ALL DOCUMENTS RELATED TO THE SALE OF THE HOME IN A TIMELY MANNER. TO FACILITATE THE SALE OF THE HOME AS EXPEDITIOUSLY AS POSSIBLE, PETITIONER'S REQUESTS FOR INJUNCTIVE RELIEF ARE GRANTED. RESPONDENT SHALL NOT RENEW THE LEASE FOR THE HOME AT 503 SHELL LANE, NOR SHALL HE COMMENCE ANY NEW LEASE AT 501 SHELL LANE.

NET PROCEEDS OF THE SALE ARE TO BE PLACED IN AN ATTORNEY TRUST ACCOUNT WITH RESPONDENT'S ATTORNEY. THE PROCEEDS SHALL NOT BE DISTRIBUTED TO RESPONDENT UNTIL AFTER PETITIONER HAS RECEIVED HER PORTION OF THE SSDI PAYMENTS FROM JULY 2022 TO PRESENT AND HER EQUALIZATION PAYMENT, IN THE AMOUNT OF

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\$100,000 PLUS INTEREST AT 5% PER ANNUM WHICH SHALL BE CALCULATED AS OF THE DATE OF DISTRIBUTING THE FUNDS.

MOVING FORWARD, RESPONDENT IS ORDERED TO PAY PETITIONER HER PORTION OF THE SSDI PAYMENTS WITHIN 7 DAYS OF HIS RECEIPT 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.

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9. NICOLE RILEY V. RANDY LOWELL HOFF

22FL0770

On February 5, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). There is no Proof of Service for this document on file and therefore it is dropped from calendar due to lack of proper service.

On February 13, 2024 the parties appeared before the court on, among other things, an Order to Show Cause Re Contempt (OSC) filed by Petitioner on June 26, 2023. The OSC was originally set to be heard on July 27th but it has since been continued several times. At the February 13, 2024 hearing the court appointed Respondent an alternate Public Defender and once again continued the hearing on the OSC and set it for the present date.

On March 18, 2024, the parties appeared before the court on a request for Domestic Violence Restraining Order (DVRO) which the court ultimately granted. As the prevailing party on the DVRO, Petitioner requested attorney's fees and costs. The court continued the issue to the present date and ordered Respondent to file an Income and Expense Declaration no later than March 29th.

Respondent has not filed an Income and Expense Declaration as he was ordered to do.

The parties are ordered to appear for arraignment on the June 26, 2023 OSC and on the issue of attorney's fees. Respondent is ordered to bring with him a completed Income and Expense Declaration.

TENTATIVE RULING #9: THE OSC FILED ON FEBRUARY 5, 2024 IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE JUNE 26, 2023 OSC AND ON THE ISSUE OF ATTORNEY'S FEES. RESPONDENT IS ORDERED TO BRING WITH HIM A COMPLETED 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.

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9A. JENNIFER BISHOP V. ADAM FOWLER

PFL20210394

Respondent filed a Request for Order (RFO) on March 25, 2024, it was personally served on March 21st. A Memorandum of Points and Authorities on Behalf of Petitioner in Opposition to Motion to Quash by Respondent and Declaration of Counsel was filed and served on April 5th. Respondent then filed a Declaration in Support of Motion to Quash Subpoena and Motion to File Documents Under Seal; Response Petitioner's Request for Sanctions. There is no Proof of Service for Respondent's reply declaration and therefore it has not been read or considered by the court.

Respondent seeks to quash or modify the deposition subpoena for employment records issued to e.Republic on March 7, 2024. He argues that the subpoena is overly broad and seeks the disclosure of irrelevant and private information. In addition to the foregoing, Respondent seeks an order allowing any and all materials obtained via the subpoena to be filed under seal pursuant to California Rule of Court 2.551. Finally, he is seeking costs and fees in the amount of \$595 as a sanction against Petitioner.

Petitioner argues that the requested information falls within the scope of "relevance" as the term is used in the discovery phase of litigation. In other words, the subpoena is reasonably calculated to lead to the discovery of admissible evidence. Petitioner notes that Respondent has filed a motion to modify spousal support and therefore, Petitioner argues that the information requested is necessary in preparing her defense against that motion. She further argues that Respondent's privacy claim was essentially waived when he placed his own employment at issue by filing for a reduction in support. Finally, Petitioner argues that Respondent's request to file the documents under seal should be denied as he failed to follow the procedural requirements of California Rule of Court 2.551. Petitioner asks the court to sanction Respondent for his tactical filing of the present motion which she feels is intended to increase the time and expenses of litigation.

The court finds its authority to file records under seal in California Rule of Court Rule 2.551. In accordance with the terms of Rule 2.551, a party seeking an order to have documents filed under seal must lodge the requested records with the court when the motion is made. Cal. Rule Ct. 2.551(b)(4). Here, Respondent has failed to file the documents he wishes to be sealed and therefore, his request to have his employment records filed under seal is denied.

Turning now to the motion to quash or limit the subpoena, the motion is denied. Civil Procedure Section 1987.1 vests the court with the authority to either quash a deposition subpoena in its entirety or to modify it. Cal. Civ. Pro. § 1987.1(a). Here, Respondent objects to the subpoena on three main grounds: (1) unduly burdensome; (2) overbroad and not reasonably likely to lead to the discovery of admissible evidence; (3) the information sought is

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protected by privacy laws; and (4) implications to on ongoing severance negotiations. The court addresses each objection as follows.

First and foremost, Respondent's objection that the subpoena is unduly burdensome is overruled. In ruling on an undue burden objection, courts are to "weigh the cost, time, and expense and disruption of normal business resulting from an order compelling the discovery against the probative value of the material which might be disclosed if discovery is ordered" Calcor Space Facility, Inc. v. Sup. Ct., 53 Cal. App. 4th 216 (1997). To facilitate the court's determination, the objecting party must provide more than conclusory statements as to the claimed burden. See Coriell v. Sup. Ct., 39 Cal. App. 3d 487 (1974). Here, Respondent has failed to establish any burden he may suffer from the gathering and production of documents in response to the subpoena where he is not the one actually responding to the subpoena. Therefore, the objection is overruled.

Regarding Respondent's objection on the basis of breadth and relevance, generally speaking, "...a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter is itself admissible in evidence *or appears reasonably calculated to lead to the discovery of admissible evidence.*" Cal. Civ. Pro. § 2017.010 (emphasis added). The need for broad discovery is so critical to ensuring the fairness of the litigation process that "[a]ny doubt about discovery is to be resolved in favor of disclosure." Advanced Modular Sputtering, Inc. v. Sup. Ct., 132 Cal. App. 4th 826 (2005). "Relevant to the subject matter" is broader than relevance to the issues which determine admissibility of evidence at trial. Bridgestone-Firestone Inc. v. Sup. Ct., 7 Cal. App. 4th 1384 (1992). In fact, admissibility is not the test. You may discover matters that, themselves, are inadmissible or irrelevant so long as their production may lead to the discovery of admissible evidence. Dodge, Warren & Peters Insurance Services, Inc. v. Riley, 105 Cal. App. 4th 1414 (2003).

The subpoena at issue seeks "all employment records...including but not limited to performance evaluations, compensation records, job duty description, notification of job change, employee handbook, disciplinary actions, employment termination notice, etc." While Respondent may be correct that some of the information sought may not be directly admissible at the pending spousal support hearing, admissibility is not the test. Petitioner is afforded broad leeway in conducting discovery so long as it appears reasonably calculated to lead to the discovery of admissible evidence. The subpoena properly limits the request to the time frame of only 3 years, not Respondent's entire employment history. Further, the specified timeframe (January 1, 2021 through current) seeks disclosure of information which encompasses the relevant timeframe which is separation of the parties to present. For the foregoing reasons,

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Respondent's objection that the subpoena is overbroad and seeks irrelevant information is overruled.

Respondent is asserting his right to privacy and objects to the subpoena on that basis as well. Personnel files do fall within the zone of privacy. Bd. Of Trustees of Leland Stanford Jr. Univ. v. Sup. Ct., 119 Cal. App. 3d 516 (1981). Nevertheless, one's constitutional right of privacy is not absolute and, upon a showing of some compelling public interest, the right of privacy must give way. *Id.* at 525, *See also Harris v. Sup. Ct.*, 3 Cal.App.4th 661, 664 (1992). "When the right to discovery conflicts with a privileged right, the court is required to carefully balance the right of privacy with the need for discovery. [Citations]." Harris v. Sup. Ct., 3 Cal.App.4th 661, 665 (1992).

In determining whether the subpoena for employment records is proper the court must balance Respondent's privacy rights in his employment records against the need for disclosure in the face of a pending motion to decrease spousal support. By asserting that he was terminated from his employment, Respondent has put his own employment at issue. The subpoena is only looking to obtain records regarding Respondent's employment since separation to the present to determine the grounds for termination, whether Respondent voluntarily acted in a manner so as to cause himself to be terminated, his income for the relevant time frame, his earning capacity and job skills. Certainly, there is a compelling public interest in ensuring that spousal support orders are accurate to the fullest extent possible. Respondent's employment file for the relevant time period quite clearly contains information that is necessary in accurately assessing the issue of spousal support. Therefore, the privacy objection is overruled.

Finally, the court finds no merit in Respondent's argument that disclosure may affect ongoing negotiations with Respondent's prior employer. In fact, Respondent's assertion in this regard is rather unclear as to how the disclosure of documents that are already in his employer's possession would affect his negotiations with his employer.

For the foregoing reasons, Respondent's motion to quash or, in the alternative, limit the subpoena is denied. Each party's request for sanctions is denied. Petitioner shall prepare and file the Findings and Orders After Hearing.

The court notes Respondent's Attachment 10 to Request for Order and the attached Exhibit A contain personal identifying information of Respondent. The clerk of the court is ordered to place these documents under seal.

TENTATIVE RULING #9A: THE REQUEST TO FILE EMPLOYMENT RECORDS UNDER SEAL IS DENIED AS RESPONDENT HAS FAILED TO FOLLOW THE PROCEDURAL REQUIREMENTS OF CALIFORNIA RULE OF COURT 2.551. RESPONDENT'S MOTION TO QUASH OR, IN THE

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ALTERNATIVE LIMIT, THE SUBPOENA IS DENIED. EACH PARTY'S REQUEST FOR SANCTIONS IS DENIED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

THE COURT NOTES RESPONDENT'S ATTACHMENT 10 TO REQUEST FOR ORDER AND THE ATTACHED EXHIBIT A CONTAIN PERSONAL IDENTIFYING INFORMATION OF RESPONDENT. THE CLERK OF THE COURT IS ORDERED TO PLACE THESE DOCUMENTS UNDER SEAL.

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.

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9B. SARAH LEAHY V. ALEXANDER LEAHY

PFL20190491

Respondent filed an ex parte application for emergency orders on April 4, 2024. Petitioner was properly served. Respondent is requesting the court order the minor not to be left with the maternal grandparents unsupervised at any time. Respondent is further requesting the mutual right of first refusal if either parent needs to be away for 12 hours or more. Respondent asserts Petitioner has moved in with the maternal grandparents and is planning to travel to Germany on April 22, 2024, for approximately 10 days. Respondent believes it is Petitioner's intent to leave the minor with the maternal grandparents for the time she is out of the country.

The court denied the request on an ex parte basis but granted an order shortening time and set the matter for a hearing on April 11, 2024. Petitioner was directed to file and serve a Responsive Declaration on or before April 8, 2024.

Petitioner filed a Responsive Declaration on April 8, 2024. Respondent was served electronically the same day. Petitioner objects to Respondent's requested orders. Petitioner asserts Respondent has been aware of her intention to move in with the maternal grandparents since approximately mid-March and has included a Talking Parents conversation as Exhibit A, which supports this contention. Petitioner further asserts Respondent has not objected to the minor spending time with the maternal grandparents in the past. Petitioner acknowledges maternal grandfather used corporal punishment, which left marks, on the minor approximately three years ago. Petitioner states maternal grandfather has taken a parenting class to learn alternative forms of discipline and has included a certificate of completion, Exhibit C. Petitioner also objects to Respondent's request for the mutual right of first refusal if the other parent is going to be away for more than 12 hours. Petitioner asserts this will only lead to more conflict between the parties. Petitioner further alleges Respondent has utilized the paternal grandmother for extended childcare during his parenting time over the spring break holiday.

The court has read and considered the filings as outlined above. The court denies Respondent's request to restrict the minor's access to the maternal grandparents to supervised contact only. The court finds the incident with the maternal grandfather occurred three years ago and maternal grandfather has taken a parenting class. The court finds this has ameliorated the risk to the minor. The court is ordering there is to be no corporal punishment used by any third party.

As to the request for the mutual right of first refusal, the court grants Respondent's request, for any period over 12 hours that the custodial parent will be away from the minor.

Family Code section 271 states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers

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or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). The court cannot find Respondent's actions have increased the cost of litigation or failed to promote settlement. Respondent made attempts to meet and confer with Petitioner's counsel prior to the filing of the ex parte application. The court notes an Order Shortening Time would have been required to hear this matter timely even if he had filed in mid-March when he was first made aware of Petitioner's intention to move in with the maternal grandparents. Therefore, the court denies Petitioner's request for sanctions.

However, the court admonishes Respondent regarding his declaration to the court that he was not informed of the upcoming changes and travel until April 1, 2024. It is clear to the court that this is misleading at best. Respondent was informed of the upcoming changes on March 16, 2024, as evidenced by the Talking Parents conversations in Petitioner's Exhibit A. While the court is not imposing sanctions at this time, any future attempts to mislead the court may result in a sanctions order.

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 #9B: THE COURT DENIES RESPONDENT'S REQUEST TO RESTRICT THE MINOR'S ACCESS TO THE MATERNAL GRANDPARENTS TO SUPERVISED CONTACT ONLY. THE COURT FINDS THE INCIDENT WITH THE MATERNAL GRANDFATHER OCCURRED THREE YEARS AGO AND MATERNAL GRANDFATHER HAS TAKEN A PARENTING CLASS. THE COURT FINDS THIS HAS AMELIORATED THE RISK TO THE MINOR. THE COURT IS ORDERING THERE IS TO BE NO CORPORAL PUNISHMENT USED BY ANY THIRD PARTY. AS TO THE REQUEST FOR THE MUTUAL RIGHT OF FIRST REFUSAL, THE COURT GRANTS RESPONDENT'S REQUEST, FOR ANY PERIOD OVER 12 HOURS THAT THE CUSTODIAL PARENT WILL BE AWAY FROM THE MINOR. THE COURT DENIES PETITIONER'S REQUEST FOR SANCTIONS FOR THE REASONS SET FORTH ABOVE. RESPONDENT IS ADMONISHED THAT FUTURE ATTEMPTS TO MISLEAD THE COURT MAY RESULT IN SANCTIONS. 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

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**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.**

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10. BREE ST. CLAIR V. DANIEL ST. CLAIR

22FL1086

This matter is before the court for hearing on a Request for Order (RFO) filed by Petitioner on November 9, 2023. She filed her Income and Expense Declaration concurrently with the RFO and both documents were mail served the same date as filing.

The parties attended Child Custody Recommending Counseling (CCRC) on January 3, 2024, and were able to reach agreements on issues of custody and visitation. A report codifying the agreements was prepared and mailed to the parties on February 8th.

Respondent's Responsive Declaration to Request for Order was filed and served on February 13th. He subsequently filed and served his Income and Expense Declaration on February 14th. On February 15th, Petitioner filed a Supplemental Declaration Re Respondent's Late Filing.

Petitioner brings her RFO seeking custody and visitation orders as well as child support, spousal support, attorney's fees, and reimbursement of bail. Specifically, she is requesting joint legal and joint physical custody of the parties' three children utilizing the schedule they had previously agreed upon. She is requesting guideline child and spousal support with an overtime schedule. She also asks for each party to pay their own daycare providers and for Respondent to pay, through his HSA, Petitioner's medical expenses in the amount of \$4,250 that were incurred during the marriage and any medical expenses incurred by the children. She is also requesting reimbursement of \$10,000 in bail that she paid for two instances where Respondent had her arrested on allegedly baseless allegations. Finally, Petitioner is requesting \$10,000 in attorney's fees and costs pursuant to Family Code § 2030.

On February 22, 2024, the parties appeared for the hearing. Petitioner late filed an updated Income and Expense Declaration. Respondent requested a continuance due to the late filed Income and Expense Declaration. The court adopted portions of the tentative ruling, as to child custody and parenting time. The court made orders as to guideline child support and temporary spousal support, and reserved jurisdiction to retroactively modify support to November 15, 2023. The court also reserved on the request for attorney's fees and arrears. The court set a further hearing on April 11, 2024 to further address the support calculations, as well as arrears, and attorney's fees. The court advised parties that if they wished to submit updated Income and Expense Declarations, they must do so at least five days prior to the hearing and Supplemental Declarations at least 10 days prior to the hearing.

Petitioner filed a Supplemental Declaration as well as an Income and Expense Declaration on March 29, 2024. Respondent was served by mail the same day. Petitioner is seeking a modification of the child and spousal support orders based on her updated income effective March 1, 2024. Petitioner is also seeking Family Code section 2030 attorney's fees.

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Petitioner requests the court defer the payment of the child support and spousal support arrears until the sale of the former family residence, and that it be paid out of Respondent's share, however, Petitioner requests Respondent pay interest on the arrears at 10% interest. Petitioner is also seeking an order that Respondent pay the past due medical expenses for the minors.

Respondent filed an updated Income and Expense Declaration on April 4, 2024. Petitioner was electronically served on April 4, 2024. Respondent has not filed a Supplemental Declaration.

The court has read and considered the filings as outlined above and make the following findings and orders.

Based on the March 29th and April 4th filed Income and Expense Declarations, utilizing and 50% time share and the parties' tax filing status of married filing jointly, the court finds guideline child support to be \$1,811 per month payable from Respondent to Petitioner. (See attached DissoMaster.) The court orders Respondent to pay Petitioner \$1,811 as and for guideline child support effective March 1, 2024 and payable on the 1st of each month until further court order or termination by operation of law.

The court reserves on the arrears owed both from this order and from the February 22, 2024 order. The court grants Petitioner's request that the arrears balance will be taken from Respondent's community share of the sale of the former family residence and that interest will accrue pending the final distribution of the funds.

The court further finds, based on the March 29th and April 4th Income and Expense Declarations, guideline temporary spousal support based on the Alameda formula is \$1,175 payable from Respondent to Petitioner. (See attached DissoMaster.) The court orders Respondent to pay Petitioner \$1,175 per month as and for guideline temporary spousal support effective March 1, 2024 and payable on the 1st of each month until further order of the court or termination by operation of law.

The court reserves on the arrears owed both from this order and from the February 22, 2024 order. The court grants Petitioner's request that the arrears balance will be taken from Respondent's community share of the sale of the former family residence and that interest will accrue pending the final distribution of the funds.

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. 4th 860, 866 (1999). This assures each party has access to legal representation to preserve each party's

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rights. It “is not the redistribution of money from the greater income party to the lesser income party,” but rather “parity.” Alan S. v Superior Court, 172 Cal. App. 4th 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).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. “In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party’s case adequately.” *Id.* at (b).

Here, while there is clearly a disparity in income, the court is concerned with Respondent’s ability to pay. The court notes, Petitioner has asserted in her Supplemental Declaration that Respondent has failed to make mortgage payments for the former family residence. The court also must take into consideration the current support orders. The court finds an award of \$5,000 is appropriate. The court grants Petitioner’s request for attorney’s fees in the amount of \$5,000. Payment may be made in one lump sum or in installment payments of \$500 per month (for approximately 10 months) directly to Petitioner’s counsel Gregory Clark. Payment is due on or before May 1, 2024, and on the 1st of each month if Respondent elects to make payments. If any payment is missed or late, the full amount owing is due with legal interest.

Regarding the requested reimbursement of bail and an order directing Respondent to pay past due medical expenses, Respondent has not addressed this request in his responsive declaration. The bills were incurred during the marriage. Respondent is ordered to timely and fully make payments on the \$4,250 in medical expenses that were incurred during the marriage. Payments are subject to reallocation at trial in the issue of property division.

The parties are ordered to equally split the cost of any uninsured medical and dental expenses for the children. Pursuant to Petitioner’s request, the parties shall each pay for their own childcare providers.

The court reserves on the issue of Petitioner’s request for reimbursed bail money until final judgment on the issue of property division.

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 COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,811 PER MONTH PAYABLE FROM RESPONDENT TO PETITIONER. (SEE ATTACHED DISSOMASTER.) THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,811 AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE MARCH 1, 2024 AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL FURTHER COURT ORDER OR TERMINATION BY OPERATION OF LAW. THE COURT RESERVES ON THE ARREARS OWED BOTH FROM THIS ORDER AND FROM THE FEBRUARY 22, 2024 ORDER. THE COURT GRANTS PETITIONER'S REQUEST THAT THE ARREARS BALANCE WILL BE TAKEN FROM RESPONDENT'S COMMUNITY SHARE OF THE SALE OF THE FORMER FAMILY RESIDENCE AND THAT INTEREST WILL ACCRUE PENDING THE FINAL DISTRIBUTION OF THE FUNDS.

THE COURT FURTHER FINDS, BASED ON THE MARCH 29TH AND APRIL 4TH INCOME AND EXPENSE DECLARATIONS, GUIDELINE TEMPORARY SPOUSAL SUPPORT BASED ON THE ALAMEDA FORMULA IS \$\$1,175 PAYABLE FROM RESPONDENT TO PETITIONER. (SEE ATTACHED DISSOMASTER.) THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$1,175 PER MONTH AS AND FOR GUIDELINE TEMPORARY SPOUSAL SUPPORT EFFECTIVE MARCH 1, 2024 AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT RESERVES ON THE ARREARS OWED BOTH FROM THIS ORDER AND FROM THE FEBRUARY 22, 2024 ORDER. THE COURT GRANTS PETITIONER'S REQUEST THAT THE ARREARS BALANCE WILL BE TAKEN FROM RESPONDENT'S COMMUNITY SHARE OF THE SALE OF THE FORMER FAMILY RESIDENCE AND THAT INTEREST WILL ACCRUE PENDING THE FINAL DISTRIBUTION OF THE FUNDS.

THE COURT GRANTS PETITIONER'S REQUEST FOR ATTORNEY'S FEES IN THE AMOUNT OF \$5,000. PAYMENT BE MADE IN ONE LUMP SUM OR IN INSTALLMENT PAYMENTS OF \$500 PER MONTH (FOR APPROXIMATELY 10 MONTHS) DIRECTLY TO PETITIONER'S COUNSEL GREGORY CLARK. PAYMENT IS DUE ON OR BEFORE MAY 1, 2024, AND ON THE 1ST OF EACH MONTH IF RESPONDENT ELECTS TO MAKE PAYMENTS. IF ANY PAYMENT IS MISSED OR LATE THE FULL AMOUNT OWING IS DUE WITH LEGAL INTEREST.

RESPONDENT IS ORDERED TO TIMELY AND FULLY MAKE PAYMENTS ON THE \$4,250 IN MEDICAL EXPENSES THAT WERE INCURRED DURING THE MARRIAGE. PAYMENTS ARE SUBJECT TO REALLOCATION AT TRIAL IN THE ISSUE OF PROPERTY DIVISION.

THE PARTIES ARE ORDERED TO EQUALLY SPLIT THE COST OF ANY UNINSURED MEDICAL AND DENTAL EXPENSES FOR THE CHILDREN. PURSUANT TO PETITIONER'S REQUEST, THE PARTIES SHALL EACH PAY FOR THEIR OWN CHILDCARE PROVIDERS.

THE COURT RESERVES ON THE ISSUE OF PETITIONER'S REQUEST FOR REIMBURSED BAIL MONEY UNTIL FINAL JUDGMENT ON THE ISSUE OF PROPERTY DIVISION.

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 8:30 AM ON APRIL 11, 2024.

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): 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	3	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	12,849	Payment (cost)/benefit	(2,986) 2,986
Filing status	MFJ->	<-MFJ	Mother	5,471	Net spendable income	9,863 8,458
# Federal exemptions	1*	4*	Total	18,320	% combined spendable	53.8% 46.2%
Wages + salary	18,434	7,800	Support (Nondeductible)		Total taxes	5,217 2,329
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	18,320
Self-employment income	0	0	Presumed	1,811	Proposed	
Other taxable income	0	0	Basic CS	1,811	Payment (cost)/benefit	(2,986) 2,986
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	9,863 8,458
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	374	% combined spendable	53.8% 46.2%
Ordinary dividends	0	0	Child 2	546	% of saving over gdl	0% 0%
Tax. interest received	0	0	Child 3	890	Total taxes	5,217 2,329
Social Security received	0	0	SS Payor	Father	Comb. net spendable	18,320
Unemployment compensation	0	0	Alameda	1,175	Percent change	0.0%
Operating losses	0	0	Total	2,986	Default Case Settings	
Ca. operating loss adj.	0	0	Proposed, tactic 9			
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father		
Rental income	0	0	Presumed	1,811		
Misc ordinary tax. inc.	0	0	Basic CS	1,811		
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
SS paid other marriage	0	0	Child 1	374		
CS paid other relationship	0	0	Child 2	546		
Adj. to income (ATI)	0	0	Child 3	890		
Ptr Support Pd. other P'ships	0	0	SS Payor	Father		
Health insurance	0	0	Alameda	1,175		
Qual. Bus. Inc. Ded.	0	0	Total	2,986		
Itemized deductions	0	0	Savings	0		
Other medical expenses	0	0	No releases			
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	369	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

April 11, 2024

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

11. DAVID KRELL V. JOSEPHINE CONNELLY

23FL0335

On March 19, 2024, Petitioner filed a Motion for Joinder to join his mother, the minor's paternal grandmother, Marie Wagnon, as a party to the case. Respondent was served by mail on March 19, 2024. Petitioner has included a declaration setting forth the reasons he believes joinder is necessary and appropriate.

Respondent filed a Responsive Declaration on April 2, 2024. Proof of Service shows Petitioner was served by mail on April 2, 2024. The court finds this to be late filed and therefore, has not considered it.

Petitioner filed a Declaration of Marie Wagnon on April 2, 2024. Respondent was served by mail on April 2, 2024. This document is late filed and therefore, the court has not considered it.

The court has reviewed and considered the filings as set forth above. Petitioner has not set forth any grounds upon which the court could grant the motion for joinder. There is no need for Marie Wagnon to be a party to the case; she does not play an integral role to the matter. Therefore, the court denies the request for joinder.

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

TENTATIVE RULING #11: THE REQUEST FOR JOINDER IS DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 8:30 AM ON APRIL 11, 2024.

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

April 11, 2024

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

12. JAYMIE CEDENO V. RAFAEL CEDENO

22FL0623

On November 1, 2023, both parties and their counsel appeared for trial. The parties submitted a written stipulation to the court. The court conducted a voir dire of the parties and adopted the stipulation as its order. The court referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on December 21, 2023 and a further review hearing was set for February 1, 2024.

Despite both parties being present in court and confirming they were available for the specific date and time for CCRC, and being provided a copy of the referral, both parties failed to appear on time for the appointment. Petitioner appeared a half hour late, stating she believed the appointment to be at 1:30. Respondent did not appear until 2:45 as he believed the appointment to be the following day. As such, the CCRC report filed with the court on December 21, 2023, contains no agreements or recommendations as there was no meaningful appointment.

On February 1, 2024, the court adopted its tentative ruling, finding good cause to rerefer the parties to CCRC. The court admonished that parties, if they fail to appear, or fail to appear on time the court may impose sanctions against the party who did not appear. The court directed that any Supplemental Declarations to be filed and served at least 10 days prior to the hearing.

The parties attended CCRC on February 29, 2024, and were able to reach several agreements. A report with the parties' agreements and further recommendations was filed with the court on March 4, 2024. Copies were mailed to the parties the same day.

Neither party has filed a Supplemental Declaration.

The court has read and considered the March 4, 2024 CCRC report and finds the agreements and recommendations to be in the best interest of the minor. The court adopts the agreements and recommendations as set forth.

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 #12: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS CONTAINING THE IN THE MARCH 4, 2024 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR AND ADOPTS THEM AS ITS ORDER. 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.

ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 8:30 AM ON APRIL 11, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

April 11, 2024

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

14. MICHAEL MARINICS V. SADIE KIRKPATRICK

PFL20180869

Petitioner filed a Request for Order (RFO) on January 23, 2024, requesting modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 22, 2024 and a review hearing on April 4, 2024. Upon review of the court file, there is no Proof of Service for the RFO or referral to CCRC.

Petitioner filed an ex parte application for emergency custody orders on February 7, 2024. On February 9, 2024, the court denied the request and confirmed the previously set CCRC appointment and review hearing dates. Petitioner filed a subsequent RFO on February 9, 2024, which makes the same requests as set forth in the ex parte application as well as the prior RFO. Upon review of the court file, there is no Proof of Service for this RFO.

Only Petitioner appeared for CCRC on February 22, 2024. As such, a single parent report was filed with the court on February 22, 2024, and mailed to the parties the same day.

Respondent filed a Responsive Declaration and Income and Expense Declaration on March 5, 2024. There is no Proof of Service for either document, therefore, the court cannot consider them.

The court drops the matter from calendar due to the lack of proper service. All prior orders remain in full force and effect.

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM CALENDAR DUE THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 8:30 AM ON APRIL 11, 2024.

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

April 11, 2024

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

15. PAMELA HARE V. BENJAMIN GOFF

PFL20130645

This matter is before the court on a review and return from Child Custody Recommending Counseling (CCRC). The CCRC appointment was originally set as the result of a Request for Order (RFO) filed by Minor's Counsel on June 7, 2023. The parties were referred to CCRC with an appointment on July 31st and a hearing on the RFO was set for the present date. The RFO, the CCRC referral, and all other required documents were served on June 12th.

There is no CCRC report in the court's file though Minor's Counsel filed and served her Declaration of Rebecca Esty-Burke indicating that Respondent did not appear at CCRC nor did he attend a meeting she had scheduled with him. She is requesting the parties be re-referred to CCRC.

Petitioner filed a Supplemental Declaration of Pamela Hare on August 14th. Proof of Service shows Respondent and Minor's Counsel were served on August 14, 2023.

On August 31, 2023, the court continued the matter and rereferred the parties to CCRC for a further appointment on October 26, 2023 and a further review hearing was set for December 7, 2023.

On October 18, 2023, Respondent filed a Request to Continue the Hearing. On October 19, 2023, the court granted the Request to Continue and rescheduled CCRC at Respondent's request. A new CCRC appointment was set for December 13, 2023 and a further review hearing was set for February 1, 2024. Petitioner and Minor's Counsel were served with the order to continue and new CCRC referral on November 3, 2023.

Minor's Counsel filed a Statement of Issues and Contentions (SIC) on November 3, 2023. Both parties were served on November 2, 2023. Minor's counsel requests the current parenting plan and custody orders remain in full force and effect. Minor's Counsel further requests the parties not discuss the case, including the parenting plan schedule or exchanges, with the minor. The minor is not to be used as a messenger between the parties. Minor's counsel requests both parties be ordered to complete a parenting class and co-parenting class. Finally, Minor's Counsel requests the current order for Respondent and the minor to participate in conjoint counseling remain in effect and that the counseling services being forthwith.

Only Petitioner appeared for the CCRC appointment on December 13, 2023. As such, a single parent report was filed with the court on January 18, 2024. Copies were mailed to the parties on January 18, 2024.

Respondent has not filed a responsive declaration or any supplemental declarations.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

Minor's Counsel filed a SIC on February 21, 2024. The parties were served on February 20, 2024. Minor's Counsel requests the court grant Petitioner sole physical custody, the parties to maintain joint legal custody with Petitioner to be the final decision maker, for Respondent's parenting time to be suspended until Respondent and the minor have started conjoint counseling, and for the parties to use the Talking Parents application for all communication about the minor.

Petitioner filed a Supplemental Declaration on March 22, 2024. Respondent and Minor's Counsel were served on March 22, 2024. Petitioner is requesting sole physical custody of the minor, joint legal custody with Petitioner to be the final decision maker, removal of the right of first refusal, the parties to use the Talking Parents application for all communications about the minor, suspend Respondent's parenting time until he enrolls and participates in individual therapy, and that upon Respondent's enrollment in conjoint therapy, parenting time be professionally supervised at Respondent's expense until the parties return to CCRC.

The court has read and considered the filings as outlined above. The court makes the following findings and orders. Petitioner shall have sole physical custody. Respondent's parenting time is suspended pending enrollment and participation in conjoint therapy with the minor. The parties shall maintain joint legal custody. All communication about joint legal custody decisions shall be through the Talking Parents application. Petitioner shall have final decision-making authority after the parties have discussed the issue in good faith and have been unable to reach an agreement. The court vacates the order for right of first refusal. The court denies Petitioner's request for Respondent to participate in individual counseling as well as for professionally supervised parenting time. The parties are not to discuss the case with the minor. The minor is not to be used as a messenger between the parties. Respondent is ordered to complete a parenting class and provide the court, Petitioner, and Minor's Counsel with proof of completion by July 1, 2024. Respondent and the minor are to participate in conjoint counseling forthwith. Upon enrollment and participation in conjoint therapy, the prior parenting plan will resume.

Respondent failed to attend two separate CCRC appointments, one of which was continued at his request. Respondent has provided no good cause to the court for why he failed to attend these appointments. As such the court finds it appropriate to order sanctions in the amount of \$100 pursuant to Local Rule 8.10.02. Respondent may pay the entire amount or pay \$20 per month for five months. The first payment is due on or before May 1, 2024 and on the 15th of each month thereafter until paid in full.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

TENTATIVE RULING #15: PETITIONER SHALL HAVE SOLE PHYSICAL CUSTODY. RESPONDENT'S PARENTING TIME IS SUSPENDED PENDING ENROLLMENT AND PARTICIPATION IN CONJOINT THERAPY WITH THE MINOR. THE PARTIES SHALL MAINTAIN JOINT LEGAL CUSTODY. ALL COMMUNICATION ABOUT JOINT LEGAL CUSTODY DECISIONS SHALL BE THROUGH THE TALKING PARENTS APPLICATION. PETITIONER SHALL HAVE FINAL DECISION-MAKING AUTHORITY AFTER THE PARTIES HAVE DISCUSSED THE ISSUE IN GOOD FAITH AND HAVE BEEN UNABLE TO REACH AN AGREEMENT. THE COURT VACATES THE ORDER FOR RIGHT OF FIRST REFUSAL. THE COURT DENIES PETITIONER'S REQUEST FOR RESPONDENT TO PARTICIPATE IN INDIVIDUAL COUNSELING AS WELL AS FOR PROFESSIONALLY SUPERVISED PARENTING TIME. THE PARTIES ARE NOT TO DISCUSS THE CASE WITH THE MINOR. THE MINOR IS NOT TO BE USED AS A MESSENGER BETWEEN THE PARTIES. RESPONDENT IS ORDERED TO COMPLETE A PARENTING CLASS AND PROVIDE THE COURT, PETITIONER, AND MINOR'S COUNSEL WITH PROOF OF COMPLETION BY JULY 1, 2024. RESPONDENT AND THE MINOR ARE TO PARTICIPATE IN CONJOINT COUNSELING FORTHWITH. UPON ENROLLMENT AND PARTICIPATION IN CONJOINT THERAPY, THE PRIOR PARENTING PLAN WILL RESUME.

RESPONDENT FAILED TO ATTEND TWO SEPARATE CCRC APPOINTMENTS, ONE OF WHICH WAS CONTINUED AT HIS REQUEST. RESPONDENT HAS PROVIDED NO GOOD CAUSE TO THE COURT FOR WHY HE FAILED TO ATTEND THESE APPOINTMENTS. AS SUCH THE COURT FINDS IT APPROPRIATE TO ORDER SANCTIONS IN THE AMOUNT OF \$100 PURSUANT TO LOCAL RULE 8.10.02. RESPONDENT MAY PAY THE ENTIRE AMOUNT OR PAY \$20 PER MONTH FOR FIVE MONTHS. THE FIRST PAYMENT IS DUE ON OR BEFORE MAY 1, 2024 AND ON THE 15TH OF EACH MONTH THEREAFTER UNTIL PAID IN FULL.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 8:30 AM ON APRIL 11, 2024.

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

April 11, 2024

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

16. STEFFI AHART V. TEDDY AHART

PFL20150560

On November 30, 2023, the parties appeared for a hearing on Petitioner's Request for Order (RFO). The parties reached an agreement for the court to adopt the tentative ruling as to the minor Jesse. The parties agreed to defer the court adopting the tentative ruling as to the minor Teddy until a review hearing in April. The parties additionally agreed to Respondent having parenting time with Teddy at least three times pending the review hearing. The court adopted the parties' agreement as its order. A review hearing was set for April 11, 2024 and the parties were directed to file and serve supplemental declarations at least 10 days prior to the hearing.

Respondent filed a Declaration on March 27, 2024. Respondent filed a Proof of Service the same day, which shows Petitioner was served with the October 16, 2023 Responsive Declaration. There is no Proof of Service for the March 27, 2024 declaration and therefore, the court cannot consider it.

Petitioner filed a Supplemental Declaration on March 28, 2024. Respondent was personally served on March 28, 2024. Petitioner is requesting sole legal and physical custody of both minors.

The court has read and considered the filings as outlined above. The review hearing was set as to the minor Teddy only. If Petitioner wishes to modify the orders as to the minor Jesse, a new RFO is required. The court finds the recommendations as set forth in the November 14, 2023 CCRC report remain in the minor, Teddy's best interests. The court is adopting the recommendation with the following modification. The court is granting Petitioner final decision-making authority on legal custody decisions. Petitioner must contact Respondent via Talking Parents about any non-emergency legal custody decisions. Respondent has 72 hours to respond. If Respondent does not respond, Petitioner will have final decision on the issue. If the parties are unable to reach an agreement after a good faith discussion, Petitioner shall have final decision on the issue.

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 #16: THE COURT FINDS THE REVIEW HEARING WAS SET AS TO THE MINOR TEDDY ONLY. IF PETITIONER WISHES TO MODIFY THE ORDERS AS TO THE MINOR JESSE, A NEW RFO IS REQUIRED. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE NOVEMBER 14, 2023 CCRC REPORT REMAIN IN THE MINOR, TEDDY'S BEST INTERESTS. THE COURT IS ADOPTING THE RECOMMENDATION WITH THE FOLLOWING MODIFICATION. THE COURT IS GRANTING PETITIONER FINAL DECISION-MAKING AUTHORITY ON LEGAL CUSTODY DECISIONS. PETITIONER MUST CONTACT RESPONDENT VIA TALKING PARENTS ABOUT ANY

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 11, 2024

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

NON-EMERGENCY LEGAL CUSTODY DECISIONS. RESPONDENT HAS 72 HOURS TO RESPOND. IF RESPONDENT DOES NOT RESPOND, PETITIONER WILL HAVE FINAL DECISION ON THE ISSUE. IF THE PARTIES ARE UNABLE TO REACH AN AGREEMENT AFTER A GOOD FAITH DISCUSSION, PETITIONER SHALL HAVE FINAL DECISION ON THE ISSUE.

ANY REQUESTS FOR ORAL ARGUMENT WILL BE HEARD AT 8:30 AM ON APRIL 11, 2024.

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.