

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

1. CAITLIN LEBAS V. EFRAIN SILVA

24FL0146

On July 16, 2024, Petitioner filed a Request for Order (RFO) and a Declaration of Timothy L. Le Bas in Support of Petitioner Mother's REQUEST FOR Order Re: Child Custody/Visitation and Parenting Issues. Both documents, along with all other required documents, were personally served on Respondent's attorney on July 25th.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 14th. Only Petitioner appeared at the CCRC appointment therefore a single parent report was prepared without recommendations.

In the event the parties were unable to reach an agreement at mediation, Petitioner is asking the court to award her sole legal and sole physical custody of the minor child. She asks that any contact between Respondent and the child be supervised either by a maternal family member at the Buttercup Pantry restaurant or by a professional supervisor and a specified agency.

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 and the CCRC referral were both timely and properly served. Respondent clearly had notice of the pending requests and the CCRC appointment and chose not to appear at CCRC nor file an opposition to the RFO. 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.

Parties submitted a Stipulation and Order for the court's signature on September 30th, which resolves the issues raised in the RFO. The court signed and adopted the parties' Stipulation as its order the same day. The Stipulation and Order did not contain a provision to vacate the review hearing. Therefore, the court has prepared this tentative ruling.

The court finds the parties' Stipulation and Order resolves the issues raised in the RFO, thereby making the RFO moot. As such, the court drops this matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #1: THE COURT FINDS THE PARTIES' STIPULATION AND ORDER RESOLVES THE ISSUES RAISED IN THE RFO, THEREBY MAKING THE RFO MOOT. AS SUCH, THE COURT DROPS THIS MATTER FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

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

BY PHONE CALL 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 PHONE CALL 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.

3. DAVID BROOKE V. DEBBIE BROOKE

24FL0634

On July 26, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. Petitioner filed his Responsive Declaration to Request for Order on July 26th. The matter was denied on an ex parte basis on July 29th, at which time Respondent filed her Request for Order (RFO) for the matter to be heard on the regular law and motion calendar. The RFO was mail served on August 15th, however there is no indication that the Notice of Tentative Ruling was served.

Respondent is requesting the court order Petitioner to return \$25,000 taken from the parties' business account and to turn over all passwords, keys, and account access which are necessary to run the joint business.

Petitioner opposes the request stating that the business, New Horizons CCA, was originally started with funds he inherited. He also states that he has been taken off the business accounts and his business credit card was closed.

The court is reserving jurisdiction over the issue of the \$25,000 until trial on the issue of property division. In the interim, the parties are ordered to share access to all accounts for New Horizons, CCA. Both parties are to exchange log in information for all New Horizons, CCA accounts no later than October 17, 2024. Neither party may change log in information or create new accounts for the business without the written consent of the other and without sharing access with one another. The parties are admonished to abide by the ATROS. Failure to abide by court orders or the ATROS may result in sanctions or an order to show cause.

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

TENTATIVE RULING #3: THE COURT IS RESERVING JURISDICTION OVER THE ISSUE OF THE \$25,000 UNTIL TRIAL ON THE ISSUE OF PROPERTY DIVISION. IN THE INTERIM, THE PARTIES ARE ORDERED TO SHARE ACCESS TO ALL ACCOUNTS FOR NEW HORIZONS, CCA. BOTH PARTIES ARE TO EXCHANGE LOG IN INFORMATION FOR ALL NEW HORIZONS, CCA ACCOUNTS NO LATER THAN OCTOBER 17, 2024. NEITHER PARTY MAY CHANGE LOG IN INFORMATION OR CREATE NEW ACCOUNTS FOR THE BUSINESS WITHOUT THE WRITTEN CONSENT OF THE OTHER AND WITHOUT SHARING ACCESS WITH ONE ANOTHER. THE PARTIES ARE ADMONISHED TO ABIDE BY THE ATROS. FAILURE TO ABIDE BY COURT ORDERS OR THE ATROS MAY RESULT IN SANCTIONS OR AN ORDER TO SHOW CAUSE. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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4. DCSS V. CODY ELDERD (JOINED PARTY: BRANDI WILKINSON) PFS20120291

On July 12, 2024, Minor's Counsel filed a Request for Order (RFO) seeking custody and visitation orders. It was mail served on July 24th though there is no indication that the Notice of Tentative Ruling was served.

Respondent filed an Ex Parte Application and Declaration for Orders and Notice on August 30th also requesting custody and visitation orders. The ex parte was denied and the parties were to continue their informal custody arrangement until the hearing on Minor's Counsel's RFO.

Respondent filed and served his Responsive Declaration to Request for Order on September 18th. Joined Party also filed and served her Responsive Declaration to Request for Order on September 18th.

The parties attended Child Custody Recommending Counseling (CCRC) on July 17, 2024. A report was prepared on September 19th and mailed to the parties on September 20th.

Respondent filed and served a Reply Declaration on September 25th.

Minor's Counsel filed her RFO seeking to change custody and visitation to a schedule that is more consistent with a 50/50 timeshare.

Respondent consents to the requested increased timeshare. In fact, he requests an order for primary physical custody and for Other Party's visitation to be professionally supervised. Alternatively, he is requesting a step-up plan that will ultimately result in a week on/week off schedule.

Joined Party is asking to revert to the court's prior orders for Respondent to have visitation every other Saturday or Sunday from 10:00 am to 6:00 pm. She also asks that Respondent be ordered to pay one-half of the costs for the minor's therapy sessions, up to four sessions per month, with Regina Helmer. She requests the court make any other orders it deems appropriate.

The court has reviewed the filings as outlined above and does find the recommendations contained in the September 19, 2024 CCRC report to be in the best interests of the minor. They are hereby adopted as the orders of the court. Additionally, the court does find that increased parenting time with Respondent is in the minor's best interest. While it seems premature to increase to a 50/50 schedule immediately, Respondent's request for a step-up plan is granted. Effective immediately, the parties are to commence with step one of the step-up plan which is as follows: Respondent shall have

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parenting time on alternating weekends from Friday at school pick-up (3:00 PM if school is not in session) until Sunday at 6:00pm; on weeks where Respondent does not have a weekend visit, he shall have one mid-week visit from Wednesday at school pick-up (or 3:00 PM if no school) until Thursday at school drop-off (or 8:00 AM if school is not in session). After 8 weeks at step one, the parties are to progress to a week on/week off schedule with exchanges on Friday after school (or 3 PM if school is not in session). During visits, the minor shall have unhampered phone contact with the non-custodial parent. Both parties are admonished not to interfere with the other party's visitation time. Failure to abide by court orders may result in sanctions or an order to show cause.

Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING 4: THE RECOMMENDATIONS CONTAINED IN THE SEPTEMBER 19, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ADDITIONALLY, THE COURT DOES FIND THAT INCREASED PARENTING TIME WITH RESPONDENT IS IN THE MINOR'S BEST INTEREST. WHILE IT SEEMS PREMATURE TO INCREASE TO A 50/50 SCHEDULE IMMEDIATELY, RESPONDENT'S REQUEST FOR A STEP-UP PLAN IS GRANTED. EFFECTIVE IMMEDIATELY, THE PARTIES ARE TO COMMENCE WITH STEP ONE OF THE STEP-UP PLAN WHICH IS AS FOLLOWS: RESPONDENT SHALL HAVE PARENTING TIME ON ALTERNATING WEEKENDS FROM FRIDAY AT SCHOOL PICK-UP (3:00 PM IF SCHOOL IS NOT IN SESSION) UNTIL SUNDAY AT 6:00PM; ON WEEKS WHERE RESPONDENT DOES NOT HAVE A WEEKEND VISIT, HE SHALL HAVE ONE MID-WEEK VISIT FROM WEDNESDAY AT SCHOOL PICK-UP (OR 3:00PM IF NO SCHOOL) UNTIL THURSDAY AT SCHOOL DROP-OFF. AFTER 8 WEEKS AT STEP ONE, THE PARTIES ARE TO PROGRESS TO A WEEK ON/WEEK OFF SCHEDULE. DURING VISITS, THE MINOR SHALL HAVE UNHAMPERED PHONE CONTACT WITH THE NON-CUSTODIAL PARENT. BOTH PARTIES ARE ADMONISHED NOT TO INTERFERE WITH THE OTHER PARTY'S VISITATION TIME. FAILURE TO ABIDE BY COURT ORDERS MAY RESULT IN SANCTIONS OR AN ORDER TO SHOW CAUSE. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE
8.05.07.**

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6. JON GRGICH V. KIMBERLY GRGICH

PFL20190950

Respondent filed a Request for Order (RFO) on July 8, 2024. The RFO and all other required documents were personally served on Petitioner on July 11th. Respondent's Supplemental Declaration was filed on September 19th. It was mail served on the 18th. Petitioner has not filed a Responsive Declaration to Request for Order.

The parties attended Child Custody Recommending Counseling (CCRC) on August 5, 2024 and were able to reach agreements on some issues. A report codifying those agreements, and making additional recommendations, was prepared on September 19th. The report was mailed to the parties on September 20th.

Respondent filed her RFO requesting custody and visitation orders. Specifically, she requests an order permitting the children to contact the non-custodial parent freely and an order directing the parties to notify one another within 14 days of an anticipated address change.

In reviewing the CCRC report it appears the recommendations do not address the requests made by Respondent in her RFO. The court is not inclined to adopt the recommendations for transportation and parenting time when neither party is requesting a change to either of these. Therefore, the recommendations are not being adopted as the orders of the court.

The agreements contained in the September 19, 2024 CCRC report are found to be in the best interests of the minors and they are hereby adopted as the orders of the court. The court is not adopting the recommendations, as there was no request to modify the parenting plan or exchanges. Additionally, Respondent's requested orders are granted. The children shall be permitted to contact the non-custodial parent freely. Petitioner is admonished not to make negative comments to Respondent or about Respondent anywhere within ear shot of the children. Failure to do so may result in sanctions or an order to show cause.

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 #6: THE AGREEMENTS CONTAINED IN THE SEPTEMBER 19, 2024 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE COURT IS NOT ADOPTING THE RECOMMENDATIONS, AS THERE WAS NO REQUEST TO MODIFY THE PARENTING PLAN OR EXCHANGES. ADDITIONALLY, RESPONDENT'S REQUESTED ORDERS ARE GRANTED. THE CHILDREN SHALL BE PERMITTED TO CONTACT THE NON-CUSTODIAL

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PARENT FREELY. PETITIONER IS ADMONISHED NOT TO MAKE NEGATIVE COMMENTS TO RESPONDENT OR ABOUT RESPONDENT ANYWHERE WITHIN EAR SHOT OF THE CHILDREN. 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 PHONE CALL 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 PHONE CALL 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. LORRAINE SEBREN V. ERNEST SEBREN

PFL20200288

On July 16, 2024, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice. She filed an Income and Expense Declaration and a Request for Order (RFO) concurrently therewith. The ex parte was granted on July 17th at which time the court ordered the proceeds of the sale of the family home to be deposited into Petitioner's attorney's trust account; Petitioner to receive the distributions as set forth for the equalization payment plus interest and SSI payments plus interest, if there is a balance then Petitioner's counsel to receive \$26,000 as and for attorney's fees and sanctions, and any remaining balance to be distributed to Respondent. The court reserved on Petitioner's request for Section 271 sanctions. The ex parte orders, along with the RFO and all other required documents were mail served on July 18th.

Respondent filed a Responsive Declaration to Request for Order on September 19th. There does not appear to be a Proof of Service for this document therefore the court cannot consider it.

Petitioner filed and served a Supplemental Declaration on September 19th.

On September 23rd, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. Petitioner filed her Responsive Declaration to Request for Order the same day. The court denied the ex parte but granted an order shortening time (OST) for the matter to be heard concurrently with the already set hearing date on Petitioner's RFO. Respondent then filed his RFO, reiterating his requests, on September 24th.

Respondent filed and electronically served a Supplemental Declaration of Richard Sebren on September 30th. Generally, this would be considered an untimely Reply Declaration as it was filed less than five days prior to the hearing date. However, because the September 24th RFO was set on an OST, the court is finding good cause to consider it.

In Petitioner's September 19th Supplemental Declaration, she requests to be the payee for SSDI payments and for Petitioner to have total control of the listing of the Shell Lane property. These issues do not appear to be properly before the court. At the time the Supplemental Declaration was filed, the requests in the moving papers had all been granted and the only issue remaining was the issue of sanctions. These requests are unrelated to the request for sanctions and the Supplemental Declaration was filed prior to Respondent filing his RFO so they are not in response to those issues. For these reasons, the requests in Petitioner's September 19th Supplemental Declaration are not properly before the court and therefore, they will not be ruled on.

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At issue for the present hearing are Petitioner's requests for \$3,500 in Family Code § 271 sanctions, Petitioner's request for an additional \$2,500 in attorney's fees, and Respondent's RFO requests which are as follows: (1) order Petitioner to refrain from contacting the relator for the Shell Lane property; (2) vacate the court's 2020 order retroactive to the date the order was made and therefore, vacate the court's subsequent ex parte orders regarding payment of Respondent's son's SSI money plus interest; (3) vacate the court's order regarding claiming Cody on taxes; and (4) vacate the abstract which was filed concurrently with the judgment.

Respondent's request to vacate the abstract of judgment is denied. There is a legal judgment which orders Respondent to pay Petitioner a specified sum of money. Petitioner, therefore, has the right to file an abstract of judgment against any real property owned by Respondent. It does not matter that Respondent intended to purchase the home in the name of the business, he did not do so. Because the home is owned by Respondent in his individual capacity the abstract is valid and may remain in place until Respondent pays his debt, at which time a Satisfaction of Judgment is to be recorded.

The request for an order precluding Petitioner from contacting the realtor of the Shell Lane property is denied. Petitioner has a vested interest in the sale of the property and, given Respondent's significant efforts to delay the sale of the property, the court is not inclined to preclude Petitioner for communicating directly with the realtor. Therefore, the request is denied.

Regarding Respondent's requests to overturn the "underlying 2020 order," as a threshold issue the court cannot grant this request simply because it is unclear what order Respondent is requesting be overturned. The parties entered into a Marital Settlement Agreement (MSA) in April of 2022 and that MSA became the judgment of the court on April 29, 2022, not 2020. Given that it is unclear exactly what Respondent's request is, the requests regarding overturning the orders for SSI benefits and claiming the adult son for tax purposes, are both denied.

Petitioner's requests for \$2,500 in attorney's fees and \$3,500 in sanctions are denied. The court does not find that Respondent's motion was filed solely with the intent to increase the cost of litigation or to frustrate the policy of the law to promote settlement.

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

TENTATIVE RULING #7: THE REQUESTS IN PETITIONER'S SUPPLEMENTAL DECLARATION FILED SEPTEMBER 19, 2024 ARE NOT PROPERLY BEFORE THE COURT AND THEREFORE WILL NOT BE RULED ON. THE REQUEST TO PRECLUDE PETITIONER FROM CONTACTING THE REALTOR OF THE SHELL LANE PROPERTY IS DENIED. THE

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REQUESTS TO OVERTURN THE ORDERS RELATED TO SSI AND CLAIMING THE ADULT SON FOR TAX PURPOSES ARE DENIED. PETITIONER'S REQUESTS FOR \$2,500 IN ATTORNEY'S FEES AND \$3,500 IN SANCTIONS ARE DENIED.

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

PARTIES HAVE STIPULATED TO ORAL ARGUMENT, IF REQUESTED, BEING HEARD ON OCTOBER 17, 2024 AT 8:30 AM IN DEPARTMENT 5.

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8. MICHAEL J. OSBORNE V. CORTNEY A. OSBORNE

24FL0362

Petitioner filed a Request for Order (RFO) on July 12, 2024, seeking support orders, attorney's fees, and an order regarding refinancing the marital residence. He filed his Income and Expense Declaration and a Declaration of Julie Bachman concurrently therewith. All three documents were mail served on July 15th, however there is no indication that the Notice of Tentative Ruling was served. There is a second Proof of Service showing the same documents were mail served on August 21st.

Respondent filed and served a Responsive Declaration to Request for Order and an Income and Expense Declaration on September 12th.

Petitioner filed and served his Reply and a Supplemental Declaration of Julie Bachman on September 25th.

Petitioner brings his RFO requesting child support and spousal support per his proposed DissoMasters. He is also asking for attorney's fees in the amount of \$15,000 pursuant to Family Code § 2030. Finally, he asks that Respondent be ordered to provide proof of her ability to refinance the community home and buy Petitioner out of his portion which amounts to approximately \$122,000. If she does not do so within 90 days of the court's order, Petitioner asks that the home be listed for sale.

Respondent consents to guideline spousal and child support per the proposed DissoMasters she provided to the court, though she asks that the court deny retroactive support on the basis that Petitioner lived in the residence until June 1, 2024, and she pays for many of his other expenses. She opposes the request for attorney's fees and asks that each party bear their own fees and costs. She also opposes the requests regarding the community residence.

First, with regard to calculating support, the court is utilizing a 50% timeshare in accordance with the court's prior custody orders. Regarding Respondent's monthly income, the court is using \$18,000. In looking at her paystub for the pay period ending August 31st, Respondent had received \$144,000 in regular wages. \$144,000 divided by 8 months, is \$18,000 per month. The court is utilizing \$6,944 in monthly wages for Petitioner which is supported by the wage statement submitted with his Income and Expense Declaration.

Utilizing the same figures as outlined above, the court finds that spousal support per the Alameda formula is \$1,591 per month and child support is \$785 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$2,376 per month as and for child support and

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temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. These support orders are effective as of July 15, 2024.

The court finds the above order results in arrears in the amount of \$7,128 through and including September 15, 2024. The court orders Respondent pay Petitioner \$594 on the 1st of each month commencing on November 1, 2024 and continuing until paid in full (approximately 12 months). If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

The court further finds Respondent routinely earns bonus/commission pay and therefore, has included an annual bonus table with the DissoMaster. Respondent is to pay Petitioner a true up of any bonus or commissions earned no later than fourteen days from the date the bonus/commission payment is received.

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 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 reviewing each party’s respective Income and Expense Declaration, the court does find there to be a disparity in income between the parties. Of course, after the support orders made in this ruling, the disparity does shrink considerably therefore, the court does not find that it would be just or reasonable to order Respondent to pay the entirety of Petitioner’s requested fees. As such, Respondent is ordered to pay Petitioner \$7,500 as and for attorney’s fees and costs. This amount is to be paid directly to Petitioner’s attorney and may be paid in one lump sum no later than November 3, 2024, or it may be paid in monthly increments of \$500 commencing on November 3rd and continuing until paid in full (approximately 15 months). If any payment is missed or late the entire amount shall become immediately due and payable.

Regarding the marital residence, Petitioner’s requests are denied. Petitioner has failed to show good cause to order the refinance or sale of the home at this time. The court reserves jurisdiction over the characterization of the property until the time of trial on the

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division of property. Likewise, the court reserves jurisdiction on the issue of credits/charges until the time of trial.

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

TENTATIVE RULING #8: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,591 PER MONTH AND CHILD SUPPORT IS \$785 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,376 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THESE SUPPORT ORDERS ARE EFFECTIVE AS OF JULY 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$7,128 THROUGH AND INCLUDING SEPTEMBER 15, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$594 ON THE 1ST OF EACH MONTH COMMENCING ON NOVEMBER 1, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS BONUS/COMMISSION PAY AND THEREFORE, HAS INCLUDED AN ANNUAL BONUS TABLE WITH THE DISSOMASTER. RESPONDENT IS TO PAY PETITIONER A TRUE UP OF ANY BONUS OR COMMISSIONS EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE BONUS/COMMISSION PAYMENT IS RECEIVED.

RESPONDENT IS ORDERED TO PAY PETITIONER \$7,500 AS AND FOR ATTORNEY'S FEES AND COSTS. THIS AMOUNT IS TO BE PAID DIRECTLY TO PETITIONER'S ATTORNEY AND MAY BE PAID IN ONE LUMP SUM NO LATER THAN NOVEMBER 3, 2024 OR IT MAY BE PAID IN MONTHLY INCREMENTS OF \$500 COMMENCING ON NOVEMBER 3RD AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 15 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

REGARDING THE MARITAL RESIDENCE, PETITIONER'S REQUESTS ARE DENIED. PETITIONER HAS FAILED TO SHOW GOOD CAUSE TO ORDER THE REFINANCE OR SALE OF THE HOME AT THIS TIME. THE COURT RESERVES JURISDICTION OVER THE CHARACTERIZATION OF THE PROPERTY UNTIL THE TIME OF TRIAL ON THE DIVISION OF PROPERTY. LIKewise, THE COURT RESERVES JURISDICTION ON THE ISSUE OF CREDITS/CHARGES UNTIL THE TIME OF TRIAL.

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

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 PHONE CALL 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 PHONE CALL 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	1	Nets (adjusted)	Guideline		
% time with Second Parent	50%	0%	Father	5,257	Payment (cost)/benefit	2,227 (2,227)
Filing status	MFS->	<-MFS	Mother	11,824	Net spendable income	7,633 9,448
# Federal exemptions	1*	2*	Total	17,081	% combined spendable	44.7% 55.3%
Wages + salary	6,944	18,000	Support (Nondeductible)		Total taxes	1,687 5,059
401(k) employee contrib	550	2,157	CS Payor	Mother	Comb. net spendable	17,081
Self-employment income	0	0	Presumed	785	Proposed	
Other taxable income	0	0	Basic CS	785	Payment (cost)/benefit	2,227 (2,227)
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	7,633 9,448
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	785	% combined spendable	44.7% 55.3%
Ordinary dividends	0	0	SS Payor	Mother	% of saving over gdl	0% 0%
Tax. interest received	0	0	Alameda	1,591	Total taxes	1,687 5,059
Social Security received	0	0	Total	2,376	Comb. net spendable	17,081
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.0%
Operating losses	0	0	CS Payor	Mother	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	785		
Roy, partnerships, S corp, trusts	0	0	Basic CS	785		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	785		
New-spouse income	0	0	SS Payor	Mother		
SS paid other marriage	0	0	Alameda	1,591		
CS paid other relationship	0	0	Total	2,376		
Adj. to income (ATI)	0	0	Savings	0		
9.3% elective PTE payment	0	0	Mother	0		
Ptr Support Pd. other P'ships	0	0	Father	0		
Health insurance	0	1,117	No releases			
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	1,728				
Other medical expenses	0	0				
Property tax expenses	0	596				
Ded. interest expense	0	1,132				
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				

PETITIONER: RESPONDENT:	CASE NUMBER:
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TANF,SSI and CS received

0

0



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

"R" denotes that Mother 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

Total columns indicate the Total support due, support on reported income plus the incremental support due on additional income.

Mother'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	9,415	19,089	28,504
500	7.09	35	18.82	94	9,451	19,183	28,634
1,000	7.09	71	18.85	189	9,486	19,277	28,764
1,500	7.09	106	18.85	283	9,522	19,371	28,893
2,000	7.09	142	18.86	377	9,557	19,466	29,023
2,500	7.09	177	18.85	471	9,593	19,560	29,153
3,000	7.09	213	18.86	566	9,628	19,655	29,283
3,500	7.08	248	18.86	660	9,663	19,749	29,412
4,000	7.08	283	18.86	755	9,699	19,843	29,542
4,500	7.08	319	18.86	849	9,734	19,938	29,672
5,000	7.08	354	18.87	943	9,769	20,032	29,802
5,500	7.07	389	18.87	1,038	9,805	20,127	29,931
6,000	7.07	424	18.87	1,132	9,840	20,221	30,061
6,500	7.07	460	18.87	1,227	9,875	20,315	30,190
7,000	7.07	495	18.88	1,321	9,910	20,410	30,320
7,500	7.07	530	18.87	1,416	9,945	20,504	30,450
8,000	7.06	565	18.88	1,510	9,981	20,599	30,580
8,500	7.06	600	18.88	1,605	10,016	20,693	30,709
9,000	7.06	635	18.88	1,699	10,051	20,788	30,839
9,500	7.06	671	18.88	1,794	10,086	20,883	30,969
10,000	7.00	700	18.74	1,874	10,116	20,962	31,078
10,500	7.00	735	18.74	1,968	10,151	21,057	31,207
11,000	6.95	765	18.62	2,048	10,180	21,137	31,317
11,500	6.95	800	18.63	2,142	10,215	21,231	31,446
12,000	6.91	829	18.52	2,222	10,245	21,311	31,556
12,500	6.91	864	18.53	2,317	10,280	21,405	31,685
13,000	6.87	894	18.43	2,397	10,309	21,485	31,794
13,500	6.88	929	18.45	2,491	10,344	21,580	31,924
14,000	6.84	958	18.36	2,571	10,373	21,660	32,033
14,500	6.85	993	18.38	2,666	10,408	21,754	32,163
15,000	6.82	1,022	18.30	2,745	10,438	21,834	32,272
15,500	6.82	1,057	18.32	2,840	10,473	21,929	32,401
16,000	6.79	1,087	18.25	2,920	10,502	22,009	32,511
16,500	6.79	1,121	18.26	3,013	10,536	22,102	32,638
17,000	6.74	1,146	18.12	3,081	10,561	22,170	32,731

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

Mother's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
17,500	6.72	1,176	18.08	3,164	10,592	22,253	32,844
18,000	6.67	1,201	17.95	3,231	10,617	22,320	32,937
18,500	6.66	1,232	17.92	3,314	10,647	22,403	33,050
19,000	6.61	1,256	17.80	3,382	10,672	22,471	33,143
19,500	6.60	1,287	17.77	3,465	10,702	22,554	33,256
20,000	6.56	1,312	17.66	3,533	10,727	22,622	33,349
20,500	6.55	1,342	17.64	3,616	10,757	22,705	33,462
21,000	6.51	1,367	17.54	3,684	10,782	22,772	33,555
21,500	6.50	1,397	17.52	3,767	10,813	22,855	33,668
22,000	6.46	1,422	17.43	3,834	10,837	22,923	33,761
22,500	6.45	1,452	17.41	3,917	10,868	23,006	33,874
23,000	6.42	1,477	17.33	3,985	10,892	23,074	33,966
23,500	6.41	1,507	17.31	4,068	10,923	23,157	34,080
24,000	6.38	1,532	17.23	4,136	10,948	23,225	34,172
24,500	6.38	1,562	17.22	4,219	10,978	23,308	34,286
25,000	6.35	1,587	17.15	4,287	11,003	23,376	34,378
25,500	6.34	1,617	17.14	4,370	11,033	23,459	34,492
26,000	6.32	1,642	17.07	4,438	11,057	23,527	34,584
26,500	6.31	1,672	17.06	4,521	11,088	23,610	34,698
27,000	6.29	1,697	17.00	4,589	11,112	23,678	34,790
27,500	6.28	1,727	16.99	4,672	11,143	23,761	34,904
28,000	6.26	1,752	16.93	4,740	11,167	23,829	34,996
28,500	6.25	1,782	16.92	4,823	11,197	23,912	35,109
29,000	6.23	1,807	16.87	4,891	11,222	23,980	35,202
29,500	6.23	1,837	16.86	4,974	11,252	24,063	35,315
30,000	6.20	1,861	16.81	5,042	11,277	24,131	35,408
30,500	6.20	1,892	16.80	5,125	11,307	24,214	35,521
31,000	6.18	1,916	16.75	5,193	11,332	24,282	35,614
31,500	6.18	1,946	16.75	5,276	11,362	24,365	35,727
32,000	6.16	1,971	16.70	5,344	11,386	24,433	35,820
32,500	6.16	2,001	16.70	5,428	11,416	24,516	35,933
33,000	6.14	2,026	16.65	5,496	11,441	24,584	36,025
33,500	6.14	2,056	16.65	5,579	11,471	24,668	36,139
34,000	6.12	2,080	16.61	5,647	11,496	24,736	36,231
34,500	6.12	2,110	16.61	5,730	11,526	24,819	36,345
35,000	6.10	2,135	16.57	5,798	11,550	24,887	36,437
35,500	6.10	2,165	16.57	5,881	11,580	24,970	36,550

PETITIONER:	CASE NUMBER:
RESPONDENT:	

Mother Annual Bonus Wages Report, cont'd

Mother's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
36,000	6.08	2,189	16.53	5,949	11,605	25,038	36,643
36,500	6.08	2,219	16.53	6,033	11,635	25,122	36,756
37,000	6.06	2,244	16.49	6,101	11,659	25,190	36,849
37,500	6.06	2,274	16.49	6,184	11,689	25,273	36,962
38,000	6.05	2,298	16.45	6,252	11,714	25,341	37,055
38,500	6.05	2,328	16.46	6,336	11,744	25,424	37,168
39,000	6.03	2,353	16.42	6,404	11,768	25,492	37,260
39,500	6.03	2,383	16.42	6,487	11,798	25,576	37,374
40,000	6.02	2,407	16.39	6,555	11,822	25,644	37,466
40,500	6.02	2,437	16.39	6,638	11,852	25,727	37,580
41,000	6.00	2,461	16.36	6,706	11,877	25,795	37,672
41,500	6.00	2,491	16.36	6,790	11,907	25,879	37,785
42,000	5.99	2,516	16.33	6,858	11,931	25,947	37,878
42,500	5.99	2,545	16.33	6,941	11,961	26,030	37,991
43,000	5.98	2,570	16.30	7,009	11,985	26,098	38,084
43,500	5.98	2,600	16.31	7,093	12,015	26,182	38,197
44,000	5.96	2,624	16.28	7,161	12,039	26,250	38,289
44,500	5.96	2,654	16.28	7,245	12,069	26,333	38,403
45,000	5.95	2,678	16.25	7,313	12,094	26,401	38,495
45,500	5.95	2,708	16.26	7,396	12,123	26,485	38,608
46,000	5.94	2,732	16.23	7,464	12,148	26,553	38,701
46,500	5.94	2,762	16.23	7,548	12,178	26,637	38,814
47,000	5.93	2,786	16.20	7,616	12,202	26,705	38,907
47,500	5.93	2,816	16.21	7,700	12,232	26,788	39,020
48,000	5.92	2,840	16.18	7,768	12,256	26,856	39,112
48,500	5.92	2,870	16.19	7,851	12,286	26,940	39,226
49,000	5.91	2,894	16.16	7,919	12,310	27,008	39,318
49,500	5.91	2,924	16.17	8,003	12,340	27,092	39,431
50,000	5.91	2,954	16.17	8,086	12,369	27,175	39,544

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

9. RUSSELL ROSENBERG V. ALANA ROSENBERG

24FL0352

Petitioner filed a Request for Order (RFO) on July 2, 2024. The RFO, a blank FL-320 and the referral to Child Custody Recommending Counseling (CCRC) were all personally served on July 9th. There is no indication that the Notice of Posting Tentative Ruling has been served.

Respondent filed a Declaration on July 29th, however there is no Proof of Service for this document and therefore the court cannot consider it.

The parties attended CCRC on August 1st and were able to reach some agreements. A report with the agreements, and additional recommendations, was prepared on August 16th and mailed to the parties on August 19th.

Despite the agreements reached at CCRC, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice on August 26th. He filed an RFO concurrently therewith. Respondent filed her Responsive Declaration to Request for Order on August 27th. The court denied Petitioner's requests on an ex parte basis as there were no exigent circumstances however the parties were referred to an emergency set CCRC appointment and the matter was set for hearing on the present date.

Respondent filed a Responsive Declaration to Request for Order on September 6th. It was mail served on September 7th. She filed another Responsive Declaration to Request for Order on September 20th, however there is no Proof of Service for this document and therefore the court cannot consider it.

Petitioner filed his July 2nd RFO requesting the court grant his move away with the minor children and institute a parenting schedule to accommodate the move. Specifically, he requests approval to move to North Carolina with the children. In his August RFO Petitioner requests sole legal and sole physical custody of the children as well as a rereferral to CCRC so the children can be reinterviewed by the CCRC counselor. He asks that visits between the children and Respondent be supervised.

Respondent is opposing all of the requests. She is of the opinion that the ex parte was filed as retaliation due to the first CCRC report recommending the children reside primarily with Respondent. Respondent is now requesting sole legal and sole physical custody of the children.

The parties attended the emergency set CCRC appointment on September 10th. A report was prepared and mailed to the parties on October 1st. Given the short duration between the mailing of the CCRC report and the date of the hearing, the court wants to

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

ensure that the parties have had time to review the CCRC report. The parties are ordered to appear for the hearing.

TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

10. SAMANTHA OCHOA v. AARON OCHOA

22FL0761

Respondent filed a Request for Order (RFO) on July 18, 2024. There is no Proof of Service for the RFO. There is no Proof of Service for this document so the court cannot consider it.

Petitioner did not file a Responsive Declaration to Request for Order, but she did file a Declaration, however there is no Proof of Service for this document so the court cannot consider it.

TENTATIVE RULING #10: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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

October 3, 2024

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

11. THOMAS HOGAN V. SARAH HOGAN

22FL0369

On June 21, 2024, Respondent filed a Request for Order (RFO) seeking attorney's fees and the appointment of a business valuator. She filed an Income and Expense Declaration concurrently therewith. All required documents were mail served on June 26th.

On July 15th, Respondent filed another RFO, this time seeking an order for spousal support, a vocational evaluation, an order to sale the real property in Mexico and a continuance of the October 15th trial date. All required documents were mail served on July 16th.

Petitioner filed his Income and Expense Declaration and a Declaration of Richard Eldridge Regarding Attorney's Fees & Costs on August 20th. Both documents were electronically served on August 23rd.

Petitioner filed two Responsive Declarations to Request for Order on August 27th, one in response to each of Respondent's pending RFOs.

On August 27th, Respondent filed and served an Attorney Declaration of Joshua Stutz in Support of Request for Need-Based Attorney Fees and Costs. Respondent filed and served an updated Income and Expense Declaration on September 26th.

Respondent brings his RFOs making a variety of requests. She asks that the court appoint a business valuator to assess the value of Hogan Enterprises, Hogan Enterprises, and Hoganphotos. She references all three companies were started during the marriage but it is unclear what the difference is between the two companies which are each identified as "Hogan Enterprises." She is also requesting attorney's fees in the amount of \$25,000 pursuant to Family Code § 2030 and spousal support in the amount of \$3,896.70 per month. She asks that Petitioner be ordered to submit to a vocational evaluation and that the parties be ordered to sale the community real property located in Mexico. Finally, she is asking for a continuance of the October 15th trial date.

Petitioner opposes the request for a business valuator. He notes that opposing counsel requested a business valuator seven months ago but failed to actually obtain one. Now, Respondent is requesting a third continuance of the trial date because the businesses need to be valued. Petitioner is agreeable to selling either the Elk Grove property or the El Dorado property, but he resides at the Mexico property and therefore, does not agree to sell it. He does agree to submitting to a vocational evaluation, though he does not agree to doing so with Patrick Sullivan, and he requests that Respondent pay the entirety of the cost without reallocation.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

Petitioner opposes Respondent's request for attorney's fees and in fact is requesting attorney's fees of his own in the amount of \$10,000 as well as Section 271 sanctions in the amount of \$10,000.

After reviewing the filings of the parties, the court finds and orders as follows. Respondent's request to sell the Mexico property is denied as she has failed to show good cause to do so, especially in light of the fact that Petitioner is residing at the property. The request for Petitioner to undergo a vocational evaluation is granted. Petitioner is ordered to undergo a vocational evaluation with an evaluator agreed upon by the parties. Respondent is ordered to pay the entirety of the cost for the vocational evaluation, subject to reallocation.

The parties are ordered to appear for the hearing on the issue of spousal support and attorney's fees. In Petitioner's August declaration he states that at the time, he was actively searching for employment. Given that a month has passed since his filing, the parties are ordered to appear to update the court on the status of Petitioner's job search efforts and whether he has obtained employment.

Regarding the request for a continuance, the parties are admonished for their failure to diligently litigate this matter. The initial request to set a trial date was made over a year ago. The request was premature and now, more than a year later, neither party has taken the steps necessary to prepare this matter for trial. Trial is currently set for October 15-16, 2024, and yet neither party has filed a Statement of Issues and Contentions with the court and there are RFOs for property division and support pending. The trial date is vacated in its entirety.

Respondent's request for a business valuator is unnecessary. Respondent is free to retain an expert if she so chooses. Petitioner is ordered to comply with the expert's requests for information regarding the businesses as he is required to do per the Civil Discovery Act.

Petitioner's request for Section 271 sanctions is likewise denied. Family Code § 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..." Fam. Code § 271(A). While there does seem to be some contentiousness in this matter, the court does not find that Respondent, or her attorney's, conduct rises to the level of Section 271. Disagreement between the parties is not in and of itself a sanctionable act. Therefore, the request for sanctions is denied.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

TENTATIVE RULING #11: THE REQUEST TO SELL THE MEXICO PROPERTY IS DENIED. THE REQUEST FOR PETITIONER TO UNDERGO A VOCATIONAL EVALUATION IS GRANTED. PETITIONER IS ORDERED TO UNDERGO A VOCATIONAL EVALUATION WITH AN EVALUATOR AGREED UPON BY THE PARTIES. RESPONDENT IS ORDERED TO PAY THE ENTIRETY OF THE COST FOR THE VOCATIONAL EVALUATION, SUBJECT TO REALLOCATION. RESPONDENT'S REQUEST FOR A BUSINESS VALUATOR IS UNNECESSARY. RESPONDENT IS FREE TO RETAIN AN EXPERT IF SHE SO CHOOSES. PETITIONER IS ORDERED TO COMPLY WITH THE EXPERT'S REQUESTS FOR INFORMATION REGARDING THE BUSINESSES AS HE IS REQUIRED TO DO PER THE CIVIL DISCOVERY ACT. THE TRIAL DATE IS VACATED IN ITS ENTIRETY. PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS IS ALSO DENIED. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUE OF SPOUSAL SUPPORT AND ATTORNEY'S FEES. 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 PHONE CALL 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 PHONE CALL 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

October 3, 2024

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

15. JENNIFER GARRETT V. CHRISTOPHER CROSS

24FL0711

Petitioner filed a Petition to Establish a Parental Relationship on July 12, 2024. A Summons was issued the same day. Proof of Service of the Petition and Summons, shows Respondent was personally served on July 13th, and Respondent filed a Response on August 6, 2024. Proof of Service shows the Response was served on Petitioner on August 12th. Respondent has included the minor's birth certificate which shows he is the parent. The court finds parentage was established through Respondent signing the Voluntary Declaration of Paternity. Petitioner shall prepare the Judgment.

Petitioner concurrently filed a Request for Order (RFO) requesting the court make custody order. Respondent was served on July 13th. Petitioner is requesting the court order joint legal and physical custody of the minor.

Respondent filed a Responsive Declaration on August 6th which was served along with the Response. Respondent is also seeking joint legal and physical custody. Neither party has proposed a parenting plan.

The court finds the parties were not originally referred to Child Custody Recommending Counseling (CCRC) as Petitioner did not include a copy of the birth certificate with the Petition. The court finds good cause to refer the parties to CCRC to develop a parenting plan. Pending the return from CCRC the parties shall have joint legal and physical custody and are to utilize an equal timeshare parenting plan.

Parties are to attend CCRC on 10/18/2024 at 1:00 PM with Michaela Murphy and return for a review hearing on 01/02/2025 at 1:30 PM in Department 5.

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

TENTATIVE RULING #15: THE COURT FINDS RESPONDENT TO BE THE PARENT OF CASSANDRA CROSS. PETITIONER SHALL PREPARE THE PARENTAGE JUDGMENT. THE COURT FINDS GOOD CAUSE TO REFER THE PARTIES TO CCRC TO DEVELOP A PARENTING PLAN. PENDING THE RETURN FROM CCRC THE PARTIES SHALL HAVE JOINT LEGAL AND PHYSICAL CUSTODY AND ARE TO UTILIZE AN EQUAL TIMESHARE PARENTING PLAN. PARTIES ARE TO ATTEND CCRC ON 10/18/2024 WITH MICHAELA MURPHY AND RETURN FOR A REVIEW HEARING ON 01/02/2025 AT 1:30 PM IN DEPARTMENT 5. 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 PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

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 PHONE CALL 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

October 3, 2024

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

16. JESSICA CROXTON V. ADAM CROXTON

22FL0907

Respondent filed a Request for Order (RFO) requesting a bifurcated judgment on August 12, 2024. Petitioner was served with "Notice of Orders/Motion Filed" by mail on September 9, 2024.

Petitioner has not filed a Responsive Declaration.

The court finds the service to be insufficient. It is not clear to the court what Petitioner was served with. There is no indication the service included the RFO, Notice of Tentative Ruling, or other necessary documents. As such, the matter is dropped from calendar.

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE 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 PHONE CALL 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 PHONE CALL 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

October 3, 2024

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

17. JOSEPHINE CONNELLY V. DAVID KRELL

24FL0134

Respondent filed an ex parte application for emergency orders on July 11, 2024. Petitioner filed a Responsive Declaration on July 11, 2024. On July 12, 2024, the court denied the ex parte request and ordered the parties to attend Child Custody Recommending Counseling (CCRC) on August 16, 2024 and return for a review hearing on October 3, 2024. Respondent filed a Request for Order (RFO) on July 12th, making the same requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO and referral to CCRC.

Respondent and Petitioner appeared for the CCRC appointment, however, Petitioner asserted that she had not received proper notice of the appointment, and therefore, declined to participate. As such, a single parent report was filed with the court on August 16th. Copies were mailed to the parties on August 19, 2024.

The court drops the matter from calendar due to the failure to properly serve Petitioner. All prior orders remain in full force and effect. Parties are once again admonished that failure to comply with the court's orders may result in sanctions, contempt, and/or a modification of custody orders.

TENTATIVE RULING #17: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE PETITIONER. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PARTIES ARE ONCE AGAIN ADMONISHED THAT FAILURE TO COMPLY WITH THE COURT'S ORDERS MAY RESULT IN SANCTIONS, CONTEMPT, AND/OR A MODIFICATION OF CUSTODY ORDERS.

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

October 3, 2024

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

18. KELLY SOUSA V. DOUGLAS SOUSA (CLAIMANT: SHEILA MOSTAKA-SHATTUCK)

24FL0371

Claimant filed a Request for Joinder on September 10, 2024, a Notice and Summons was issued the same day. Upon review of the court's file, there is no Proof of Service showing Petitioner was properly served.

Respondent filed a Responsive Declaration and Response to the Notice of Joinder on October 1, 2024. Proof of Service shows Petitioner was served; however, Claimant was not. These documents are late filed and have not been properly served. As such, the court cannot consider them.

The court drops the matter from calendar due to the lack of proper service.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE 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 PHONE CALL 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 PHONE CALL 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

October 3, 2024

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

19. NATHANIEL DEPEE V. CHERYL COVINGTON

23FL0491

Petitioner filed a Request for Order (RFO) requesting a modification of child custody orders on July 17, 2024. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had just attended in June and reached a full agreement. Upon review of the court's file, there is no Proof of Service showing Respondent was properly served with the RFO.

Respondent filed a Responsive Declaration on September 25, 2024. There is no Proof of Service for this document. Additionally, this document is late filed. Therefore, the court cannot consider it.

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

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

October 3, 2024

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

20. STACY NALEPA V. THOMAS NALEPA

PFL20100451

Petitioner filed a Request for Order (RFO) on July 25, 2024, requesting the court order Respondent to sign the necessary paperwork to transfer funds from an IRA account, as well as compel Respondent to provide information on the children's investment accounts. Respondent was personally served in accordance with Family Code section 215 on July 25, 2024.

Respondent filed a Responsive Declaration on September 25, 2024. Petitioner was mail served on September 25, 2024. Although this document was late filed, the court finds good cause to consider it.

The court has read and considered the filings as outlined above. The court finds Respondent has signed the necessary documents, and the funds have been transferred. As such, Petitioner's RFO on the motion to compel Respondent's signature is moot. The court denies Petitioner's request to compel Respondent to provide information on the "children's investment accounts". The court finds based on the May 25, 2016 stipulation and order, these accounts are Respondent's separate property. As such, Petitioner is not entitled to any information regarding those accounts. Further, discovery has long since closed and there is no pending litigation which would warrant reopening discovery. Therefore, the request 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.

TENTATIVE RULING #20: THE COURT FINDS RESPONDENT HAS SIGNED THE NECESSARY DOCUMENTS, AND THE FUNDS HAVE BEEN TRANSFERRED. AS SUCH, PETITIONER'S RFO ON THE MOTION TO COMPEL RESPONDENT'S SIGNATURE IS MOOT. THE COURT DENIES PETITIONER'S REQUEST TO COMPEL RESPONDENT TO PROVIDE INFORMATION ON THE "CHILDREN'S INVESTMENT ACCOUNTS". THE COURT FINDS BASED ON THE MAY 25, 2016 STIPULATION AND ORDER, THESE ACCOUNTS ARE RESPONDENT'S SEPARATE PROPERTY. AS SUCH, PETITIONER IS NOT ENTITLED TO ANY INFORMATION REGARDING THOSE ACCOUNTS. FURTHER, DISCOVERY HAS LONG SINCE CLOSED AND THERE IS NO PENDING LITIGATION WHICH WOULD WARRANT REOPENING DISCOVERY. THEREFORE, THE REQUEST 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 PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 3, 2024

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

21. SUSAN FOLK V. DANNY FOLK

24FL0250

Petitioner filed an Order to Show Cause and Affidavit for Contempt on June 17, 2024. Upon review of the court's file, there is a Proof of Unsuccessful Service, filed on August 7, 2024. As Respondent has not been properly served, the court drops the matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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