

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

1. BEAU FREIDENFELT V. JENNA CAHILL

23FL1050

Petitioner filed a Request for Order (RFO) on July 19, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date. The RFO, the CCRC referral, and the Notice of Tentative Ruling were all mail served on July 23rd. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner filed his RFO requesting a 2-2-5-5 parenting schedule. He also requests a right of first refusal to care for the children if Respondent is unavailable for 4 hours or more during her parenting time, not including work hours. He asks that each party arrange for their own childcare during their custodial periods and scheduled phone/FaceTime calls weekly from 7pm-7:30pm on his non-parenting days. In addition to the custody orders, Petitioner is asking for an order directing Respondent to pay for one-half of the cost of preparation for all back tax returns which is estimated to amount to \$600, and an order precluding Respondent from contacting Petitioner's business contacts.

The parties attended CCRC on August 30, 2024, they were able to reach agreements on all custody issues. A report memorializing those agreements was prepared the same day. Copies of the report were mailed to the parties on September 4th. The court has reviewed the agreements of the parties and finds them to be in the best interests of the minors, they are hereby adopted as the orders of the court.

Regarding the backed tax returns, Respondent has not opposed this request. 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). In reviewing Petitioner's filings, he does establish good cause to order the parties to equally split in preparing the costs of the marital tax returns. Petitioner is to have the returns prepared and provide copies of the invoice to Respondent as soon as possible once the invoice is received. The parties are to split equally all costs associated with the preparation of the tax returns that were due during the marriage.

Finally, turning to the no-contact request regarding Petitioner's business contacts. The request is denied as the court finds the request to be too vague and overbroad and the court is concerned with First Amendment issues. Respondent is reminded, however, that the parties are bound by a fiduciary duty to one another pursuant to Family Code § 721. Respondent is admonished to act in accordance with her fiduciary duty.

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

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TENTATIVE RULING #1: THE AGREEMENTS CONTAINED IN THE AUGUST 30, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. THE PARTIES ARE TO SPLIT EQUALLY ALL COSTS ASSOCIATED WITH THE PREPARATION OF THE TAX RETURNS THAT WERE DUE DURING THE MARRIAGE. PETITIONER IS TO HAVE THE RETURNS PREPARED AND PROVIDE COPIES OF THE INVOICE TO RESPONDENT AS SOON AS POSSIBLE ONCE THE INVOICE IS RECEIVED. PETITIONER'S REQUEST FOR A NO CONTACT ORDER BETWEEN RESPONDENT AND PETITIONER'S BUSINESS CONTACTS IS DENIED. HOWEVER, RESPONDENT IS ADMONISHED TO COMPLY WITH THE FIDUCIARY DUTY OWED BY HER TO PETITIONER PURSUANT TO FAMILY CODE SECTION 721. 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.

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2. CAITLIN OSBORNE V. CAMERON SANTO

22FL0257

Petitioner filed a Request for Order (RFO) on July 23, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 23rd. The RFO, the CCRC referral, and all other required documents were mail served on July 24th.

The parties were scheduled to attend CCRC on August 23, 2024, however only Petitioner appeared. A single parent report was prepared and mailed to the parties on August 26th.

Petitioner filed an additional RFO on August 27, 2024. It appears to be identical to the RFO currently before the court. Therefore, in the interest of judicial economy this matter is continued to join with the hearing currently set for November 14, 2024 at 8:30 am in Department 5.

TENTATIVE RULING #2: THIS MATTER IS CONTINUED TO JOIN WITH THE HEARING CURRENTLY SET FOR NOVEMBER 14, 2024 AT 8:30 AM IN DEPARTMENT 5.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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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3. DALE ANDREWS V. NATALIE WOODS ANDREWS

SFL20180191

On November 28, 2023, the parties filed a Stipulated Order After Settlement Conference wherein the parties agreed to maintain the then current spousal support orders and a review hearing was set for April 18, 2024. The review hearing was continued to July 25th, however, on July 16th the parties filed a stipulation once again continuing the review hearing.

In the July stipulation the parties cited Petitioner's recent retirement as the reason for the continuance. It was further stipulated that all income source data would be available prior to the continued review hearing date. Spousal support was agreed to continue to be \$0, however the parties agreed that the court would retain jurisdiction to retroactively modify support back to April 1, 2024.

There have been no filings by either party since the July stipulation. The court finds the current orders remain appropriate and drops the matter from calendar.

TENTATIVE RULING #3: THIS MATTER IS DROPPED FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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4. JOSHUA KHOSHSEFAT V. HEIDI KHOSHSEFAT

24FL0682

On July 16, 2024, Respondent filed a Request for Order (RFO) seeking orders for support and attorney's fees. She filed her Income and Expense Declaration on September 20th. The RFO, the Income and Expense Declaration, and all other required documents were electronically served on September 20th.

Petitioner filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on October 2nd. Respondent filed and served her Reply Declaration on October 7.

Petitioner filed an RFO on August 26th. The RFO, and other required documents, were served on September 16th. Respondent filed her Responsive Declaration to Request for Order and a Memorandum of Points and Authorities on October 3rd. Both documents were electronically served on October 2nd. Petitioner filed and served his Reply Declaration, a Memorandum of Points and Authorities, and a Request for Evidentiary Hearing Pursuant to Family Code § 217 on October 10th.

Respondent is requesting child and spousal support as well as attorney's fees in the amount of \$35,000. She notes that while she is unsure of Petitioner's income, she estimates it to be \$33,000 per month.

Petitioner is requesting a seek work order which directs Respondent to apply for at least five jobs per week and provide weekly documentation of her efforts to Petitioner's attorney. He also asks that Respondent undergo a vocational assessment with David Ritz, at Respondent's sole costs. Finally, he requests Respondent be imputed with fulltime income at a rate of \$102.42 per hour or \$213,034 per year.

Respondent opposes the requests made by Petitioner. Specifically, she asks that any ruling on the requests be stayed pending the outcome of the DVTRO trial in Case No. 24FL0654.

The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING. PETITIONER IS ORDERED TO BRING WITH HIM A COMPLETED INCOME AND EXPENSE DECLARATION AND THE REQUIRED SUPPORTING DOCUMENTATION.

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5. KRISTA KLINGENBERG V. DANIEL KERSEY

PFL20120509

On March 12, 2024, the parties appeared before the court for hearing on a Domestic Violence Restraining Order (DVRO). The DVRO was granted, and the parties were referred to Child Custody Recommending Counseling (CCRC).

A review hearing was held on July 18th at which time the court made custody and visitation orders as set forth in the court's order from that date. The court set a review hearing for the present date to address whether Respondent has rebutted the Family Code § 3044 presumption.

Respondent filed a Declaration of Daniel Kersey; Exhibits on October 9th. It was electronically served the same day. Petitioner has not filed an updating declaration.

According to Respondent, not only is he in therapy but he is in the process of attending a parenting course and he has completed a co-parenting class. He has also provided the court with documentation of his participation in a Batterer's Intervention Program. He is now requesting unsupervised visitation.

Section 3044 gives rise to a rebuttable presumption that an award of sole or joint physical or legal custody to an individual who has perpetrated domestic violence is not in the best interest of the child. *Id.* "This presumption may only be rebutted by a preponderance of the evidence." *Id.* To overcome the presumption, the perpetrator bears the burden of proving (1) giving sole or joint legal or physical custody to the perpetrator is in the best interest of the child; and (2) a balancing of the factors listed in Section 3044(b)(2) supports the legislative findings in Section 3020. Fam. Code § 3044(b). Among the factors to be considered are the following: Completion alcohol or drug abuse counseling, completion of a batterer's treatment program, completion of a parenting class, compliance with terms and conditions of probation, parole or a restraining order, if any, and whether or not further acts of domestic violence have occurred. *Id.*

In light of Respondent's efforts toward rehabilitation, the court does find that the 3044 presumption has been rebutted. As such, the parties are ordered to share joint legal custody of the children. Respondent and the minors are to continue conjoint therapy as previously ordered. In addition, Respondent shall have one additional visit with the children per week for a period of two hours. The visit is to be non-professionally supervised. Parties are ordered to meet and confer regarding the best date and time for this visit. Additionally, the parties are ordered to attend Child Custody Recommending Counseling on 11/7/2024 at 1:00 PM with Rebecca Nelson for the purpose of establishing a step-up plan. A review

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hearing is set for 1/9/2025 at 1:30 PM. Parties are ordered to file and serve updating declarations no later than ten days prior to the next hearing date to update the court on the status of the visits. Petitioner is admonished to ensure that she attends CCRC this time. Failure to do so may result in sanctions.

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

TENTATIVE RULING #5: IN LIGHT OF RESPONDENT'S EFFORTS TOWARD REHABILITATION, THE COURT DOES FIND THAT THE 3044 PRESUMPTION HAS BEEN REBUTTED. AS SUCH, THE PARTIES ARE ORDERED TO SHARE JOINT LEGAL CUSTODY OF THE CHILDREN. RESPONDENT AND THE MINORS ARE TO CONTINUE CONJOINT THERAPY AS PREVIOUSLY ORDERED. IN ADDITION, RESPONDENT SHALL HAVE ONE ADDITIONAL VISIT WITH THE CHILDREN PER WEEK FOR A PERIOD OF TWO HOURS. THE VISIT IS TO BE NON-PROFESSIONALLY SUPERVISED. PARTIES ARE ORDERED TO MEET AND CONFER REGARDING THE BEST DATE AND TIME FOR THIS VISIT. ADDITIONALLY, THE PARTIES ARE ORDERED TO ATTEND CHILD CUSTODY RECOMMENDING COUNSELING ON 11/7/2024 AT 1:00 PM FOR THE PURPOSE OF ESTABLISHING A STEP-UP PLAN. A REVIEW HEARING IS SET FOR 1/9/2025 AT 1:30 PM IN DEPARTMENT 5. PARTIES ARE ORDERED TO FILE AND SERVE UPDATING DECLARATIONS NO LATER THAN TEN DAYS PRIOR TO THE NEXT HEARING DATE TO UPDATE THE COURT ON THE STATUS OF THE VISITS. PETITIONER IS ADMONISHED TO ENSURE THAT SHE ATTENDS CCRC THIS TIME. FAILURE TO DO SO MAY RESULT IN SANCTIONS. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

6. KRISTIN M. TABOR V. BRANDON B. TABOR

21FL0038

On March 18, 2024, Respondent filed a Request for Order (RFO) seeking a variety of orders including orders for child support. The parties appeared before the court on June 6th for hearing on the RFO at which time the parties stipulated to non-guideline support in the amount of \$1,875 per month commencing on June 1, 2024. The court reserved jurisdiction to modify support back to June 1, 2024. A review hearing was set for the present date to address child support.

Respondent filed and served his Income and Expense Declaration on October 3rd. He filed an Updating Declaration on October 7th. The Proof of Service states that the Updating Declaration was served electronically on October 10th, but it was signed on October 4th, therefore the court is concerned with the veracity of the document.

Petitioner filed and served her Income and Expense Declaration on October 9th.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that child support is \$1,969 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$1,969 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. This order for child support is effective as of June 1, 2024.

The court finds the above order results in arrears in the amount of \$470 up to and including October 1, 2024. As noted in Respondent's brief, he is current on his payments of \$1,875 per month. The court orders Respondent pay Petitioner \$470 on November 15, 2024.

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

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

TENTATIVE RULING #6: THE COURT FINDS THAT CHILD SUPPORT IS \$1,969 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,969 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER FOR CHILD SUPPORT IS EFFECTIVE AS OF JUNE 1, 2024. THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$470 UP TO AND INCLUDING OCTOBER 1, 2024. AS NOTED IN RESPONDENT'S BRIEF, HE IS CURRENT ON HIS PAYMENTS OF

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\$1,875 PER MONTH. THE COURT ORDERS RESPONDENT PAY PETITIONER \$470 ON NOVEMBER 15, 2024. THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS OVERTIME PAY AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. RESPONDENT IS TO PAY PETITIONER A TRUE UP OF ANY OVERTIME EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE OVERTIME PAYMENT IS RECEIVED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	20.05%	0%	Father	7,013	Payment (cost)/benefit	(1,969) 1,969
Filing status	Single	HH/MLA	Mother	2,734	Net spendable income	5,044 4,702
# Federal exemptions	1*	3*	Total	9,747	% combined spendable	51.8% 48.2%
Wages + salary	10,983	2,073	Support		Total taxes	3,166 (661)
401(k) employee contrib	693	0	CS Payor	Father	Comb. net spendable	9,746
Self-employment income	0	0	Presumed	1,969	Proposed	
Other taxable income	0	0	Basic CS	1,969	Payment (cost)/benefit	(2,108) 2,108
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,314 4,538
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	270 (164)
Other gains (and losses)	0	0	Child 1	778	% combined spendable	53.9% 46.1%
Ordinary dividends	0	0	Child 2	1,190	% of saving over gdl	256.6% -156.6%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	2,756 (356)
Social Security received	0	0	Total	1,969	Comb. net spendable	9,852
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	1.1%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	2,108		
Roy, partnerships, S corp, trusts	0	0	Basic CS	2,108		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	870		
New-spouse income	0	0	Child 2	1,239		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	2,108		
Adj. to income (ATI)	0	0	Savings	105		
9.3% elective PTE payment	0	0	Mother	270		
Ptr Support Pd. other P'ships	0	0	Father	-165		
Health insurance	0	0	Total releases to Father	2		
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	754	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	50	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): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father	CASE NUMBER:	
Father Monthly Overtime Wages Report 2024 Monthly		

"R" denotes that Father is a recipient for the corresponding support
"CS%" is the percentage of Overtime paid as additional Child Support
"SS%" is the percentage of Overtime paid as additional Spousal Support
Total columns indicate the Total support due, support on reported income plus the incremental support due on additional income.

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	1,969	0	1,969
100	12.05	12	0.00	0	1,981	0	1,981
200	12.03	24	0.00	0	1,993	0	1,993
300	12.01	36	0.00	0	2,005	0	2,005
400	11.99	48	0.00	0	2,016	0	2,016
500	12.11	61	0.00	0	2,029	0	2,029
600	12.27	74	0.00	0	2,042	0	2,042
700	12.38	87	0.00	0	2,055	0	2,055
800	12.45	100	0.00	0	2,068	0	2,068
900	12.51	113	0.00	0	2,081	0	2,081
1,000	12.55	126	0.00	0	2,094	0	2,094
1,100	12.58	138	0.00	0	2,107	0	2,107
1,200	12.61	151	0.00	0	2,120	0	2,120
1,300	12.63	164	0.00	0	2,133	0	2,133
1,400	12.64	177	0.00	0	2,145	0	2,145
1,500	12.65	190	0.00	0	2,158	0	2,158
1,600	12.66	203	0.00	0	2,171	0	2,171
1,700	12.67	215	0.00	0	2,184	0	2,184
1,800	12.67	228	0.00	0	2,197	0	2,197
1,900	12.67	241	0.00	0	2,209	0	2,209
2,000	12.68	254	0.00	0	2,222	0	2,222

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7. KRISTINA HARRIS V. NATHAN HARRIS

PFL20200340

On July 25, 2024, Petitioner filed a Request for Order (RFO) seeking entry of the judgment by court order. There is no Proof of Service for the RFO or any of the other required documents, therefore the matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #7: 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.

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8. LORRAINE SEBREN V. ERNEST SEBREN

PFL20200288

The court posted its tentative ruling for this matter on October 3, 2024. Both parties called for a hearing, but the parties stipulated to have the hearing held on the present date. The parties are ordered to appear for the hearing.

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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9. ROGER HEMBD V. KRISTIN HEMBD

PFL20200316

On May 9, 2024, the court set a review hearing for August 22nd to review the parenting plan. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the hearing.

Both Petitioner and Respondent filed and served Supplemental Declarations on August 5, 2024. Petitioner filed and served a Declaration of Susan Stoeffler on August 15th. Upon review of the court file, there is no Statement of Issues and Contentions from Minor's Counsel.

Petitioner requests the court maintain the current orders. Petitioner also requests the court modify the exchange location to Strawberry, rather than Kyburz. Petitioner objects to the court considering the minor's statements in her declaration as hearsay. Petitioner requests Respondent not schedule any medical appointment or seek non-emergency care without Petitioner's consent. Petitioner requests Respondent follow the minor's doctor's orders regarding all treatment, including dietary needs and supplements. Lastly, Petitioner requests the court adopt his proposed holiday schedule.

Respondent is requesting the court adopt her proposed holiday schedule. She is also asking that Petitioner be the primary parent during the school year, with Respondent to have the 1st, 2nd, 4th, and 5th weekends, as well as Wednesday and Thursday overnights on the 3rd week. Respondent is also requesting the parenting time when Petitioner is out of town on weeknights. Respondent is requesting the minor continue therapy services with his current counselor. Respondent requests there be no changes in the exchange location. Respondent requests the minor continue to participate in two extracurricular activities. Respondent is requesting Petitioner provide the name of the church and youth group the minor will be attending. Respondent is requesting daily FaceTime calls for the non-custodial parent. Lastly, Respondent is requesting the minor remain on Medi-Cal.

Respondent filed a Reply Declaration on August 8, 2024. It was personally served on August 8th. Respondent asserts she can spend weekday time with the minor, as she is able to drive to Carson City, Nevada and stay in a motel or her RV with the minor. Respondent acknowledges this is not ideal but argues it is a workable alternative. She objects to Petitioner's proposed holiday schedule. She renews her request that the minor remain in therapy with the current therapist and raises concerns about the minor's services through the regional center and Medi-Cal, that were not transferred to Nevada, and still have not been put into place. Respondent also states the parties have agreed through co-parenting counseling to modify the exchange location to the Strawberry General Store, rather than the Kyburz Lodge.

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Petitioner filed a Declaration on August 15, 2024, with two attached exhibits, communication from the minor's therapist. Proof of Service shows Respondent and Minor's Counsel were served on August 15th.

The parties appeared before the court on August 22nd and requested a continuance. The continuance was granted, and the review hearing was set for the present date. There have been no filings since the August 22nd hearing date.

The court finds it needs input from Minor's Counsel regarding the continuation of counseling services as well as the parenting plan, including the holiday schedule and summer schedule. As such, the parties are ordered to appear for the hearing.

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

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

11. TODD STANLEY V. HANNAH COLE

24FL0221

Petitioner filed a Request for Order on March 13, 2024, seeking custody and visitation orders.

Respondent filed a Request for a Domestic Violence Restraining Order (DVRO) on March 13, 2024, listing Petitioner as the restrained party and Respondent as the protected party. Petitioner was ordered to have visitation with the children Monday through Thursday from 2:00 pm to 6:30 pm and Friday at 2:00pm until Saturday at 4:00pm.

On March 18th, Petitioner filed a Request for a DVRO against Respondent. A temporary DVRO was granted, and Petitioner was granted temporary sole legal and sole physical custody of the children. Respondent was ordered to have professionally supervised visits with the children once per week for two hours at a time. These orders were later amended to allow Respondent unsupervised visits with the children on Mondays and Wednesdays from after school until 7:00pm and on Sundays from 10:00am to 6:30pm.

Both DVRO requests have been repeatedly continued.

The parties attended Child Custody Recommending Counseling (CCRC) on August 29th, however, in light of the competing DVROs, CCRC was unable to provide recommendations to the court. A report stating as much was prepared on October 2nd and mailed to the parties on October 4th.

Given the potential application of Family Code § 3044, the court is hesitant to change the current custody and visitation orders until rulings have been made on both of the DVRO requests. Therefore, this matter is set to trail the DVRO trials. Once orders are made on the DVRO requests the parties will be re-referred to CCRC and a new review hearing will be set.

TENTATIVE RULING #11: THIS MATTER IS SET TO TRAIL THE DVRO TRIALS. ONCE ORDERS ARE MADE ON THE DVRO REQUESTS THE PARTIES WILL BE RE-REFERRED TO CCRC AND A NEW REVIEW HEARING WILL BE SET.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

12. BROOKE ROGERS V. ZACHARY PODESTA

24FL0781

Petitioner filed a Request for Order (RFO) on July 31, 2024. There is no Proof of Service for this document therefore this matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #12: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

13. CHRISTINA STEELE V. JOSHUA WALLER

PFL20160057

Respondent filed an ex parte application for emergency custody orders on July 19, 2024. Petitioner filed a Responsive Declaration on the same day. On July 22, 2024, the court denied the ex parte request, however, it did order a referral to Child Custody Recommending Counseling (CCRC) and directed the parties to refrain from corporal punishment. On July 22, 2024, Respondent filed a Request for Order (RFO) making the same requests as set forth in the ex parte application. The parties were referred to CCRC with an appointment on August 23, 2024 and a review hearing on October 17, 2024. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO and referral to CCRC.

Nevertheless, both parties and the minor appeared for the appointment. The parties were unable to reach an agreement. A report with recommendations was filed with the court on August 28, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on August 16, 2024. There is no Proof of Service for this document, and therefore, the court has not considered it. Additionally, there are confidential documents attached. Petitioner is admonished to refrain from including confidential information in public filings. Petitioner is subject to criminal prosecution for the disclosure of such documents.

The court has read and considered the CCRC report and recommendations. The court finds good cause to proceed despite the lack of service to Petitioner, as Petitioner filed a Responsive Declaration to the ex parte and appeared at the CCRC appointment. The court finds the recommendations as set forth in the August 28th CCRC report are in the minor's best interest. The court adopts the recommendations as set forth.

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

TENTATIVE RULING #13: THE COURT FINDS GOOD CAUSE TO PROCEED DESPITE THE LACK OF SERVICE TO PETITIONER, AS PETITIONER FILED A RESPONSIVE DECLARATION TO THE EX PARTE AND APPEARED AT THE CCRC APPOINTMENT. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE AUGUST 28TH CCRC REPORT ARE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 17, 2024

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

14. HILLARY ERICKSON V. MATTHEW ERICKSON

23FL0136

On May 9, 2024, the parties appeared for a hearing on Respondent's RFO. The parties were able to reach agreements which the court adopted as its orders. The parties agreed to a review hearing on August 15th. Parties subsequently submitted a stipulation to continue the review hearing to October 17th. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the hearing.

Petitioner filed and served a Declaration on October 7th. Petitioner is requesting the court make additional orders, including a further review hearing in one year.

Respondent has not filed a Supplemental Declaration.

The court orders parties to appear for the hearing.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

15. JENNIFER BARRY V. MARK BARRY

22FL0585

Respondent filed a Request for Order (RFO) on July 17, 2024, requesting modification of the child custody, child support, spousal support, domestic violence orders, as well as a civil standby. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 28, 2024, and a review hearing on October 17, 2024. Respondent concurrently filed an Income and Expense Declaration. Proof of Service shows Petitioner was mail served on July 17th.

The parties attended CCRC and were able to reach some agreements. A report with the parties' agreements and further recommendations was filed with the court on August 29th and mailed to the parties the same day.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on October 4, 2024. Respondent was personally served the same day.

Respondent filed a Reply Declaration on October 9, 2024. There is no Proof of Service for this document and therefore, it has not been considered.

Respondent requests the court grant the parties joint physical custody. Respondent is also requesting the court order guideline child and temporary spousal support. Respondent also requests the court vacate the Domestic Violence Restraining Order. Respondent requests the court authorize a civil standby to allow him to retrieve personal property items from the former family residence.

Petitioner agrees to the recommendations as set forth in the CCRC report however, she does not agree to joint physical custody. Petitioner requests the exchanges take place at the El Dorado County Sheriff's Office. Petitioner requests the child and spousal support orders remain the same. She also requests Respondent undergo a forensic substance abuse evaluation with Collen Moore-DeVere and she objects to a civil standby.

The court has read and considered the filings as outlined above. The court finds the agreements and recommendations as set forth in the August 29th CCRC report are in the minors' best interest. The court adopts the agreements and recommendations as its orders.

Respondent's request to vacate or modify the Domestic Violence Restraining Order is denied. Respondent's request for a civil standby is denied. The parties are ordered not to dispose of any personal property.

Utilizing the parties' Income and Expense Declarations with a tax status of married filing separately, a timeshare of 28.5%, and an imputation of \$20 per hour at 20 hours per

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

week to Petitioner, the court finds guideline child support to be \$1,999. Respondent is ordered to pay Petitioner \$1,999 per month as and for guideline child support effective November 1, 2024 (see attached DissoMaster). Payments are due the first of each month until further order of the court or termination by operation of law.

Using the same figures, the court finds temporary guideline spousal support per the Alameda formula to be \$1,408. Respondent is ordered to pay Petitioner \$1,408 per month as and for temporary guideline spousal support effective November 1, 2024 (see attached DissoMaster). Payments are due on the first of each month until further order of the court or termination by operation of law.

The court finds Respondent routinely earns bonus income and has included a bonus table. Respondent shall true up his bonus income quarterly, with payments on January 15th, April 15th, July 15th, and October 15th annually.

Petitioner is to continue to comply with the prior seek work orders.

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 #15: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE AUGUST 29TH CCRC REPORT ARE IN THE MINORS' BEST INTEREST. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDERS. RESPONDENT'S REQUEST TO VACATE OR MODIFY THE DOMESTIC VIOLENCE RESTRAINING ORDER IS DENIED. RESPONDENT'S REQUEST FOR A CIVIL STANDBY IS DENIED. THE PARTIES ARE ORDERED NOT TO DISPOSE OF ANY PERSONAL PROPERTY. UTILIZING THE PARTIES' INCOME AND EXPENSE DECLARATIONS WITH A TAX STATUS OF MARRIED FILING SEPARATELY AND A TIMESHARE OF 28.5%, AND AN IMPUTATION OF \$20 PER HOUR AT 20 HOURS PER WEEK TO PETITIONER, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,999. RESPONDENT IS ORDERED TO PAY PETITIONER \$1,999 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE NOVEMBER 1, 2024 (SEE ATTACHED DISSOMASTER). PAYMENTS ARE DUE THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. USING THE SAME FIGURES, THE COURT FINDS TEMPORARY GUIDELINE SPOUSAL SUPPORT PER THE ALAMEDA FORMULA TO BE \$1,408. RESPONDENT IS ORDERED TO PAY PETITIONER \$1,408 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE NOVEMBER 1, 2024 (SEE ATTACHED DISSOMASTER). PAYMENTS ARE DUE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS RESPONDENT ROUTINELY

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

EARNS BONUS INCOME AND HAS INCLUDED A BONUS TABLE. RESPONDENT SHALL TRUE UP HIS BONUS INCOME QUARTERLY, WITH PAYMENTS ON JANUARY 15TH, APRIL 15TH, JULY 15TH, AND OCTOBER 15TH ANNUALLY. PETITIONER IS TO CONTINUE TO COMPLY WITH THE PRIOR SEEK WORK ORDERS. 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.

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	28.5%	0%	Father	7,182	Payment (cost)/benefit	(3,277) 3,408
Filing status	MFS->	<-MFS	Mother	0	Net spendable income	3,774 5,141
# Federal exemptions	1*	3*	Total	7,182	% combined spendable	42.3% 57.7%
Wages + salary	10,225	0	Support (Nondeductible)	Total taxes	2,773	0
401(k) employee contrib	208	0	CS Payor	Father	Comb. net spendable	8,915
Self-employment income	0	0	Presumed	1,999	Proposed	
Other taxable income	0	0	Basic CS	1,999	Payment (cost)/benefit	(3,457) 3,598
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	4,004 5,331
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	230 190
Other gains (and losses)	0	0	Child 1	750	% combined spendable	42.9% 57.1%
Ordinary dividends	0	0	Child 2	1,250	% of saving over gdl	54.7% 45.3%
Tax. interest received	0	0	SS Payor	Father	Total taxes	2,353 0
Social Security received	0	0	Alameda	1,408	Comb. net spendable	9,335
Unemployment compensation	0	0	Total	3,407	Percent change	4.7%
Operating losses	0	0	Proposed, tactic 9		Default Case Settings	
Ca. operating loss adj.	0	0	CS Payor	Father		
Roy, partnerships, S corp, trusts	0	0	Presumed	2,078		
Rental income	0	0	Basic CS	2,078		
Misc ordinary tax. inc.	0	0	Add-ons	0		
Other nontaxable income	0	1,733	Presumed Per Kid			
New-spouse income	0	0	Child 1	804		
SS paid other marriage	0	0	Child 2	1,274		
CS paid other relationship	0	0	SS Payor	Father		
Adj. to income (ATI)	0	0	Alameda	1,520		
9.3% elective PTE payment	0	0	Total	3,598		
Ptr Support Pd. other P'ships	0	0	Savings	420		
Health insurance	270	0	Mother	230		
Qual. Bus. Inc. Ded.	0	0	Father	190		
Itemized deductions	0	0	Total releases to Father	2		
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				
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): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father		
Father Annual Bonus Wages Report 2024 Yearly		CASE NUMBER:

"R" denotes that Father is a recipient for the corresponding support

"CS%" is the percentage of Bonus paid as additional Child Support

"SS%" is the percentage of Bonus paid as additional Spousal Support

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

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	23,993	16,900	40,893
500	11.19	56	15.82	79	24,049	16,979	41,028
1,000	11.18	112	15.83	158	24,105	17,058	41,163
1,500	11.17	168	15.83	237	24,160	17,138	41,298
2,000	11.17	223	15.83	317	24,216	17,217	41,433
2,500	11.14	279	15.81	395	24,271	17,295	41,567
3,000	11.11	333	15.78	473	24,326	17,374	41,700
3,500	11.08	388	15.75	551	24,381	17,451	41,832
4,000	11.07	443	15.73	629	24,435	17,530	41,965
4,500	11.05	497	15.72	707	24,490	17,607	42,097
5,000	11.03	552	15.71	785	24,544	17,686	42,230
5,500	11.02	606	15.70	863	24,599	17,764	42,362
6,000	11.00	660	15.69	942	24,653	17,842	42,495
6,500	10.99	714	15.69	1,020	24,707	17,920	42,627
7,000	10.98	769	15.68	1,098	24,762	17,998	42,760
7,500	10.97	823	15.68	1,176	24,816	18,076	42,892
8,000	10.96	877	15.68	1,254	24,870	18,154	43,024
8,500	10.95	931	15.67	1,332	24,924	18,232	43,156
9,000	10.94	985	15.68	1,411	24,978	18,311	43,289
9,500	10.93	1,039	15.67	1,489	25,031	18,389	43,421
10,000	10.93	1,093	15.67	1,567	25,085	18,468	43,553
10,500	10.92	1,146	15.67	1,646	25,139	18,546	43,685
11,000	10.91	1,200	15.67	1,724	25,193	18,624	43,817
11,500	10.90	1,254	15.67	1,802	25,246	18,702	43,949
12,000	10.89	1,307	15.67	1,881	25,300	18,781	44,081
12,500	10.88	1,361	15.67	1,959	25,353	18,859	44,212
13,000	10.88	1,414	15.67	2,037	25,407	18,938	44,345
13,500	10.87	1,467	15.67	2,116	25,460	19,016	44,476
14,000	10.86	1,521	15.67	2,194	25,514	19,094	44,608
14,500	10.86	1,574	15.67	2,272	25,567	19,173	44,739
15,000	10.85	1,627	15.67	2,351	25,620	19,251	44,871
15,500	10.84	1,680	15.67	2,429	25,673	19,329	45,003
16,000	10.84	1,734	15.67	2,508	25,726	19,408	45,135
16,500	10.83	1,787	15.67	2,586	25,779	19,486	45,266
17,000	10.82	1,840	15.68	2,665	25,833	19,565	45,398

PETITIONER:	CASE NUMBER:
RESPONDENT:	

Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
17,500	10.81	1,893	15.68	2,743	25,885	19,643	45,529
18,000	10.81	1,946	15.68	2,822	25,938	19,722	45,660
18,500	10.80	1,998	15.68	2,900	25,991	19,800	45,791
19,000	10.80	2,051	15.68	2,979	26,044	19,879	45,923
19,500	10.79	2,104	15.68	3,057	26,097	19,957	46,054
20,000	10.78	2,157	15.68	3,136	26,149	20,036	46,186



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

16. KELLEY SOUSA V. DOUGLAS SOUSA

24FL0371

Respondent filed a Request for Order (RFO) on July 30, 2024, requesting the court order the sale of the community residence pendente lite. Proof of Service shows Petitioner was electronically served on July 30, 2024, with the RFO and Notice of Remote Appearance. There is no Proof of Service showing Petitioner was served with a blank FL-320 or the Notice of Tentative Ruling.

Petitioner filed a Responsive Declaration on September 24, 2024. Respondent was personally served on September 28, 2024. As Petitioner has filed a Responsive Declaration, opposing the court proceeding with the request, stating she was not properly served, as she has not consented to electronic service.

The court finds service to have been defective, both due to the electronic service as well as the fact that service did not include all of the required documents. As such, the matter is dropped from calendar.

TENTATIVE RULING #16: THE COURT DROPS THE MATTER 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 17, 2024

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

17. MILENA ROBBINS V. RYAN ROBBINS

PFL20140570

On July 26, 2024, Respondent has filed a second Request for Order (RFO) to modify child custody orders made on May 2, 2024, and affirmed on July 25, 2024, Respondent also requests modification of permanent spousal support. Proof of Service shows Petitioner was mail served with verification of address on September 4, 2024. The court notes mail service is insufficient as to the request to modify permanent spousal support. Respondent did not file an Income and Expense Declaration.

Petitioner has not filed a Responsive Declaration.

Respondent filed a Declaration on October 8, 2024. Petitioner was personally served on October 9, 2024. This document is late filed and therefore, has not been considered.

Petitioner filed a Declaration on October 9, 2024. Respondent was mail served on October 9, 2024. This document is late filed and therefore, has not been considered.

The court drops Respondent's request to modify permanent spousal support. The request was not properly served. Additionally, Respondent failed to file an Income and Expense Declaration which is required. Respondent has also failed to set forth a change in circumstances which would warrant the modification.

The court denies Respondent's request to modify its prior orders. Once again, Respondent has failed to set forth why the requested modification would be in the best interest of the minor. Respondent is cautioned, should he continue to file additional, unmeritorious, RFOs on the same or similar issues within days of the court making orders, he may be deemed a vexatious litigant.

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

TENTATIVE RULING #17: THE COURT DROPS RESPONDENT'S REQUEST TO MODIFY PERMANENT SPOUSAL SUPPORT. THE REQUEST WAS NOT PROPERLY SERVED. ADDITIONALLY, RESPONDENT FAILED TO FILE AN INCOME AND EXPENSE DECLARATION WHICH IS REQUIRED. RESPONDENT HAS ALSO FAILED TO SET FORTH A CHANGE IN CIRCUMSTANCES WHICH WOULD WARRANT THE MODIFICATION. THE COURT DENIES RESPONDENT'S REQUEST TO MODIFY ITS PRIOR ORDERS. ONCE AGAIN, RESPONDENT HAS FAILED TO SET FORTH WHY THE REQUESTED MODIFICATION WOULD BE IN THE BEST INTEREST OF THE MINOR. RESPONDENT IS CAUTIONED, SHOULD HE CONTINUE TO FILE ADDITIONAL, UNMERITORIOUS RFOs, ON THE SAME OR SIMILAR ISSUES WITHIN DAYS OF THE COURT MAKING ORDERS, HE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

MAY BE DEEMED A VEXATIOUS LITIGANT. ALL PRIOR ORDERS 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

18. NIKOLAS PAECH V. CAROLINE GIROUX

PFL20210276

The matter is set for a review hearing on the progress in family therapy as well as reunification therapy. Each party has filed and served updating Declarations as well as Declarations from counsel. The court has not received a Statement of Issues and Contentions from Minors' Counsel.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

20. ROSA RODRIGUEZ V. ADOLFO RODRIGUEZ

23FL0271

Petitioner filed a Request for Order (RFO) on June 28, 2024, requesting the court make child custody and parenting plan orders, as well as child support and temporary guideline spousal support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 26, 2024, and a review hearing on September 12th. Petitioner did not concurrently file an Income and Expense Declaration.

Proof of Service shows Respondent was served with the RFO, an Income and Expense Declaration, paystubs and W-2 forms, as well as an FL-140; FL-141; and FL-142. However, there is no Proof of Service showing Respondent was served with the referral to CCRC, Notice of Tentative Ruling, or a blank FL-320.

Only Petitioner appeared for the CCRC appointment on July 26th. As such, a single parent report was filed with the court on July 29th and mailed to the parties the same day.

Petitioner filed an Income and Expense Declaration on August 9, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

Petitioner requested oral argument and appeared for the hearing on September 12, 2024. Respondent failed to appear. The court proceeded in Respondent's absence. The court granted Petitioner's request for sole legal and physical custody of the minors with Respondent to have parenting time on the 1st, 3rd, and 5th weekend of every month from Friday at 3:00 PM to Sunday at 8:00 PM. The court reserved jurisdiction on the request for child and temporary spousal support to the filing of the RFO. The court directed Petitioner to file and serve an updated Income and Expense Declaration at least 10 days prior to the hearing.

Upon review of the court file, Petitioner has not filed or served an updated Income and Expense Declaration.

Petitioner failed to concurrently file an Income and Expense Declaration at the time of the filing of the RFO, further, Petitioner has failed to comply with the court's September 12, 2024, order to file and serve an updated Income and Expense Declaration at least 10 days prior to the hearing. As such the court finds Petitioner has failed to comply with the California Rules of Court as well as the El Dorado County Local Rules. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See also Cal.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

Fam. Code § 2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01. Petitioner's requests for child and temporary spousal support are 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: PETITIONER'S REQUESTS FOR CHILD AND TEMPORARY SPOUSAL SUPPORT ARE DENIED FOR FAILURE TO COMPLY WITH THE RULES OF COURT AND THE COURT'S PRIOR ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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 17, 2024

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

21. 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 the second Responsive Declaration 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 containing agreements and recommendations was prepared on September 30th, it was mailed to the parties on October 1st. The court has reviewed the agreements and

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 17, 2024

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

recommendations contained in the CCRC report and finds them to be in the best interests of the minors, they are therefore hereby adopted as the orders of the court.

Regarding Petitioner's request for a move away order, the parties are ordered to appear to select trial and Mandatory Settlement Conference dates.

TENTATIVE RULING #21: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE SEPTEMBER 30, 2024, CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THEY ARE THEREFORE ADOPTED AS THE ORDERS OF THE COURT. REGARDING PETITIONER'S REQUEST FOR A MOVE AWAY ORDER, THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

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 17, 2024

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

22. RYAN WISE V. ALLISON WHITE

PFL20200713

Respondent filed a Request for Order (RFO) on July 29, 2024, seeking a modification of the current child custody and parenting plan orders. Respondent also filed three declarations concurrently. Respondent also requested a referral to mediation. Petitioner was personally served on August 20, 2024.

Petitioner has not filed a Responsive Declaration.

Respondent filed two additional Declarations on September 25, 2024. There is no Proof of Service for these documents and therefore, the court cannot consider them.

The court finds good cause to rerefer the parties to Child Custody Recommending Counseling (CCRC), as it has been more than six months since they last attended. Parties are to attend CCRC with Norman Labat on 11/4/24 at 1:00 PM and return for a review hearing on 1/9/2025 at 1:30 PM in Department 5. Any Supplemental Declarations are to be filed and served at least 10 days prior to the review hearing.

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

TENTATIVE RULING #22: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CHILD CUSTODY RECOMMENDING COUNSELING (CCRC), AS IT HAS BEEN MORE THAN SIX MONTHS SINCE THEY LAST ATTENDED. PARTIES ARE TO ATTEND CCRC WITH NORMAN LABAT ON 11/4/24 AT 1:00 PM AND RETURN FOR A REVIEW HEARING ON 1/9/2025 AT 1:30 PM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. ALL PRIOR ORDERS 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.