

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 2, 2024

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

**1. AMY E. SMITH V. DAVID G. SMITH**

**22FL0989**

On January 25, 2024, Petitioner filed a Request for Order (RFO) seeking \$47,000 in attorney's fees. It was mail served on February 1<sup>st</sup>. On April 16<sup>th</sup> Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration. Petitioner filed her Income and Expense Declaration on April 22<sup>nd</sup> along with a Supplemental Declaration of John R. Hughes in Support of Petitioner's Request for an Order for Attorney's Fees and Costs.

Petitioner makes her request for attorney's fees pursuant to Family Code § 2030. Respondent opposes the request but also states he is opposing her request for spousal support, though spousal support is not an issue pending before the court at this time therefore the court will not rule on it.

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

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). Ultimately, the court has wide discretion in fashioning an award of attorney fees in marital proceedings. *In re Marriage of Sorge*, 202 Cal. App. 4<sup>th</sup> 626 (2012).

Here, in reviewing the Income and Expense Declarations of the parties it is apparent that there is a disparity in income between the parties. That said, however, the analysis under Section 2030 goes further than that. The court must also consider whether the amount requested is just and reasonable. The court cannot make such a finding. Petitioner's counsel states that the matter is "garden variety" but then states that he has billed a total of \$50,673.43 without providing any justification or billing statements (with confidential information redacted). Without that, the court simply cannot find that an award of \$47,000 is just and reasonable. Petitioner's request for attorney's fees and costs is therefore denied.

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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 #1: PETITIONER'S REQUEST FOR ATTORNEY'S FEES AND COSTS IS DENIED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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**2. APRIL ROBINSON V. GORDON ROBINSON**

**PFL20210147**

The parties appeared before the court on September 26, 2023 for long cause trial on several issues. The parties represented to the court that they had reached a stipulation on all issues except the issue of spousal support. They indicated that the stipulation would be filed shortly, and they requested spousal support be placed on the law and motion calendar. The request was granted, and a hearing was set for the present date. Parties were ordered to file supplemental declarations and updated Income and Expense Declarations no later than 10 days prior to the hearing date.

There have been no filings since the September 26th hearing. The court is in possession of Income and Expense Declarations from both parties which were filed in August but there is no indication as to the amount of child support the parties stipulated to, if any, which is to be considered in ruling on spousal support.

Mr. James Gwinup appeared on behalf of all parties on November 16, 2023. Counsel conveyed that the parties were circulating a stipulation and requested a continuance to allow the stipulation to be submitted. The court granted the request and set the matter for a further review hearing on February 8, 2024.

A judgment was submitted to the court for review on November 15, 2023. On November 28, 2023, the judgment clerk issued a return letter to counsel as there were errors that needed to be corrected prior to the court signing the Judgment.

The matter came before the court on February 8<sup>th</sup> at which time the parties requested another continuance. The continuance was granted, and a hearing was set for the present date.

There have been no new filings since the last hearing therefore the parties are ordered to appear.

**TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR HEARING.**

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**3. BEAU GRIFFIN V. HANNAH GRIFFIN**

**PFL20200103**

On March 30, 2023 the court adopted a step-up plan which was agreed to by the parties and codified in the March 9, 2023 CCRC report. After several Request for Orders (RFOs) the parties reached a stipulation on September 21, 2023 which included a review hearing regarding Respondent's progress with the step-up plan. The review hearing was set for December 21st however Respondent had not filed a Supplemental Declaration and Petitioner's Supplemental Declaration was late filed. The court continued the review hearing to the present date and agreed to consider Petitioner's prior declaration if no new declaration was filed.

Petitioner's Supplemental Declaration was filed and served on December 15, 2023. Respondent filed a Declaration on December 29th indicating that it was in response to Petitioner's Supplemental Declaration. Respondent's declaration was mail served on January 4, 2024. Petitioner then filed and served a Declaration written by the children's therapist on January 16th along with Petitioner's Reply to Respondent's Supplemental Declaration Filed 12/29/23.

On February 1, 2024, the court adopted its tentative ruling. The parties were ordered to participate in co-parenting counseling at a frequency and duration as to be determined by the counselor. Petitioner's fiancé shall be allowed to participate in the co-parenting counseling. Petitioner's request for an in-patient treatment program was denied. The then current step of the step-up plan, and all prior orders, remained in place pending the presently set review hearing. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the review hearing.

Respondent filed a Declaration regarding counseling attendance on March 5, 2024. It was mail served on Petitioner on March 8, 2024. Respondent filed a Supplemental Declaration on April 12, 2024. It was served on the same day.

Petitioner filed a Declaration from Gail Healy on April 18, 2024, along with a Supplemental Declaration. Both were served on Respondent on April 17, 2024.

Respondent filed a Reply Declaration to Petitioner's Supplemental Declaration on April 22, 2024. Petitioner was served on the same date.

The court has read and considered the filings as set forth above. The court finds the minors' therapist believes it is appropriate to begin reunification counseling. Therefore, the court orders that Step 4 of the step-up plan shall begin. The parties are to work collaboratively with the minors' therapist Gail Healy to select a reunification counselor. Once a reunification counselor has been selected, the minors shall complete the intake process. The parties are to follow the recommendations of the reunification counselor as to the frequency and duration of

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reunification counseling as well as the integration of Respondent into the sessions. Respondent shall continue to participate in substance abuse testing, after care services, as well as mental health services. The parties are to follow the step-up plan as adopted by the court in March 2023.

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 #3: THE COURT FINDS THE MINORS' THERAPIST BELIEVES IT IS APPROPRIATE TO BEGIN REUNIFICATION COUNSELING, THEREFORE, THE COURT ORDERS THAT STEP 4 OF THE STEP-UP PLAN SHALL BEGIN. THE PARTIES ARE TO WORK COLLABORATIVELY WITH THE MINORS' THERAPIST GAIL HEALY TO SELECT A REUNIFICATION COUNSELOR. ONCE A REUNIFICATION COUNSELOR HAS BEEN SELECTED, THE MINORS SHALL COMPLETE THE INTAKE PROCESS. THE PARTIES ARE TO FOLLOW THE RECOMMENDATIONS OF THE REUNIFICATION COUNSELOR AS TO THE FREQUENCY AND DURATION OF REUNIFICATION COUNSELING AS WELL AS THE INTEGRATION OF RESPONDENT INTO THE SESSIONS. RESPONDENT SHALL CONTINUE TO PARTICIPATE IN SUBSTANCE ABUSE TESTING, AFTER CARE SERVICES, AS WELL AS MENTAL HEALTH SERVICES. THE PARTIES ARE TO FOLLOW THE STEP-UP PLAN AS ADOPTED BY THE COURT IN MARCH 2023. 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.**

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**4. BRITINI JOHNSON V. PATRICK JOHNSON**

**23FL1116**

This matter comes before the court for hearing on a Request for Order (RFO) filed by Petitioner on February 14, 2024. It was mail served on February 15<sup>th</sup>. Thereafter, on February 27<sup>th</sup>, she filed and served her Income and Expense Declaration.

The parties attended Child Custody Recommending Counseling on March 11, 2024. While they reached agreements on some issues, they were not able to agree on everything therefore a report containing the agreements and recommendations was prepared on March 14<sup>th</sup>.

On April 17<sup>th</sup>, Petitioner filed and served Petitioner's Reply Declaration to CCRC Report as well as Petitioner's Supplemental Declaration. On April 18<sup>th</sup>, Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration.

Petitioner brings her RFO requesting the following orders: (1) Sole legal and sole physical custody of the minor children; (2) She requests visitation to Respondent for up to four hours per visit with no overnight visits. Respondent may attend all extra-curricular activities of the children; (3) Prior to making any recommendations, Petitioner asks that the CCRC counselor meet with Rose to gain a better understanding of her relationship with Respondent; (4) In the event Petitioner is not awarded sole legal custody of the children, she requests an order directing Rose to attend counseling with a licensed therapist; (5) The imposition of respect guidelines; (6) Respondent be ordered to complete an in-person anger management course consisting of 12 sessions, prior to the commencement of overnight parenting time with the children; (7) Respondent be ordered to complete a six session parenting class with a focus on elementary school aged children prior to the commencement of overnight parenting time with the children; (8) Guideline child support and 50% of the children's out-of-pocket healthcare and extracurricular expenses; (9) Guideline temporary spousal support; (10) Petitioner to be granted exclusive use and possession of the marital residence located on Superior Drive in Camino with Petitioner to pay the mortgage; (11) Petitioner to be given access to, and log in information for, the Ring cameras and security system associated with the Ring cameras at the marital residence; and (12) Sale of the marital residence.

As stated above, the parties reached several agreements in CCRC which are codified in the CCRC report. The CCRC report also contains a proposed step-up plan for visitation, though Petitioner disputes the recommended step-up plan and asks the court to order Respondent's parenting time to occur on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> weekends of the month, instead of the CCRC counselor's recommended 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> weekend of the month. She also asks for an order directing Respondent to transport the children to and from their extracurricular activities during their parenting time. Finally, she states that the CCRC mediator failed to include in her report

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the fact that Petitioner only agreed to the holiday schedule so long as it commenced after Respondent participated in anger management and parenting classes.

Respondent asks the court to adopt the agreements of the parties as stated in the CCRC report. He also asks that the recommended step-up plan be adopted but with his overnight visits to commence immediately (step 3) and a return hearing in approximately 120 days. Regarding child support, Respondent requests a credit for payments voluntarily made post-separation. He objects to an award of spousal support in its entirety. However, Respondent agrees to granting Petitioner exclusive use and possession of the marital residence so long as she pays the mortgage, property taxes, and solar loan. He agrees to sell the residence if Petitioner is unable to buy him out or if the parties cannot agree on a sales price. The issue regarding the Ring cameras is apparently moot as Petitioner has been granted access to them. Finally, Respondent states he has no objection to Rose attending counseling.

The parties are ordered to appear to select trial and mandatory settlement conference dates. The parties are directed to meet and confer on mutually agreeable trial and mandatory settlement conference dates prior to the hearing.

**TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES. THE PARTIES ARE DIRECTED TO MEET AND CONFER ON MUTUALLY AGREEABLE TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES PRIOR TO THE HEARING.**

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**5. CAROL VAN WOERKOM V. RICHARD VAN WOERKOM**

**PFL201900042**

On February 16, 2024, Petitioner filed a Request for Order (RFO) and an accompanying Income and Expense Declaration. Both documents, along with all other required documents were mail served on February 19<sup>th</sup>. Because this is a post-judgment request for modification of child support, Petitioner filed a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, on April 19<sup>th</sup>. See Fam. Code § 215. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner brings her RFO requesting attorney's fees in the amount of \$2,500 and guideline support for each of the parties' minor children. This is a change from the current support order which amounts to \$5,825 per month but has since been reduced to \$4,691 due to the eldest child reaching the age of majority. She asks that support be recalculated utilizing an 80/20 timeshare and \$40,000 as Respondent's base monthly income. She requests a bonus schedule as well as an order for the distribution of the Adoption Assistance Funds. Attached to her moving papers is a proposed DissoMaster report.

As stated above, Respondent has not filed a response or opposition to the moving papers. 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). Here, it appears the RFO was timely and properly served on Respondent. He had notice of the pending request and has chosen not to respond; as such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious. Petitioner's RFO is granted.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that child support is \$6,299 per month. The court adopts the attached DissoMaster report as the order of the court. Respondent is ordered to pay Petitioner \$6,299 per month as and for child support, payable on the 1st of each 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 \$18,897 through and including May 1, 2024. Respondent is to receive a credit for amounts paid in the months of March, April, and May therefore arrears is to be decreased by \$14,073 ( $\$4,691 \times 3$ ) which results in a remainder of \$4,824. The court orders Respondent pay Petitioner \$804 on the 15th of each month commencing on June 15<sup>th</sup> and continuing until paid in full (approximately 6 months). If any payment is late or missed the remaining balance is due in full with legal interest within five (5) days.



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The court further finds Respondent routinely earns bonus pay and therefore, has included a bonus table with the DissoMaster. When Respondent receives a bonus payment, the parties are to adjust the support due for that month pursuant to the attached bonus table.

The court is maintaining its prior orders regarding the allocation of Adoption Assistance Funds. This issue has already been ruled on and there has been no showing to warrant setting aside that order.

Petitioner's request for attorney's fees is granted. Respondent shall pay \$2,500 directly to Petitioner's attorneys at the Bez Law Firm, P.C. This amount may be paid in one lump sum or in monthly increments of \$500 due on the 15<sup>th</sup> of each month commencing June 15<sup>th</sup> and continuing until paid in full (approximately 5 months). If any payment is missed or late the total amount shall become immediately due and payable.

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

**TENTATIVE RULING #5: PETITIONER'S RFO IS GRANTED.**

**UTILIZING THE SAME FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT CHILD SUPPORT IS \$6,299 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AS THE ORDER OF THE COURT. RESPONDENT IS ORDERED TO PAY PETITIONER \$6,299 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF EACH 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 \$18,897 THROUGH AND INCLUDING MAY 1, 2024. RESPONDENT IS TO RECEIVE A CREDIT FOR AMOUNTS PAID IN THE MONTHS OF MARCH, APRIL, AND MAY THEREFORE ARREARS IS TO BE DECREASED BY \$14,073 (\$4,691 X 3) WHICH RESULTS IN A REMAINDER OF \$4,824. THE COURT ORDERS RESPONDENT PAY PETITIONER \$804 ON THE 15TH OF EACH MONTH COMMENCING ON JUNE 15<sup>TH</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

**THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS BONUS PAY AND THEREFORE, HAS INCLUDED A BONUS TABLE WITH THE DISSOMASTER. WHEN RESPONDENT RECEIVES A BONUS PAYMENT, THE PARTIES ARE TO ADJUST THE SUPPORT DUE FOR THAT MONTH PURSUANT TO THE ATTACHED BONUS TABLE.**

**THE COURT IS MAINTAINING ITS PRIOR ORDERS REGARDING THE ALLOCATION OF ADOPTION ASSISTANCE FUNDS. THIS ISSUE HAS ALREADY BEEN RULED ON AND THERE HAS BEEN NO SHOWING TO WARRANT SETTING ASIDE THAT ORDER.**

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**PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS GRANTED. RESPONDENT SHALL PAY \$2,500 DIRECTLY TO PETITIONER'S ATTORNEYS AT THE BEZ LAW FIRM, P.C. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE ON THE 15<sup>TH</sup> OF EACH MONTH COMMENCING JUNE 15<sup>TH</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 5 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE TOTAL AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.**

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

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	20%	0%	Father	28,123	Payment (cost)/benefit	(6,299)    6,299
Filing status	MFJ->	<-MFJ	Mother	1,149	Net spendable income	21,824    7,449
# Federal exemptions	4	3	Total	29,272	% combined spendable	74.6%    25.4%
Wages + salary	41,821	1,248	<b>Support</b>		Total taxes	13,398    599
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	29,273
Self-employment income	0	0	Presumed	6,299	<b>Proposed</b>	
Other taxable income	0	500	Basic CS	6,299	Payment (cost)/benefit	(6,299)    6,299
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	21,824    7,449
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0    0
Other gains (and losses)	0	0	Child 1	2,385	% combined spendable	74.6%    25.4%
Ordinary dividends	0	0	Child 2	3,914	% of saving over gdl	0%    0%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	13,398    599
Social Security received	0	0	Total	6,299	Comb. net spendable	29,273
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>		Percent change	0.0%
Operating losses	0	0	CS Payor	Father	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Presumed	6,299		
Roy, partnerships, S corp, trusts	0	0	Basic CS	6,299		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	500	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	2,385		
New-spouse income	0	0	Child 2	3,914		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	6,299		
Adj. to income (ATI)	0	0	Savings	0		
Ptr Support Pd. other P'ships	0	0	No releases			
Health insurance	300	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	CASE NUMBER:	
<b>Father Annual Bonus Wages Report</b> 2024 Yearly		

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

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	75,590	0	75,590
1,000	9.79	98	0.00	0	75,688	0	75,688
2,000	9.79	196	0.00	0	75,786	0	75,786
3,000	9.79	294	0.00	0	75,884	0	75,884
4,000	9.78	391	0.00	0	75,982	0	75,982
5,000	9.78	489	0.00	0	76,080	0	76,080
6,000	9.78	587	0.00	0	76,177	0	76,177
7,000	9.78	685	0.00	0	76,275	0	76,275
8,000	9.78	783	0.00	0	76,373	0	76,373
9,000	9.73	876	0.00	0	76,466	0	76,466
10,000	9.68	968	0.00	0	76,559	0	76,559
11,000	9.64	1,061	0.00	0	76,651	0	76,651
12,000	9.61	1,153	0.00	0	76,744	0	76,744
13,000	9.58	1,246	0.00	0	76,836	0	76,836
14,000	9.56	1,338	0.00	0	76,929	0	76,929
15,000	9.54	1,431	0.00	0	77,021	0	77,021
16,000	9.52	1,523	0.00	0	77,113	0	77,113
17,000	9.50	1,615	0.00	0	77,206	0	77,206
18,000	9.49	1,708	0.00	0	77,298	0	77,298
19,000	9.47	1,800	0.00	0	77,391	0	77,391
20,000	9.46	1,893	0.00	0	77,483	0	77,483

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**6. CLARISSA CRISTALES V. WALTER CRISTALES**

**22FL0187**

On February 13, 2024, Petitioner filed a Request for Order (RFO) seeking various discovery sanctions. Concurrently therewith she filed a proposed order and a Memorandum of Points and Authorities Supporting Petitioner's Request for Orders Imposing Issue, Evidence, and Monetary Sanctions Against Respondent Walter Cristales for Failure to Obey Orders Compelling Response to Form Interrogatories, Set One, and Compelling Production of Preliminary Declaration of Disclosure. All documents were mail served on February 14<sup>th</sup>. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner brings her RFO requesting issue, evidentiary, and monetary sanctions against Respondent for his failure to obey the court's December 7, 2023 order compelling responses to Family Law Form Interrogatories, Set One and the production of Respondent's Preliminary Declarations of Disclosure. She requests \$7,371.50 in monetary sanctions for failure to comply with the court's order and an additional \$1,000 in sanctions for failure to meet and confer.

According to Petitioner, on July 6, 2023 she served Respondent's attorney with a demand for Respondent's Preliminary Declaration of Disclosure (PDD). On July 11<sup>th</sup> she followed the PDD demand with service of Family Law Form Interrogatories, Set One. Respondent did not provide any of the required responses. After attempting to meet and confer on the issue Petitioner filed a Motion to Compel which was granted on December 7, 2023. At that time the court ordered Respondent to provide full and complete verified responses, without objections, to Family Law Form Interrogatories, Set One and produce his full and complete PDD no later than December 22, 2023. To date, Respondent still has not provided his PDD or discovery responses. Petitioner has once again attempted to meet and confer on the matter to no avail.

Civil Procedure section 2023.030 vests the court with authority to order issue sanctions thereby deeming the facts of a matter established against the party who engages in a misuse of the discovery process and evidence sanctions which preclude that party from supporting or opposing designated claims or defenses. Cal. Civ. Pro. § 2023.030(b) & (c). Misuse of the discovery process includes one's failure to respond to an authorized form of discovery, disobeying a court order to provide discovery, and failing to meet and confer in a reasonable and good faith attempt to informally resolve a discovery dispute. Cal. Civ. Pro. § 2023.010; See *also* Cal. Civ. Pro. § 2025.480(k). The court holds broad discretion over the imposition of discovery sanctions. Calvert Fire Inx. Co. v. Cropper, 141 Cal. App. 3d 901 (1983).

Here, it is inarguable that Respondent engaged in an abuse of the discovery process. He not only failed to respond to form interrogatories, but he failed to do so in the face of a court order compelling his compliance. Furthermore, he has not shown any meaningful engagement in the meet and confer process. For these reasons, Petitioner's motion for issue and evidentiary

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sanctions is granted regarding topics covered by the Form Interrogatories, Set One as stated in more particularity below.

In addition to a party's duty to comply with the discovery process, Family Code section 2104 imposes on each party the obligation of making a preliminary disclosure of assets within the timeframe specified. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion preventing the noncomplying party from presenting evidence on issues that should have been covered in the declaration of disclosure. Fam. Code § 2107(b)(2).

Again, Petitioner has unequivocally established Respondent's failure to comply with his disclosure responsibilities. Petitioner has so complied, and she has demanded Respondent do the same. Accordingly, the imposition of sanctions pursuant to Family Code section 2107(b)(2) is proper and Petitioner's motion for evidentiary and issue sanctions is granted with regard to those topics that were to be disclosed as part of the PDD.

Specifically, the court orders the following. Issue sanctions are ordered against Respondent, establishing the following facts taken as established by Petitioner. (1) The facts relative to the characterization, valuation and division of the community property assets and liabilities, excluding real property, are fairly and reasonably set forth in Petitioner's declarations of disclosure and supporting evidence provided by Petitioner which are deemed to be true and accurate. (2) The fair rental value of the former family home located at 4131 Arenzano Way, El Dorado Hills, CA is established as \$3,900 per month for the period commencing 3/1/2022 to the date of sale of the former family home located at 4131 Arenzano Way, El Dorado Hills, CA. (3) Respondent has had exclusive use, possession and control of the former family home located at 4131 Arenzano Way, El Dorado Hills, CA for the period commencing 3/1/2022 to the date of sale. (4) Petitioner is entitled to a *Watts* charge/credit due to her from Respondent in the amount of 50% of the fair rental value of the former family home located at 4131 Arenzano Way, El Dorado Hills, CA for the entire period of Respondent's exclusive use, possession, and control of the former family residence. (5) Petitioner is entitled to all *Watts* charges/credits claimed, at the values claimed by Petitioner in connection with the exclusive use and control of community personal property by Respondent, subject to proof at trial. (6) Petitioner is entitled to all *Epstein* charges/credits claimed, at the values claimed, by Petitioner in connection with post-separation payments of community property debts by Petitioner, subject to proof at trial. (7) The date of separation was 5/1/2020. (8) The prompt listing and sale of the former family residence located at 4131 Arenzano Way, El Dorado Hills, CA is reasonable and necessary to protect the financial interests of the parties. (9) Respondent is prohibited from opposing Petitioner's claims set forth in items 1 through 8. (10) Respondent is prohibited from making or supporting any of the following designated claims: (1) Any claims for *Epstein* charges/credits in

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connection with any alleged payments of community property debts by Respondent; (b) Any claims to a *Watts* charge/credit due to him from Petitioner in connection with any alleged exclusive use, possession, and control of any property by Petitioner; (c) Any claims to Family Code § 2640 or other separate property interest in any property, including personal property and the former family home located at 4131 Arenzano Way, El Dorado Hills, CA; (d) Any claims for spousal support payable by Petitioner; and (e) Any claims for attorney fees payable by Petitioner.

The court further orders the following evidence sanctions against Respondent. (1) Opposition to Petitioner's property, charge, or credit claims in connection with any matter set forth in Petitioner's declarations of disclosure and Family Law Form Interrogatories, Set One; (2) Asserting or supporting any property, charge or credit claims of Respondent in connection with any matter set forth in Petitioner's declarations of disclosure and Family Law Form Interrogatories, Set One. (3) Introducing any evidence relating to the following issues: (a) Opinion(s) as to the fair rental value of any community property asset, including but not limited to that of the former family home located at 4131 Arenzano Way, El Dorado Hills, CA. (b) The date of separation. (c) Duration of the exclusive use and control of any community property asset, including but not limited to, the former family home located at 4131 Arenzano Way, El Dorado Hills, CA. (d) Opposition to Petitioner's requests for *Watts* credits/charges. (e) Opposition to Petitioner's requests for *Epstein* charges/credits in connection with post-separation payments of community debts by Petitioner. (f) Supporting any claims for spousal support or attorney fees payable by Petitioner.

Regarding monetary sanctions, under the circumstances it appears monetary sanctions are also warranted under both the Family Code and the Code of Civil Procedure. The court "shall" impose monetary sanctions against any party failing to serve its preliminary declaration of disclosure. Fam. Code § 2107(c). Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

Likewise, the court "shall" impose sanctions against a party who engages in misuse of the discovery process. Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020; Cal. Civ. Pro. § 2023.010. A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. See Tucker v. Pacific Bell Mobile Servs., 186 Cal. App. 4<sup>th</sup> 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

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Petitioner's request for sanctions is granted, in part. Petitioner requested \$7,371.50 in monetary sanctions; however, she has not established that these expenses were either reasonable or incurred as a result of the discovery abuse. That said, the court does find it likely and reasonable that attorney's fees and costs associated with the preparation and filing of the present motion amounted to an estimated \$2,500. The court also finds this amount sufficient to deter future similar conduct by Respondent. As such, Respondent shall pay directly to Petitioner's counsel \$2,500. This amount may be paid in one lump sum or in monthly increments of \$500 due and payable on the 15<sup>th</sup> of each month commencing on May 15<sup>th</sup> and continuing until paid in full (approximately 5 months). If any payment is late or missed, the entire amount shall become immediately due and payable with legal interest.

Petitioner's request for an additional \$1,000 in sanctions is denied. Section 2023.050 directs the court to impose a \$1,000 sanction for failing to respond to a request for production of documents and other sanctionable conduct with regard to failing to respond to a request for production of documents. Here, Respondent's failure was to provide responses to PDDs and Form Interrogatories, not a Request for Production of Documents.

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

**TENTATIVE RULING #6: ISSUE SANCTIONS ARE ORDERED AGAINST RESPONDENT, ESTABLISHING THE FOLLOWING FACTS TAKEN AS ESTABLISHED BY PETITIONER. (1) THE FACTS RELATIVE TO THE CHARACTERIZATION, VALUATION AND DIVISION OF THE COMMUNITY PROPERTY ASSETS AND LIABILITIES, EXCLUDING REAL PROPERTY, ARE FAIRLY AND REASONABLY SET FORTH IN PETITIONER'S DECLARATIONS OF DISCLOSURE AND SUPPORTING EVIDENCE PROVIDED BY PETITIONER WHICH ARE DEEMED TO BE TRUE AND ACCURATE. (2) THE FAIR RENTAL VALUE OF THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA IS ESTABLISHED AS \$3,900 PER MONTH FOR THE PERIOD COMMENCING 3/1/2022 TO THE DATE OF SALE OF THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA. (3) RESPONDENT HAS HAD EXCLUSIVE USE, POSSESSION AND CONTROL OF THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA FOR THE PERIOD COMMENCING 3/1/2022 TO THE DATE OF SALE. (4) PETITIONER IS ENTITLED TO A *WATTS* CHARGE/CREDIT DUE TO HER FROM RESPONDENT IN THE AMOUNT OF 50% OF THE FAIR RENTAL VALUE OF THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA FOR THE ENTIRE PERIOD OF RESPONDENT'S EXCLUSIVE USE, POSSESSION, AND CONTROL OF THE FORMER FAMILY RESIDENCE. (5) PETITIONER IS ENTITLED TO ALL *WATTS* CHARGES/CREDITS CLAIMED, AT THE VALUES CLAIMED BY PETITIONER IN CONNECTION WITH THE EXCLUSIVE USE AND CONTROL OF COMMUNITY PERSONAL PROPERTY BY RESPONDENT, SUBJECT TO PROOF AT TRIAL. (6) PETITIONER IS ENTITLED TO ALL *EPSTEIN* CHARGES/CREDITS CLAIMED, AT THE VALUES CLAIMED, BY PETITIONER IN**



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**CONNECTION WITH POST-SEPARATION PAYMENTS OF COMMUNITY PROPERTY DEBTS BY PETITIONER, SUBJECT TO PROOF AT TRIAL. (7) THE DATE OF SEPARATION WAS 5/1/2020. (8) THE PROMPT LISTING AND SALE OF THE FORMER FAMILY RESIDENCE LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA IS REASONABLE AND NECESSARY TO PROTECT THE FINANCIAL INTERESTS OF THE PARTIES. (9) RESPONDENT IS PROHIBITED FROM OPPOSING PETITIONER'S CLAIMS SET FORTH IN ITEMS 1 THROUGH 8. (10) RESPONDENT IS PROHIBITED FROM MAKING OR SUPPORTING ANY OF THE FOLLOWING DESIGNATED CLAIMS: (1) ANY CLAIMS FOR *EPSTEIN* CHARGES/CREDITS IN CONNECTION WITH ANY ALLEGED PAYMENTS OF COMMUNITY PROPERTY DEBTS BY RESPONDENT; (B) ANY CLAIMS TO A *WATTS* CHARGE/CREDIT DUE TO HIM FROM PETITIONER IN CONNECTION WITH ANY ALLEGED EXCLUSIVE USE, POSSESSION, AND CONTROL OF ANY PROPERTY BY PETITIONER; (C) ANY CLAIMS TO FAMILY CODE § 2640 OR OTHER SEPARATE PROPERTY INTEREST IN ANY PROPERTY, INCLUDING PERSONAL PROPERTY AND THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA; (D) ANY CLAIMS FOR SPOUSAL SUPPORT PAYABLE BY PETITIONER; AND € ANY CLAIMS FOR ATTORNEY FEES PAYABLE BY PETITIONER.**

**THE COURT FURTHER ORDERS THE FOLLOWING EVIDENCE SANCTIONS AGAINST RESPONDENT. (1) OPPOSITION TO PETITIONER'S PROPERTY, CHARGE, OR CREDIT CLAIMS IN CONNECTION WITH ANY MATTER SET FORTH IN PETITIONER'S DECLARATIONS OF DISCLOSURE AND FAMILY LAW FORM INTERROGATORIES, SET ONE; (2) ASSERTING OR SUPPORTING ANY PROPERTY, CHARGE OR CREDIT CLAIMS OF RESPONDENT IN CONNECTION WITH ANY MATTER SET FORTH IN PETITIONER'S DECLARATIONS OF DISCLOSURE AND FAMILY LAW FORM INTERROGATORIES, SET ONE. (3) INTRODUCING ANY EVIDENCE RELATING TO THE FOLLOWING ISSUES: (A) OPINION(S) AS TO THE FAIR RENTAL VALUE OF ANY COMMUNITY PROPERTY ASSET, INCLUDING BUT NOT LIMITED TO THAT OF THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA. (B) THE DATE OF SEPARATION. (C) DURATION OF THE EXCLUSIVE USE AND CONTROL OF ANY COMMUNITY PROPERTY ASSET, INCLUDING BUT NOT LIMITED TO THE FORMER FAMILY HOME LOCATED AT 4131 ARENZANO WAY, EL DORADO HILLS, CA. (D) OPPOSITION TO PETITIONER'S REQUESTS FOR *WATTS* CREDITS/CHARGES. (E) OPPOSITION TO PETITIONER'S REQUESTS FOR *EPSTEIN* CHARGES/CREDITS IN CONNECTION WITH POST-SEPARATION PAYMENTS OF COMMUNITY DEBTS BY PETITIONER. (F) SUPPORTING ANY CLAIMS FOR SPOUSAL SUPPORT OR ATTORNEY FEES PAYABLE BY PETITIONER.**

**RESPONDENT SHALL PAY DIRECTLY TO PETITIONER'S COUNSEL \$2,500. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 DUE AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH COMMENCING ON MAY 15<sup>TH</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 5 MONTHS). IF ANY PAYMENT IS LATE OR MISSED, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.**

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**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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**7. DENNIS ROEDIGER V. RHONDA ROEDIGER**

**PFL20050068**

On November 13, 2023, Respondent filed a Request for Order (RFO) seeking spousal support and attorney's fees. She filed two additional declarations and an Income and Expense Declaration concurrently with her RFO. All documents were personally served on March 26, 2024. Petitioner filed and served a Responsive Declaration to Request for Order on April 19<sup>th</sup>.

Respondent brings her RFO seeking \$1,000 per month in spousal support as well as attorney's fees and costs in the amount of \$1,500. She indicates that her request is for permanent spousal support.

Petitioner is opposing both requests. Instead, he asks the court to terminate spousal support and order each party to pay their own attorney's fees.

Because this is a request for permanent spousal support, the court is required to take evidence on, and make findings regarding, the Family Code § 4320 factors. The parties are ordered to appear to select evidentiary hearing dates.

**TENTATIVE RULING #7: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.**

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**8. HAYLEY SHULTZ V. TREVOR HARDING**

**23FL0002**

Respondent filed a Request for Order (RFO) on November 13, 2023, requesting modifications to the current custody and parenting plan orders, as well as various other requests. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 22, 2023, and a review hearing on February 22, 2024. Proof of Service shows Respondent, and DCSS were served by mail on September 9, 2023.

Only Respondent appeared at the CCRC appointment on December 22, 2023. As such, a single parent report was filed, with no recommendations or agreements. Parties were served copies of the report on January 2, 2024.

Respondent filed an Order Shortening Time (OST) on January 2, 2024. Petitioner was personally served. Petitioner filed a Responsive Declaration and Notice of Limited Scope Representation on January 2, 2024. Petitioner opposed the OST but was not opposed to the parties being referred to CCRC. Petitioner also requested Family Code section 271 sanctions for Respondent filing the OST, which Petitioner asserts was unnecessary. The court denied the OST and confirmed the February 22, 2024 review hearing date.

Petitioner filed a Responsive Declaration on January 2, 2024. Respondent was personally served on February 4, 2024. Petitioner filed another Declaration on January 31<sup>st</sup>, Respondent was also served with that declaration on February 4<sup>th</sup>.

Respondent filed a Responsive Declaration to Request for Order despite the fact that the pending RFO was filed by him. There is no Proof of Service for this document and therefore the court has not read or considered it.

All pending matters came before the court for hearing on February 22<sup>nd</sup>, at which time the court re-referred the parties to CCRC and set a review hearing for the present date.

On March 1<sup>st</sup>, Respondent filed another RFO once again seeking custody and visitation orders. It was personally served on March 11<sup>th</sup>. Petitioner has not filed a Responsive Declaration to Request for Order for this RFO.

The parties attended CCRC on March 15<sup>th</sup> and were able to reach only one agreement. A report with the agreement and recommendations was prepared and mailed to the parties on March 21<sup>st</sup>.

Respondent filed his November RFO requesting the following: (1) A 2-2-3 parenting schedule or some other agreed upon equal parenting schedule; (2) A neutral and equal location for exchanges; (3) An order for no corporal punishment; (4) Respect guidelines; (5) An equal holiday schedule; and (6) The parties to rotate years in which they can claim the children as

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dependents for tax purposes. In the more recent RFO, Respondent requested orders allowing him to take the children to visit his uncle in Cottage Grove, Oregon for the 4<sup>th</sup> of July.

Respondent's OST sought essentially the same requests as his November RFO therefore Petitioner requested Family Code § 271 sanctions in the amount of \$400 for having to incur time and expenses associated with the OST.

Petitioner is opposing Respondent's custody and visitation requests. Instead, she asks that the court reinstitute supervised visit and remove the Tuesday/Thursday visits. Petitioner agrees with instituting a holiday schedule and asks for Easter, Thanksgiving, and Christmas. She states that she does not use corporal punishment and the parties already have a neutral location for exchanges which take place at the Folsom Police Department. She would like that to remain the location of the exchanges however she asks for an order that Respondent not record her during the exchanges. Petitioner does not agree with rotating claiming the children on their respective tax returns.

The court has reviewed the filings as outlined above and does not find a 2-2-3 schedule to be in the best interests of the children at this time. Instead, the court finds the recommendations contained in the March 21, 2024 CCRC report to be in the best interests of the minors and therefore, adopts them as the orders of the court. Additionally, the parties are to alternate years in which they claim the children as dependents for tax purposes. Respondent shall have the even years; Petitioner shall have the odd years. The court reserves jurisdiction on Petitioner's request for Section 271 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.

**TENTATIVE RULING #8: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE MARCH 21, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. ADDITIONALLY, THE PARTIES ARE TO ALTERNATE YEARS IN WHICH THEY CLAIM THE CHILDREN AS DEPENDENTS FOR TAX PURPOSES. RESPONDENT SHALL HAVE THE EVEN YEARS, PETITIONER SHALL HAVE THE ODD YEARS. THE COURT RESERVES JURISDICTION ON PETITIONER'S REQUEST FOR SECTION 271 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**

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**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. KARLY GENTRY V. PAUL GENTRY**

**22FL0745**

On August 31, 2023, the court set a review hearing on the issues of holiday visitation, phone calls, and Respondent's parenting plan. Parties were to file and serve Supplemental Declarations at least 10 days prior to the review hearing.

The parties appeared before the court on January 18<sup>th</sup> at which time they stipulated to continue the hearing to the present date. Petitioner's Supplemental Declaration was filed and electronically served on April 18<sup>th</sup>. The Supplemental Declaration of Paul Gentry was filed and served on April 19<sup>th</sup>.

According to Petitioner, the December visit between Respondent and the children did not go well and Respondent is not exercising the entirety of his time for calls with the minors. The reunification therapist has just begun having him write letters to them. Petitioner has filed a Request for Status Trial Setting Conference to set an evidentiary hearing on the issue of whether domestic violence has occurred and the Family Code § 3044 presumption applies.

Respondent is requesting the court issue an order allowing his parenting time to take place outside the state of California. He proposes a step-up plan and asks that the parties equally share in travel costs for the minors. Finally, he is asking that Petitioner not be present during phone calls between him and the minors.

Given that there is a request for trial setting on the Section 3044 issue, the court cannot find that increasing Respondent's parenting time would be in the best interests of the children for the time being. This is especially in light of the fact that little progress has been made in reunification therapy between Respondent and the minors. Respondent's request for a step-up plan is therefore denied for the time being. The court would like to see more progress made in reunification therapy prior to increasing out-of-state visitation. This matter is continued to 08/01/2024 at 8:30am in Department 5. Parties are to file updating declarations no later than 10 days prior to the next hearing date. In the interim, all prior orders are to remain in full force and effect. Petitioner shall not be present during the calls between the minors and Respondent. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #9: THIS MATTER IS CONTINUED TO 08/01/2024 AT 8:30AM IN DEPARTMENT 5. PARTIES ARE TO FILE UPDATING DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE. IN THE INTERIM, ALL PRIOR ORDERS ARE TO REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL NOT BE PRESENT DURING THE CALLS BETWEEN THE MINORS AND RESPONDENT. 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.**



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**10. MATTHEW HICKS V. TIFFINE WOODSIDE**

**22FL0345**

Respondent filed a Request for Order (RFO) requesting the court modify child custody and parenting plan orders on November 6, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 27, 2023 and a review hearing on February 15, 2024. Proof of Service shows Petitioner was personally served on November 9, 2023.

Petitioner filed an RFO on November 28, 2023, requesting the court lift the restrictions for the minor's contact with Chanish Meza. Respondent was personally served on November 29, 2023.

Petitioner filed a Responsive Declaration to Respondent's RFO on January 29, 2024. Respondent was personally served on January 31, 2024.

Both parties appeared for CCRC on December 27, 2023. The parties were unable to reach any agreements. A report with recommendations was filed with the court on February 2, 2024. Copies of the report were mailed to the parties the same day.

The matter came before the court for hearing on February 15, 2024 at which time the court adopted the recommendations of the CCRC report and appointed Rebecca Esty-Burke as minor's counsel. The parties were ordered to complete a co-parenting class and file letters with the court stating what they learned along with a certificate of completion. A review hearing was set for the present date.

On March 8<sup>th</sup>, Petitioner filed another RFO seeking custody and visitation orders. It was served on March 6<sup>th</sup>. Petitioner also filed a Declaration on April 17<sup>th</sup>, however there is no Proof of Service for this document and therefore the court cannot consider it.

Minor's Counsel's Statement of Issues and Contentions and Request for Orders was filed on April 17<sup>th</sup>. It was mail served on the 16<sup>th</sup>.

Respondent filed a Responsive Declaration to Request for Order on April 24<sup>th</sup>. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made April 18<sup>th</sup> last day for filing the Responsive Declaration to Request for Order. Therefore, it is late filed and has not been considered by the court. Even if it were timely filed, there is no Proof of Service and the court cannot consider it for that reason as well.

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The parties are ordered to appear for the hearing.

**TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**12. BRADLEY HUNT V. TANYA HUNT**

**PFL20120221**

Respondent filed a Request for Order (RFO) on September 20, 2023, requesting the court order reunification therapy to resume and to reinstate supervised phone contact with the minors. Petitioner and Minors' Counsel were served by mail on October 13, 2023. The court finds this to be a post-judgment request for modification, and as such Family Code section 215 applies. Respondent has not filed an address verification. The court notes Petitioner was subsequently personally served on October 18, 2023.

Respondent asserts she has complied with the prior orders to engage in individual therapy. Respondent therefore requests the court reinstate reunification therapy between Respondent and the minors, as well as reinstate supervised phone contact.

Petitioner filed a Responsive Declaration opposing the requests on October 23, 2023. Respondent was served by mail on October 19, 2023. Minors' Counsel was served electronically on October 22, 2023. Petitioner asserts the copy of the RFO that he was personally served with was unsigned. Petitioner raises the UCCJEA as no parties currently reside in California. Petitioner requests the court deny Respondent's requests due to Respondent's failure to sign the pleadings and failure to serve Minors' Counsel. Petitioner asserts the parties should have been referred to Child Custody Recommending Counseling (CCRC) as this is a request for visitation, this court no longer has jurisdiction, and that Respondent has failed to meet the conditions precedent to reinstate reunification services and reinstate supervised phone contact.

Petitioner filed a Supplemental Opposition on October 27, 2023. Petitioner asserts he was not properly served with the RFO by mail, as it was served less than 16 court days, plus 10 calendar days prior to the hearing. Petitioner requests the matter be dropped due to the lack of proper service.

Minors' Counsel filed a Statement of Issues and Contentions on October 31, 2023. Respondent was served by mail on October 23, 2023. Petitioner and Respondent were served electronically on October 23, 2023. Minors' Counsel raises the issue of jurisdiction, as it appears neither party nor the minors currently reside in California. Minors' Counsel requests the court appoint new Minors' Counsel if the court finds it does have ongoing jurisdiction.

Respondent filed a Reply Declaration on October 27, 2023. Petitioner was served by mail on October 27, 2023. There is no Proof of Service showing Minors' Counsel was served with this document, and therefore, the court cannot consider it.

Respondent filed a further Declaration on October 31, 2023. It was served by mail on Petitioner and Minors' Counsel. The Declaration includes an attachment with a Domestic Violence program report.

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On November 9, 2023, the court adopted its tentative ruling continuing the matter to February 1, 2024, and appointing new Minors' Counsel, Rebecca Esty-Burke. The court was also concerned about which state was the proper jurisdiction of this matter to be heard, as neither the parties nor the minors are residents of the state of California. All parties currently reside in the state of Idaho.

On February 1, 2024, the court adopted its tentative ruling, once again continuing the matter to May 2, 2024, and appointing new Minors' Counsel, Sarah Kukuruza.

Petitioner filed an RFO on February 20, 2024, requesting a change of venue. Respondent and Minors' Counsel were served by mail on February 27<sup>th</sup>. The court notes this is a post judgement request for modification, and as such, Family Code section 215 applies. Mail service is insufficient.

Respondent filed a Responsive Declaration to the February 20<sup>th</sup> RFO on April 17, 2024. Petitioner and Minors' Counsel were served by mail on April 17<sup>th</sup>. Respondent consents and joins in the request to change venue to the state of Idaho.

The court finds good cause to consider Petitioner's RFO, as Respondent joins in the request. Petitioner asserts he and the minors have been residents of Idaho since 2022. Further, Respondent has permanently relocated to Idaho in 2023. As such, Idaho is the appropriate venue.

The court has received a Statement of Issues and Contentions from Minors' Counsel on April 30, 2024. There is no Proof of Service for this document, therefore, the court cannot consider it. As such, the court orders parties to appear for the hearing.

**TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR.**

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DEPARTMENT 5

May 2, 2024

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

**13. JESSE BURT V. ALEXANDRA OTHOLT**

**23FL10661**

A Petition to Establish a Parental Relationship was filed on October 27, 2023. A summons was issued the same day. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the Petition and Summons. However, Respondent filed a Response on October 30, 2023. Proof of Service shows Petitioner was personally served with the Response on November 1, 2023.

Petitioner filed an ex parte request for emergency custody orders on October 27, 2023 requesting sole legal and physical custody of the minor. Respondent filed a Responsive Declaration on October 30, 2023. On November 3, 2023, the court denied Petitioner's request for ex parte orders. Petitioner filed a Request for Order (RFO) requesting the same orders as set forth in the ex parte request. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 21, 2023 and a review hearing on February 8, 2024. However, only Petitioner appeared for the CCRC appointment.

Parties appeared at the hearing on February 8, 2024. The court found Petitioner to be the parent of the minor, Hudson. The court rereferred the parties to CCRC for an appointment on February 22, 2024 and a review hearing on May 2, 2024. Pending the review hearing, the court ordered Petitioner to have parenting time on Monday and Tuesday from 10:00 AM to 5:30 PM. The court further ordered parties to communicate about the minor via the talkingparents.com application.

Both parties attended CCRC on February 22, 2024, however, were unable to reach any agreements. A CCRC report with recommendations was filed with the court on April 18, 2024 and mailed to the parties the same day.

Respondent filed a Supplemental Declaration on April 30, 2024. Proof of Service shows Petitioner was served on the same day. This declaration is late filed and therefore, the court cannot consider it.

The court has read and considered the CCRC report and recommendations. The court finds the recommendations to be in the best interest of the minor. The court adopts the recommendations as its orders, with the following modification. Petitioner shall progress to Step 2 of the step-up plan upon completion of a parenting class. Petitioner must file proof of completion with the court and serve Respondent with a copy of the certificate of completion. The parties are to participate in a co-parenting class, rather than co-parenting counseling.

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.

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

**TENTATIVE RULING #13: THE COURT FINDS THE RECOMMENDATIONS TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS, WITH THE FOLLOWING MODIFICATION. PETITIONER SHALL PROGRESS TO STEP 2 OF THE STEP-UP PLAN UPON COMPLETION OF A PARENTING CLASS. PETITIONER MUST FILE PROOF OF COMPLETION WITH THE COURT AND SERVE RESPONDENT WITH A COPY OF THE CERTIFICATE OF COMPLETION. THE PARTIES ARE TO PARTICIPATE IN A CO-PARENTING CLASS, RATHER THAN CO-PARENTING COUNSELING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

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

**14. KRISTIN DISTLER V. DAVID DUVALLE**

**PFL20150008**

Respondent filed an Order to Show Cause and Affidavit for Contempt on February 8, 2024, alleging Petitioner has failed to comply with the parenting plan orders for 113 days. Petitioner was personally served on February 20, 2024.

Parties are ordered to appear for arraignment.

**TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.**

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May 2, 2024

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

**15. LYRIC ATKINSON V. ANTHONY THOMA**

**24FL0150**

Petitioner filed a Petition for Custody and Support of Minor Children on February 16, 2024. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 14, 2024 and a review hearing on May 2<sup>nd</sup>. Upon review of the court file, there is no Proof of Service of the Summons, RFO, or referral to CCRC.

Only Petitioner appeared at the CCRC appointment on March 14<sup>th</sup>. As such, a single parent report was filed with the court and mailed to the parties on March 14<sup>th</sup>.

The court drops the matter from calendar for failure to serve the Summons, RFO, and other necessary documents.

**TENTATIVE RULING #15: THE 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.**



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May 2, 2024

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

**16. MILENA ROBBINS V. RYAN ROBBINS**

**PFL20140570**

Respondent filed a Request for Order (RFO) on February 15, 2024, requesting a modification of the current custody orders and parenting plan. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 11<sup>th</sup> and a review hearing on May 2<sup>nd</sup>. Petitioner was served by mail on February 24, 2024. The court notes this is a post judgment request for modification, and while the Proof of Service indicates an Address Verification was completed, as required by Family Code section 215, the FL-334 has not been filed with the court.

Respondent is requesting sole legal custody and for Petitioner to have parenting time every other weekend. Respondent asserts Petitioner has been neglectful of the minor's educational needs.

Petitioner filed a Responsive Declaration on April 18, 2024. Proof of Service shows Respondent was mail served on April 25, 2024. Petitioner objects to the requested modifications, and asserts Respondent is neglectful of the minor's mental health needs as well as medication needs. Petitioner contends she has cooperated with the minor's school regarding her academic needs.

Both parties appeared for the CCRC appointment and were unable to reach any agreements. A report with recommendations was filed with the court on April 17, 2024. Copies were mailed to the parties the same day.

The court finds good cause to proceed with Respondent's RFO, despite the lack of Address Verification form. Petitioner appeared at CCRC and has filed a Responsive Declaration, it therefore, appears to the court Petitioner is fully apprised of the requested modification. The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the April 17<sup>th</sup> CCRC report to be in the minor's best interest. The court adopts the recommendations with the following modification, the court declines the appointment of a Court Appointed Special Advocate (CASA). The court declines the appointment of CASA, as there are no future hearing dates being set. The court does not find the appointment of CASA to be appropriate. All other recommendations are adopted 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 #16: THE COURT FINDS GOOD CAUSE TO PROCEED WITH RESPONDENT'S RFO, DESPITE THE LACK OF ADDRESS VERIFICATION FORM. PETITIONER APPEARED AT CCRC AND HAS FILED A RESPONSIVE DECLARATION, IT THEREFORE, APPEARS TO THE COURT**

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**PETITIONER IS FULLY APPRISED OF THE REQUESTED MODIFICATION. THE COURT HAS READ AND CONSIDERED THE FILINGS AS SET FORTH ABOVE. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE APRIL 17<sup>TH</sup> CCRC REPORT TO BE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THE RECOMMENDATIONS WITH THE FOLLOWING MODIFICATION, THE COURT DECLINES THE APPOINTMENT OF A COURT APPOINTED SPECIAL ADVOCATE (CASA). THE COURT DECLINES THE APPOINTMENT OF CASA, AS THERE ARE NO FUTURE HEARING DATES BEING SET. THE COURT DOES NOT FIND THE APPOINTMENT OF CASA TO BE APPROPRIATE. ALL OTHER RECOMMENDATIONS ARE ADOPTED 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.**

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

**17. SEEMA NAVEEN V. AASHEESH NAVEEN**

**PFL20170667**

On February 1, 2024, the parties appeared for a hearing and reached a stipulation. The court set a further review hearing on the refinance of the former family home for May 2, 2024.

Petitioner filed a Response to the RFO for the May 2, 2024 hearing on April 23, 2024. It was served on Respondent the same day. The court finds this document to be untimely filed as a responsive declaration. It is also untimely filed if filed as a supplemental declaration. Therefore, the court has not considered it.

Respondent has not filed a supplemental declaration.

Parties are ordered to appear for the review hearing.

Respondent filed a Request for Order (RFO) on March 26, 2024, requesting modification of child and permanent spousal support orders. Respondent initially filed the request with an Order Shortening Time (OST) request on March 15, 2024. The court denied the OST. Respondent filed an Income and Expense Declaration on March 15, 2024. Proof of Service shows Petitioner was served with the RFO on March 27<sup>th</sup>.

Petitioner filed an initial Responsive Declaration on March 20, 2024. Respondent was served on March 20<sup>th</sup>. Petitioner's response requests the court deny the OST on various grounds, and notes Respondent's Income and Expense Declaration is incomplete, however, does not address the underlying issues raised in the RFO.

Petitioner filed a Responsive Declaration with an accompanying Declaration on April 19, 2024. The court finds this to be untimely as nine court days prior to the hearing, excluding the day of the hearing, was April 18, 2024. (See Code of Civil Procedure 1005(b).) Therefore, the court cannot consider this document.

Petitioner has not filed an updated Income and Expense Declaration.

Parties are ordered to appear on Respondent's March 26<sup>th</sup> RFO.

**TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR.**

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

**18. N. TRUXLER V. C. TRUXLER**

**23FL0639**

This matter is before the court for hearing on a Request for Order (RFO) filed by Respondent on April 24, 2024. The RFO was accompanied by a Memorandum of Points and Authorities and a Separate Statement. All documents were mail served and electronically served the same date as filing. Petitioner has not filed a Responsive Declaration to Request for Order.

Respondent brings his RFO requesting an order compelling Petitioner's further responses to Request for Production of Documents, Set 1 and Form Interrogatories. He is also requesting an order compelling Petitioner to prepare and serve her Preliminary Declaration of Disclosures (PDD). He is seeking attorney's fees and sanctions pursuant to Civil Procedure § 2023.010 in the amount of \$2,000 for the preparation and filing of the motion and an additional \$1,500 for review of the tentative ruling and oral argument. He also makes his request for sanctions pursuant to Family Code § 2107(c).

Petitioner's request for an order compelling further responses to Requests for Production of Documents, Set One is granted. The Civil Discovery Act authorizes all parties to request documents from the opposing party by way of a Request for Production of Documents. Upon receipt of responses to requests for production of documents, the requesting party may move for an order compelling further responses. Cal. Civ. Pro. § 2031.310. Such a motion "...shall set forth specific facts showing good cause justifying the discovery sought by the demand." Cal. Civ. Pro. § 2031.310(b)(1). "To establish good cause, a discovery proponent must identify a disputed fact that is of consequence in the action and explain how the discovery sought will tend in reason to prove or disprove that fact or lead to other evidence that will tend to prove or disprove the fact." *Williams v. Sup. Ct.*, 236 Cal. App. 4<sup>th</sup> 1151 (2015) (overturned on other grounds).

A motion to compel further responses shall (1) be filed and served within 45 days of the date the responses were served (Cal. Civ. Pro. §2031.310(c)); (2) be accompanied by a meet and confer declaration (Cal. Civ. Pro. § 2031.310(b)(2)), and (3) include a separate statement which complies with California Rules of Court rule 3.1345.

Here, Respondent has established good cause to order further responses to Requests for Production of Documents, Set One numbers 3, 5, 6, 7, 9, 10, 12, 13, and 15. The motion was timely filed and included the meet and confer declaration as well as a separate statement regarding the deficient responses. Respondent has established that the information requested is directly relevant to the upcoming hearing on spousal support and attorney's fees. He has also established a reasonable belief that there are additional documents in Petitioner's possession or that she would be able to obtain through diligent effort. Therefore, Respondent's motion to compel is granted. Petitioner shall provide further responses to Requests for Production of

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Documents, Set One numbers 3, 5, 6, 7, 9, 10, 12, 13, and 15, without asserting objections that were not asserted in her initial responses, no later than end of day on May 3, 2024.

Respondent's motion to compel Petitioner's PDDs is likewise granted. Family Code section 2104 imposes on each party the obligation of making a preliminary disclosure of assets within the timeframe specified. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). Here, Respondent has made the requisite showing that he has complied with serving his PDDs while Petitioner has failed to do the same. Therefore, Petitioner is ordered to serve her full and complete Preliminary Declarations of Disclosure no later than end of day on May 6, 2024.

Respondent's request for an order compelling further responses to Form Interrogatories, Set One is denied for failure to comply with California Rule of Court rule 3.1345. A motion to compel further responses shall include a separate statement which is conformance with Rule 3.1345. Rule 3.1345 mandates the separate statement to include, among other things, the following information for each discovery request such that the reader need not refer to any other pleading: "(1) The text of the request...; (2) The text of each response, answer, or objection and any further responses or answers; (3) A statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute..." Cal. Rule Ct. 3.1345(c). While Respondent provided a separate statement addressing the deficiencies with Petitioner's responses to requests for production of documents, he failed to do the same regarding her form interrogatory responses. Further, while he did include a copy of his meet and confer letter, the letter itself is not sufficient to comply with the requirements of Rule 3.1345 and therefore cannot be considered to satisfy that requirement. As such, Respondent's request for an order compelling further responses to Form Interrogatories, Set One is denied.

Respondent's request for monetary sanctions, however, is granted. Where a party engages in the misuse of the discovery process, the court "shall" impose monetary sanctions "unless it finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020. Misuse of the discovery process includes, but is not limited to, making an evasive response to discovery, or failing to confer in a reasonable, good faith attempt to informally resolve any discovery dispute. Cal. Civ. Pro. § 2023.010. Additionally, the court is mandated to impose monetary sanctions against the party failing to comply with his or her PDD requirements. Fam. Code § 2107(c).

Section 2107 "[s]anctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or

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that other circumstances make the imposition of the sanction unjust.” Fam. Code § 2107(c)(emphasis added). A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. See *Tucker v. Pacific Bell Mobile Servs.*, 186 Cal. App. 4<sup>th</sup> 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

Here, Petitioner has failed to provide any justification for her refusal to complete and serve her PDDs and her refusal to provide full and complete discovery responses. She has also failed to respond to Respondent’s meet and confer attempts. Therefore, the request for monetary sanctions is granted. According to the declaration of Chris Truxler, Respondent has incurred \$2,000 in preparation of meet and confer letters and the moving papers. Petitioner is ordered to pay sanctions in the amount of \$2,000. This amount shall be paid directly to Respondent’s attorney. This amount may be subject to increase in the event Respondent incurs additional costs and fees associated with the preparation for, and appearance at, oral argument.

“... [I]n addition to any other sanctions imposed ...a court *shall* impose a one-thousand-dollar (\$1,000) sanction, payable to the requesting party...” if the court finds that the noncompliant party did not respond in good faith to a request for production of documents or failed to make a reasonable, good faith attempt to informally resolve a discovery dispute. Cal. Civ. Pro. § 2023.050(a). Given Petitioner’s failure to fully comply with discovery and her failure to engage in the meet and confer process the court is imposing an additional \$1,000 in sanctions against Petitioner pursuant to Section 2023.050. This amount shall be paid directly to Respondent’s attorneys.

Monetary sanctions may be paid in one lump sum or in monthly increments of \$500 commencing on May 15<sup>th</sup> and continuing until paid in full (approximately 6 months).

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

**TENTATIVE RULING #18: RESPONDENT’S MOTION TO COMPEL IS GRANTED, IN PART. PETITIONER SHALL PROVIDE FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE NUMBERS 3, 5, 6, 7, 9, 10, 12, 13, AND 15, WITHOUT ASSERTING OBJECTIONS THAT WERE NOT ASSERTED IN HER INITIAL RESPONSES, NO LATER THAN END OF DAY ON MAY 3, 2024. PETITIONER IS ORDERED TO SERVE HER FULL AND COMPLETE PRELIMINARY DECLARATIONS OF DISCLOSURE NO LATER THAN END OF DAY ON MAY 6, 2024. RESPONDENT’S REQUEST FOR AN ORDER COMPELLING FURTHER RESPONSES TO FORM INTERROGATORIES, SET ONE IS DENIED. PETITIONER IS ORDERED TO PAY SANCTIONS IN THE AMOUNT OF \$3,000. THIS AMOUNT SHALL BE PAID DIRECTLY TO RESPONDENT’S ATTORNEY. MONETARY SANCTIONS MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF**

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**\$500 COMMENCING ON MAY 15<sup>TH</sup> AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). THIS AMOUNT MAY BE SUBJECT TO INCREASE IN THE EVENT RESPONDENT INCURS ADDITIONAL COSTS AND FEES ASSOCIATED WITH THE PREPARATION FOR, AND APPEARANCE AT, ORAL ARGUMENT.**

**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.**