

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 24, 2024

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

2. ASHLYN HARDIN V. ANTHONY POLLO

22FL1160

Petitioner filed a Request for Order (RFO) and an Income and Expense Declaration on July 30, 2024. Both documents, along with all other required documents, were mail served on August 2nd. Respondent has not filed a Responsive Declaration to Request for Order.

Utilizing the same figures as outlined in the attached Dissomaster report, the court finds that child support is \$1,609 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$1,609 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of August 1, 2024.

The court finds the above order results in arrears in the amount of \$4,827 through and including October 1, 2024. The court orders Respondent pay Petitioner \$268.17 on the 15th of each month commencing on November 15, 2024, and continuing until paid in full (approximately 18 months). If any payment is missed or late, the entire amount shall become immediately due and payable with interest.

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

TENTATIVE RULING #2: THE COURT FINDS THAT CHILD SUPPORT IS \$1,609 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,609 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF AUGUST 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,827 THROUGH AND INCLUDING OCTOBER 1, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$268.17 ON THE 15TH OF EACH MONTH COMMENCING ON NOVEMBER 15, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 18 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH INTEREST.

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

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October 24, 2024

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NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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	0%	0%	Father	4,072	Payment (cost)/benefit	(1,609) 1,609
Filing status	Single	Single	Mother	2,731	Net spendable income	2,463 4,340
# Federal exemptions	1*	3*	Total	6,803	% combined spendable	36.2% 63.8%
Wages + salary	5,120	2,125	Support		Total taxes	1,048 (606)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	6,803
Self-employment income	0	0	Presumed	1,609	Proposed	
Other taxable income	0	0	Basic CS	1,609	Payment (cost)/benefit	(1,761) 1,761
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	2,721 4,151
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	258 (189)
Other gains (and losses)	0	0	Child 1	591	% combined spendable	39.6% 60.4%
Ordinary dividends	0	0	Child 2	1,018	% of saving over gdl	373.2% -273.2%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	638 (265)
Social Security received	0	0	Total	1,609	Comb. net spendable	6,872
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	1.0%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	1,761		
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,761		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	691		
New-spouse income	0	0	Child 2	1,069		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	1,761		
Adj. to income (ATI)	0	0	Savings	69		
9.3% elective PTE payment	0	0	Mother	258		
Ptr Support Pd. other P'ships	0	0	Father	-189		
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	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 24, 2024

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

3. CARLOS ROMAN V. NICI GEE

24FL0572

On July 31, 2024, Respondent filed a Request for Order (RFO) seeking child support. It was mail served on August 6th. She filed and served her Income and Expense Declaration on August 14th.

Petitioner filed and served a declaration and an Income and Expense Declaration on October 16th. The court finds the declaration to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made October 11th the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

Petitioner’s Income and Expense Declaration, however, is timely and will be considered by the court. The party responding to a request for support must file an Income and Expense Declaration with his or her responsive documents or, if the responsive papers are not filed, no less than 5 days prior to the hearing date. El Dorado Sup. Ct. Rule 8.03.01.

Respondent filed and served a declaration on October 16th.

According to Petitioner, the children would spend approximately 50% of their time with him prior to the issuance of the temporary restraining order (TRO) on July 18th. Respondent states otherwise. According to her, the children have primarily resided with her since the parties separated. Given that the RFO was not filed until August, the court is utilizing a 100% timeshare to Respondent for the purpose of calculating support.

Utilizing the above stated timeshare, the court finds that child support is \$3,088 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$3,088 per month as and for child support payable on the 1st of the month until further order of the court or legal termination. This order is effective as of August 1, 2024.

The court finds the above order results in arrears in the amount of \$9,264 through and including October 1, 2024. The court orders Petitioner to pay Respondent \$772 on the 15th of each month commencing on November 15, 2024, and continuing until paid in full

LAW & MOTION TENTATIVE RULINGS

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(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 that both parties routinely earn overtime pay and therefore, has included a two-way overtime table with the DissoMaster. The parties are ordered to true-up their payments on a monthly basis in accordance with the attached DissoMaster bonus table.

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

TENTATIVE RULING #3: UTILIZING THE SAME FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT CHILD SUPPORT IS \$3,088 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$3,088 PER MONTH AS AND FOR CHILD SUPPORT PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF AUGUST 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$9,264 THROUGH AND INCLUDING OCTOBER 1, 2024. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$772 ON THE 15TH OF EACH MONTH COMMENCING ON NOVEMBER 15, 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 THAT BOTH PARTIES ROUTINELY EARN OVERTIME PAY AND THEREFORE, HAS INCLUDED A TWO-WAY OVERTIME TABLE WITH THE DISSOMASTER. THE PARTIES ARE ORDERED TO TRUE-UP THEIR PAYMENTS ON A MONTHLY BASIS IN ACCORDANCE WITH THE ATTACHED DISSOMASTER BONUS TABLE.

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

LAW & MOTION TENTATIVE RULINGS

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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	0%	0%	Father	9,855	Payment (cost)/benefit	(3,088) 3,088
Filing status	Single	Single	Mother	693	Net spendable income	6,767 3,781
# Federal exemptions	1*	3*	Total	10,548	% combined spendable	64.2% 35.8%
Wages + salary	14,500	402	Support		Total taxes	4,465 (291)
401(k) employee contrib	916	0	CS Payor	Father	Comb. net spendable	10,549
Self-employment income	0	0	Presumed	3,088	Proposed	
Other taxable income	0	0	Basic CS	3,088	Payment (cost)/benefit	(3,173) 3,173
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	7,092 3,837
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	325 56
Other gains (and losses)	0	0	Child 1	1,155	% combined spendable	64.9% 35.1%
Ordinary dividends	0	0	Child 2	1,933	% of saving over gdl	85.3% 14.7%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	4,055 (262)
Social Security received	0	0	Total	3,088	Comb. net spendable	10,929
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	3.6%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	3,173		
Roy, partnerships, S corp, trusts	0	0	Basic CS	3,173		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	1,212		
New-spouse income	0	0	Child 2	1,961		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	3,173		
Adj. to income (ATI)	0	0	Savings	381		
9.3% elective PTE payment	0	0	Mother	325		
Ptr Support Pd. other P'ships	0	0	Father	56		
Health insurance	0	0	Total releases to Father	2		
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	1,076	0				
Other medical expenses	0	0				
Property tax expenses	572	0				
Ded. interest expense	504	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	180	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	Two-way Monthly Overtime Wages Report 2024 Monthly	
		CASE NUMBER:

Change in Child Support

Blue is a cost to Father. Red italic is a cost to Mother

Mother's Gross Overtime Wages	Father's Gross Overtime Wages							
	0	100	200	300	400	500	600	700
0	0	13	26	38	51	64	77	90
100	20	7	6	19	32	45	57	70
200	40	26	13	0	13	26	39	52
300	58	45	32	19	6	7	20	33
400	76	62	49	36	23	10	4	17
500	87	73	60	47	34	20	7	6
600	98	84	71	58	44	31	18	4
700	108	95	81	68	55	41	28	15
800	119	105	92	78	65	52	38	25
900	129	115	102	88	75	62	48	35
1,000	139	125	112	98	85	71	58	45
1,100	149	135	122	108	95	81	68	54
1,200	158	144	130	117	103	90	76	63
1,300	166	153	139	125	112	98	85	71
1,400	175	161	147	134	120	106	93	79
1,500	183	169	155	142	128	114	101	87
1,600	188	174	161	147	133	120	106	92
1,700	193	179	165	151	138	124	110	97
1,800	197	183	169	156	142	128	115	101
1,900	201	187	174	160	146	133	119	105
2,000	205	192	178	164	150	137	123	109



PETITIONER: RESPONDENT:	CASE NUMBER:
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Change in Child Support, cont'd

Blue is a cost to Father. *Red italic is a cost to Mother*

Mother's Gross Overtime Wages									
	800	900	1,000	1,100	1,200	1,300	1,400	1,500	
0	102	115	128	141	154	166	179	192	
100	83	96	109	122	135	148	160	173	
200	65	78	91	103	116	129	142	155	
300	47	60	73	86	99	112	125	138	
400	30	43	56	69	82	95	109	122	
500	19	32	46	59	72	85	98	111	
600	9	22	35	48	62	75	88	101	
700	<i>1</i>	12	25	38	52	65	78	91	
800	<i>12</i>	2	15	28	42	55	68	82	
900	<i>21</i>	<i>8</i>	5	19	32	45	59	72	
1,000	<i>31</i>	<i>18</i>	<i>4</i>	9	22	36	49	63	
1,100	<i>41</i>	<i>27</i>	<i>14</i>	<i>0</i>	13	26	40	53	
1,200	<i>49</i>	<i>36</i>	<i>22</i>	<i>9</i>	5	18	32	45	
1,300	<i>58</i>	<i>44</i>	<i>31</i>	<i>17</i>	<i>4</i>	10	23	37	
1,400	<i>66</i>	<i>52</i>	<i>39</i>	<i>25</i>	<i>12</i>	2	15	29	
1,500	<i>74</i>	<i>60</i>	<i>47</i>	<i>33</i>	<i>19</i>	<i>6</i>	8	21	
1,600	<i>79</i>	<i>65</i>	<i>52</i>	<i>38</i>	<i>25</i>	<i>11</i>	3	16	
1,700	<i>83</i>	<i>70</i>	<i>56</i>	<i>42</i>	<i>29</i>	<i>15</i>	2	12	
1,800	<i>87</i>	<i>74</i>	<i>60</i>	<i>47</i>	<i>33</i>	<i>19</i>	6	8	
1,900	<i>92</i>	<i>78</i>	<i>64</i>	<i>51</i>	<i>37</i>	<i>23</i>	10	4	
2,000	<i>96</i>	<i>82</i>	<i>68</i>	<i>55</i>	<i>41</i>	<i>27</i>	14	0	



PETITIONER: RESPONDENT:	CASE NUMBER:
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Change in Child Support, cont'd

Blue is a cost to Father. *Red italic is a cost to Mother*

Mother's Gross Overtime Wages					
	1,600	1,700	1,800	1,900	2,000
0	205	217	230	243	255
100	186	199	212	225	237
200	168	181	194	207	220
300	151	164	177	190	203
400	135	148	161	174	187
500	125	138	151	164	177
600	114	128	141	154	167
700	105	118	131	144	157
800	95	108	121	135	148
900	85	99	112	125	138
1,000	76	89	103	116	129
1,100	67	80	93	107	120
1,200	58	72	85	99	112
1,300	50	64	77	91	104
1,400	42	56	69	83	96
1,500	35	48	62	75	89
1,600	30	43	57	70	84
1,700	25	39	52	66	79
1,800	21	35	48	62	75
1,900	17	31	44	58	71
2,000	13	27	40	54	68



PETITIONER: RESPONDENT:	CASE NUMBER:
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Total Child Support

Blue is a cost to Father. *Red italic is a cost to Mother*

Mother's Gross Overtime Wages	Father's Gross Overtime Wages							
	0	100	200	300	400	500	600	700
0	3,088	3,101	3,114	3,127	3,139	3,152	3,165	3,178
100	3,068	3,081	3,094	3,107	3,120	3,133	3,145	3,158
200	3,049	3,062	3,075	3,088	3,101	3,114	3,127	3,140
300	3,030	3,043	3,056	3,069	3,082	3,095	3,108	3,121
400	3,012	3,026	3,039	3,052	3,065	3,078	3,092	3,105
500	3,001	3,015	3,028	3,041	3,054	3,068	3,081	3,094
600	2,991	3,004	3,017	3,030	3,044	3,057	3,070	3,084
700	2,980	2,993	3,007	3,020	3,033	3,047	3,060	3,073
800	2,969	2,983	2,996	3,010	3,023	3,036	3,050	3,063
900	2,959	2,973	2,986	3,000	3,013	3,026	3,040	3,053
1,000	2,949	2,963	2,976	2,990	3,003	3,017	3,030	3,043
1,100	2,939	2,953	2,966	2,980	2,993	3,007	3,020	3,034
1,200	2,931	2,944	2,958	2,971	2,985	2,998	3,012	3,025
1,300	2,922	2,936	2,949	2,963	2,976	2,990	3,003	3,017
1,400	2,913	2,927	2,941	2,954	2,968	2,982	2,995	3,009
1,500	2,905	2,919	2,933	2,946	2,960	2,974	2,987	3,001
1,600	2,900	2,914	2,927	2,941	2,955	2,968	2,982	2,996
1,700	2,895	2,909	2,923	2,937	2,950	2,964	2,978	2,991
1,800	2,891	2,905	2,919	2,932	2,946	2,960	2,973	2,987
1,900	2,887	2,901	2,914	2,928	2,942	2,956	2,969	2,983
2,000	2,883	2,897	2,910	2,924	2,938	2,951	2,965	2,979

PETITIONER: RESPONDENT:	CASE NUMBER:
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Total Child Support, cont'd

Blue is a cost to Father. *Red italic is a cost to Mother*

Mother's Gross Overtime Wages									
	800	900	1,000	1,100	1,200	1,300	1,400	1,500	
0	3,190	3,203	3,216	3,229	3,242	3,254	3,267	3,280	
100	3,171	3,184	3,197	3,210	3,223	3,236	3,248	3,261	
200	3,153	3,166	3,179	3,192	3,204	3,217	3,230	3,243	
300	3,135	3,148	3,161	3,174	3,187	3,200	3,213	3,226	
400	3,118	3,131	3,144	3,157	3,170	3,184	3,197	3,210	
500	3,107	3,120	3,134	3,147	3,160	3,173	3,186	3,199	
600	3,097	3,110	3,123	3,137	3,150	3,163	3,176	3,189	
700	3,087	3,100	3,113	3,126	3,140	3,153	3,166	3,179	
800	3,076	3,090	3,103	3,116	3,130	3,143	3,156	3,170	
900	3,067	3,080	3,093	3,107	3,120	3,133	3,147	3,160	
1,000	3,057	3,070	3,084	3,097	3,110	3,124	3,137	3,151	
1,100	3,047	3,061	3,074	3,088	3,101	3,114	3,128	3,141	
1,200	3,039	3,052	3,066	3,079	3,093	3,106	3,120	3,133	
1,300	3,031	3,044	3,058	3,071	3,085	3,098	3,111	3,125	
1,400	3,022	3,036	3,049	3,063	3,076	3,090	3,103	3,117	
1,500	3,014	3,028	3,042	3,055	3,069	3,082	3,096	3,109	
1,600	3,009	3,023	3,036	3,050	3,064	3,077	3,091	3,104	
1,700	3,005	3,018	3,032	3,046	3,059	3,073	3,086	3,100	
1,800	3,001	3,014	3,028	3,041	3,055	3,069	3,082	3,096	
1,900	2,997	3,010	3,024	3,037	3,051	3,065	3,078	3,092	
2,000	2,992	3,006	3,020	3,033	3,047	3,061	3,074	3,088	

PETITIONER: RESPONDENT:	CASE NUMBER:
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Total Child Support, cont'd

Blue is a cost to Father. *Red italic is a cost to Mother*

Mother's Gross Overtime Wages					
	1,600	1,700	1,800	1,900	2,000
0	3,293	3,305	3,318	3,331	3,344
100	3,274	3,287	3,300	3,313	3,325
200	3,256	3,269	3,282	3,295	3,308
300	3,239	3,252	3,265	3,278	3,291
400	3,223	3,236	3,249	3,262	3,275
500	3,213	3,226	3,239	3,252	3,265
600	3,202	3,216	3,229	3,242	3,255
700	3,193	3,206	3,219	3,232	3,245
800	3,183	3,196	3,209	3,223	3,236
900	3,173	3,187	3,200	3,213	3,226
1,000	3,164	3,177	3,191	3,204	3,217
1,100	3,155	3,168	3,181	3,195	3,208
1,200	3,146	3,160	3,173	3,187	3,200
1,300	3,138	3,152	3,165	3,179	3,192
1,400	3,130	3,144	3,157	3,171	3,184
1,500	3,123	3,136	3,150	3,163	3,177
1,600	3,118	3,131	3,145	3,158	3,172
1,700	3,113	3,127	3,140	3,154	3,167
1,800	3,109	3,123	3,136	3,150	3,163
1,900	3,105	3,119	3,132	3,146	3,159
2,000	3,101	3,115	3,129	3,142	3,156

LAW & MOTION TENTATIVE RULINGS

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October 24, 2024

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

4. CHARLES HUGHMANICK V. COURTNEY HUGHMANICK

PFL20140842

On May 22, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO and all other required documents were mail served on May 28th. Because this is a post-judgment request, Respondent filed a Declaration Regarding Address Verification to confirm the address for service. A hearing was set for August 29th.

Petitioner filed his Responsive Declaration to Request for Order on June 27th. It was mail served on June 28th.

On July 31st, Respondent filed an Ex Parte Application and Declaration for Orders and Notice along with an RFO. The ex parte was granted in part. The parties were referred to Child Custody Recommending Counseling (CCRC) and the August 29th hearing was continued to the present date. The court reserved on all other requests until the regularly set hearing.

On August 19th, Respondent filed another Ex Parte Application and Declaration for Orders and Notice and a corresponding RFO. The requests were denied ex parte and no hearing was set on the RFO.

On August 20th Petitioner filed an Ex Parte Application and Declaration for Orders and Notice. The ex parte was denied but on August 21st he filed his RFO reiterating his requests. The hearing on the RFO was joined with the hearing already set on Respondent's prior RFOs. Respondent filed a Responsive Declaration to Request for Order on August 21st.

Petitioner filed a Responsive Declaration to Request for Order on October 3rd.

The parties attended CCRC on August 26th and were unable to reach any agreements. A report with recommendations was prepared and mailed to the parties on October 15th.

Respondent is requesting a custody and visitation schedule. She also requests the following orders: (1) All parent communication to occur via Talking Parents; (2) In case of emergency the parties to send a Talking Parents message first then follow it with a phone call, voicemail, and a text that reads "voice message, 911;" (3) The parties not to contact the other party's employer, even in emergency situations; (4) The parties shall respond to all Talking Parents messages within 24 hours; (5) Petitioner to provide Respondent with the CA driver's license number of his live in girl friend or a copy of her birth certificate; (6) Suspend Petitioner's parenting time or issue a no-contact order with Petitioner's girlfriend

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until the aforementioned information is provided; (7) Petitioner to introduce his girlfriend to Respondent

Petitioner requests the following orders: (1) Formalize the current week-on/week-off schedule, this request was later changed to a request for full physical custody with Respondent to have visitation on the 1st, 2nd, 4th, and 5th weekends; (2) 50/50 joint legal custody, in cases of non-agreement the parties to utilize an independent third-party mediator. This request was later changed to a request for Petitioner to have full physical custody; (3) School day exchanges to occur at school, non-school exchanges to occur at the El Dorado County Sheriff station in Placerville; (4) all non-emergency parent communications to occur solely using Talking Parents. In cases of emergency the parties are to send a Talking Parents message, call the other party's cell phone and leave a message, then send a follow up text stating "voice message, 911;" (5) the parties not to contact the other party's place of employment unless it is an emergency; (6) barring reasonable circumstances, the parties to respond to all Talking Parents messages within 24 hours; (7) Both parties to have 15-minutes of telephone or video calls through Talking Parents on their non-custodial nights; (8) The court to order additional parenting time for Petitioner to make up for days lost; and (9) Appointment of Minor's Counsel for any interactions between the minor and law enforcement.

After reviewing the filings of the parties as outlined above, the court makes the following orders which it finds to be in the best interests of the minor. The parties are ordered to share joint legal custody, in doing so each party is ordered to comply with the diagnosis and treatment of any and all of the minor's medical professionals, and absent good cause, the parties are to ensure the minor timely and consistently attends school. Failure to do so may result in a change to custody and visitation orders in the future.

The parties are to utilize a week on/week off visitation schedule. Exchanges are to be on Friday drop-off at school or 8:00 AM. Exchanges on school days are to occur at the minor's school. Exchanges occurring on non-school days shall occur at the El Dorado County Sheriff station in Placerville. The non-custodial parent shall have a telephone or video call with the minor on his or her non-custodial nights. Calls are to last a minimum of 15 minutes unless the minor requests the call lasts longer or chooses to end the call early. During Petitioner's parenting time, the minor shall have no unsupervised contact with the paternal uncle. If necessary, Petitioner shall make alternative sleeping arrangements to ensure the safety of the minor.

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Each party shall have up to a 7-day vacation with the minor to occur during summer break. The party taking the vacation shall, at least 30 days prior to the vacation, provide the other party with all information regarding dates, flight numbers, departure and arrival dates and times, the location and contact information for lodging during the vacation.

Regarding holidays, Respondent shall have the minor for Mother's Day and Respondent's birthday each year. Petitioner shall have the minor for Father's Day and Petitioner's birthday each year. On even numbered years, Petitioner shall have the minor for Halloween, Christmas and the 4th of July, and Respondent shall have the minor for the minor's birthday, Thanksgiving and Easter. On odd numbered years, Petitioner shall have the minor for the minor's birthday, Thanksgiving, and Easter, Respondent shall have the minor for Halloween, Christmas, and 4th of July.

All non-emergency communication between the parties shall occur solely using Talking Parents. Parties are ordered to respond to Talking Parents messages within 24 hours unless the responding party gives prior notice of his or her unavailability for a specified time period. In cases of emergency, the parties are to send a Talking Parents message. They may then leave a voicemail and send a follow up text stating "voice message, 911." Neither party may contact the other party's place of employment at any time.

The court is not appointing Minor's Counsel solely to represent the minor in interactions with law enforcement. However, should the parties continue in their inability to coparent, the court may find that appointment of Minor's Counsel is necessary in the future to represent the minor in these proceedings.

Finally, Respondent's request to suspend Petitioner's visitation or, alternatively, for a no-contact order with Petitioner's girlfriend is denied. Respondent has failed to show any potential danger that would befall the minor by having such contact. Additionally, her requests for Petitioner's girlfriend's driver's license number or a copy of her birth certificate are denied. Petitioner shall be afforded make up time for the visits that were missed due to Respondent's withholding of the minor. The parties are ordered to meet and confer to determine dates and times for the make-up visits.

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

TENTATIVE RULING #4: AFTER REVIEWING THE FILINGS OF THE PARTIES AS OUTLINED ABOVE, THE COURT MAKES THE FOLLOWING ORDERS WHICH IT FINDS TO BE IN THE BEST INTERESTS OF THE MINOR. THE PARTIES ARE ORDERED TO SHARE JOINT LEGAL

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CUSTODY, IN DOING SO EACH PARTY IS ORDERED TO COMPLY WITH THE DIAGNOSIS AND TREATMENT OF ANY AND ALL OF THE MINOR'S MEDICAL PROFESSIONALS, AND ABSENT GOOD CAUSE, THE PARTIES ARE TO ENSURE THE MINOR TIMELY AND CONSISTENTLY ATTENDS SCHOOL. FAILURE TO DO SO MAY RESULT IN A CHANGE TO CUSTODY AND VISITATION ORDERS IN THE FUTURE.

THE PARTIES ARE TO UTILIZE A WEEK ON/WEEK OFF VISITATION SCHEDULE. EXCHANGES ON SCHOOL DAYS ARE TO OCCUR AT THE MINOR'S SCHOOL. EXCHANGES OCCURRING ON NON-SCHOOL DAYS SHALL OCCUR AT THE EL DORADO COUNTY SHERIFF STATION IN PLACERVILLE. THE NON-CUSTODIAL PARENT SHALL HAVE A TELEPHONE OR VIDEO CALL WITH THE MINOR ON HIS OR HER NON-CUSTODIAL NIGHTS. CALLS ARE TO LAST A MINIMUM OF 15 MINUTES UNLESS THE MINOR REQUESTS THE CALL LASTS LONGER OR CHOOSES TO END THE CALL EARLY. DURING VISITS, THE MINOR SHALL HAVE NO UNSUPERVISED CONTACT WITH THE PATERNAL UNCLE. IF NECESSARY, PETITIONER SHALL MAKE ALTERNATIVE SLEEPING ARRANGEMENTS TO ENSURE THE SAFETY OF THE MINOR.

EACH PARTY SHALL HAVE UP TO A 7 DAY VACATION WITH THE MINOR TO OCCUR DURING SUMMER BREAK. THE PARTY TAKING THE VACATION SHALL, AT LEAST 30 DAYS PRIOR TO THE VACATION, PROVIDE THE OTHER PARTY WITH ALL INFORMATION REGARDING DATES, FLIGHT NUMBERS, DEPARTURE AND ARRIVAL DATES AND TIMES, THE LOCATION AND CONTACT INFORMATION FOR LODGING DURING THE VACATION.

REGARDING HOLIDAYS, RESPONDENT SHALL HAVE THE MINOR FOR MOTHER'S DAY AND RESPONDENT'S BIRTHDAY EACH YEAR. PETITIONER SHALL HAVE THE MINOR FOR FATHER'S DAY AND PETITIONER'S BIRTHDAY EACH YEAR. ON EVEN NUMBERED YEARS, PETITIONER SHALL HAVE THE MINOR FOR HALLOWEEN, CHRISTMAS AND THE 4TH OF JULY, AND RESPONDENT SHALL HAVE THE MINOR FOR THE MINOR'S BIRTHDAY, THANKSGIVING AND EASTER. ON ODD NUMBERED YEARS, PETITIONER SHALL HAVE THE MINOR FOR THE MINOR'S BIRTHDAY, THANKSGIVING, AND EASTER, RESPONDENT SHALL HAVE THE MINOR FOR HALLOWEEN, CHRISTMAS, AND 4TH OF JULY.

ALL NON-EMERGENCY COMMUNICATION BETWEEN THE PARTIES SHALL OCCUR SOLELY USING TALKING PARENTS. PARTIES ARE ORDERED TO RESPOND TO TALKING PARENTS MESSAGES WITHIN 24 HOURS UNLESS THE RESPONDING PARTY

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GIVES PRIOR NOTICE OF HIS OR HER UNAVAILABILITY FOR A SPECIFIED TIME PERIOD. IN CASES OF EMERGENCY, THE PARTIES ARE TO SEND A TALKING PARENTS MESSAGE. THEY MAY THEN LEAVE A VOICEMAIL AND SEND A FOLLOW UP TEXT STATING “VOICE MESSAGE, 911.” NEITHER PARTY MAY CONTACT THE OTHER PARTY’S PLACE OF EMPLOYMENT AT ANY TIME.

THE COURT IS NOT APPOINTING MINOR’S COUNSEL SOLELY TO REPRESENT THE MINOR IN INTERACTIONS WITH LAW ENFORCEMENT. HOWEVER, SHOULD THE PARTIES CONTINUE IN THEIR INABILITY TO COPARENT, THE COURT MAY FIND THAT APPOINTMENT OF MINOR’S COUNSEL IS NECESSARY IN THE FUTURE TO REPRESENT THE MINOR IN THESE PROCEEDINGS.

FINALLY, RESPONDENT’S REQUEST TO SUSPEND PETITIONER’S VISITATION OR, ATLERNTAIVELY, FOR A NO-CONTACT ORDER WITH PETITIONER’S GIRLFRIEND IS DENIED. RESPONDENT HAS FAILED TO SHOW ANY POTENTIAL DANGER THAT WOULD BEFALL THE MINOR BY HAVING SUCH CONTACT. ADDITIONALLY, HER REQUESTS FOR PETITIONER’S GIRLFRIEND’S DRIVER’S LICENSE NUMBER OR A COPY OF HER BIRTH CERTIFICATE ARE DENIED. PETITIONER SHALL BE AFFORDED MAKE UP TIME FOR THE VISITS THAT WERE MISSED DUE TO RESPONDENT’S WITHHOLDING OF THE MINOR. THE PARTIES ARE ORDERED TO MEET AND CONFER TO DETERMINE DATES AND TIMES FOR THE MAKE-UP VISITS.

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

5. CYNTHIA JACKS V. TODD B. JACKS

23FL0881

On July 29, 2024, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. His requests were denied on an ex parte basis, but the matter was set for hearing on the present date. Respondent filed and served a Request for Order (RFO) on July 30th reiterating his ex parte requests.

On September 9th, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice. She filed a Request for Order (RFO) concurrently therewith. The court denied Petitioner's requests on an ex parte basis but granted an Order Shortening Time. The matter was set to be heard on the present date. The Proof of Service states that all documents were electronically served on November 9, 2024, although the Proof of Service was signed on September 9th.

On September 10th, Respondent filed and served his Response to Petitioner's Ex Parte Request thereby waiving any potential defect in service of the moving papers. He then filed and served his Responsive Declaration to Request for Order on October 9th.

Petitioner filed her Income and Expense Declaration on September 11, 2024. Respondent has not filed an Income and Expense Declaration.

Respondent filed his RFO seeking custody and visitation orders as well as final decision-making authority for health-related decisions regarding Kaitlyn Jacks. He is also requesting physical custody of Nicholas Jacks with Petitioner to have reasonable visitation.

Petitioner filed her RFO requesting the court change the current child support order as custody has changed. She also asks that the court vacate the Mandatory Settlement Conference (MSC) and trial dates from calendar and reset the matter on a new date. She requests the court reopen discovery, extend discovery deadlines per the new trial date, and set a deadline to file a Motion to Compel. Finally, she asks that the court order Respondent to file regular updates with the court regarding his compliance with discovery.

Respondent asks the court to deny all of the requests made in Petitioner's second RFO. He further asks that the court sanction Petitioner in the amount of \$2,000 pursuant to Family Code § 271.

The parties attended Child Custody Recommending Counseling (CCRC) on August 14, 2024. The parties reached agreements regarding custody. A report containing those agreements was prepared on October 11th, it was mailed to the parties on October 14th.

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According to Respondent, he has already filed for child custody and child support in Colorado. In fact, he states he filed the Petition for Dissolution in Colorado prior to Petitioner's filing in California therefore, he argues that California does not have jurisdiction to make custody and support orders. However, it is unclear to the court why Respondent would file his RFO for custody orders in the present court, but then argue that California has no jurisdiction to rule on his own request or on Petitioner's child support request. Additionally, jurisdiction is acquired when the opposing party is served with the Petition, not based on the date of filing the Petition. Last, the court finds this issue was resolved on November 9, 2023, when this court found California to have jurisdiction over all property, child and spousal support, and child custody and parenting time issues. Therefore, this court shall proceed with the child custody and support issues.

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

The court adopts the agreement of the parties as set forth in the October 11th CCRC report as the orders of the court. The court finds the parties' agreement to be in the best interest of the minors.

As to the child support request, the court finds that Respondent has not filed an updated Income and Expense Declaration. As such, the court does not have the requisite information before it to make orders as to child support. The court orders parties to appear on the issue of child support.

Regarding Petitioner's request to continue the trial and MSC dates and to reopen discovery and set new cutoff dates, the request is partially moot. Parties attended the MSC on October 14, 2024 and agreed to continue the trial and to continue the MSC. Those dates are confirmed. Petitioner's request to reopen discovery is granted. Discovery will now close based on the new trial date. Petitioner's request that the court regularly monitor Respondent's compliance with discovery is denied as the court finds no legal basis in which it can grant the request.

The court reserves on Respondent's request for Section 271 sanctions until the time of trial.

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

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR TO ADDRESS THE ISSUE CHILD SUPPORT.

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

THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS SET FORTH IN THE OCTOBER 11TH CCRC REPORT AS THE ORDERS OF THE COURT. THE COURT FINDS THE PARTIES' AGREEMENT TO BE IN THE BEST INTEREST OF THE MINORS. REGARDING PETITIONER'S REQUEST TO CONTINUE THE TRIAL AND MSC DATES AND TO REOPEN DISCOVERY AND SET NEW CUTOFF DATES, THE REQUEST IS PARTIALLY MOOT. PARTIES ATTENDED THE MSC ON OCTOBER 14, 2024 AND AGREED TO CONTINUE THE TRIAL AND TO CONTINUE THE MSC. THOSE DATES ARE CONFIRMED. PETITIONER'S REQUEST TO REOPEN DISCOVERY IS GRANTED. DISCOVERY WILL NOW CLOSE BASED ON THE NEW TRIAL DATE. PETITIONER'S REQUEST THAT THE COURT REGULARLY MONITOR RESPONDENT'S COMPLIANCE WITH DISCOVERY IS DENIED AS THE COURT FINDS NO LEGAL BASIS IN WHICH IT CAN GRANT THE REQUEST. THE COURT RESERVES ON RESPONDENT'S REQUEST FOR SECTION 271 SANCTIONS UNTIL THE TIME OF TRIAL.

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

7. JOHN CRISAFULLI V. ANITA CRISAFULLI

22FL1192

On September 13, 2024, Respondent filed a Request for Order (RFO) seeking to quash the subpoena for Our Family Wizard records and IP addresses. She is also requesting \$3,000 in attorney's fees. The RFO was set to be heard on December 12, 2024. It, and all other required documents, were electronically served on September 17th. The Proof of Service indicates that an Income and Expense Declaration was also served, though the court does not have one that was filed with the RFO.

On September 16th the parties reached a stipulation containing, among other things, an agreement regarding "attorney's fees to date."

Petitioner filed and served a Responsive Declaration to Request for Order and a Memorandum of Points and Authorities in Support of an Opposition to Respondent's Order for Motion to Quash Subpoena and for Monetary Sanctions on October 1st.

On October 9th, Petitioner filed an RFO along with an Application for an Order Shortening Time (OST) seeking to have the hearing on Respondent's September RFO advanced to mid-October to be heard before trial. Respondent filed and served her Responsive Declaration to Request for Order on October 8th. The OST was granted, and the December 12th hearing was advanced to the present date.

On October 10th, Respondent filed an Income and Expense Declaration, an Application for an Order Shortening Time, and an RFO seeking an order shortening time on Respondent's request for attorney's fees. The OST was granted, and the matter was set for the present date.

On October 18th, Petitioner filed and served John Crisafulli's Memorandum of Points and Authorities in Opposition to Respondent's Request for Order for Attorney's Fees, an Income and Expense Declaration, a Declaration of Stacey L. Crisafulli, and a Responsive Declaration to Request for Order.

Respondent's Reply Declaration to Responsive Declaration Re Attorney Fees was filed and served on October 22nd.

Attorney's Fees

At the time of filing her initial RFO, Respondent was requesting \$3,000 in attorney's fees. In the September 16th stipulation, Respondent was to receive the entirety of the remaining proceeds from the home in the amount of approximately \$81,000. Petitioner was

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also ordered to pay Respondent an additional \$11,000. This money, along with the other agreements therein were to resolve the issue of attorney's fees as of the date of the stipulation. Thereafter, in her October 11th RFO, Respondent requested \$40,000 in attorney's fees for the upcoming custody trial.

Petitioner opposes Respondent's request for attorney's fees and instead asks that discovery sanctions be issued against Respondent as discussed in further detail below. Petitioner also makes a request for attorney's fees of his own in his October 9th RFO though he does not specify an amount. It is unclear if this request is separate from and in addition to his request for discovery sanctions or if he is making a need-based request for attorney's fees.

Respondent opposes Petitioner's request for attorney's fees noting that Petitioner failed to file the requisite Income and Expense Declaration and FL 158/FL 319 forms.

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. Sup. Ct., 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).

In reviewing the filings of the parties as outlined above, along with the Income and Expense Declarations of each, it is undeniable that there is a clear disparity in income between the parties. Nevertheless, even if Respondent has income that is undisclosed, as Petitioner argues, the fact remains that Petitioner is receiving legal services from his wife and therefore, it is inarguable that there remains a disparity in access to legal representation. Considering the disparity in income coupled with Petitioner's access to legal services, the court finds Petitioner has the ability to pay for both his counsel and Respondent's.

Regarding the amount of fees awarded, the court does acknowledge that Petitioner is incurring some costs with the representation of Mr. Hosford. Additionally, Respondent does own numerous rental properties which are assets that can be sold to pay for a portion of her attorney's fees. As such, Respondent is only being awarded a portion of her request

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in the amount of \$20,000. This amount may be paid in one lump sum no later than November 24, 2024, or in monthly increments of \$1,000 commencing on November 1, 2024 and continuing until paid in full (approximately 20 months). Payments are to be made directly to Respondent's attorney. If any payment is missed or late the entire amount shall become immediately due and payable.

Petitioner's request for need based attorney's fees, to the extent he is making such a request, is denied for failure to file the requisite paperwork.

Motion to Quash

According to Respondent, Petitioner has issued a subpoena to Our Family Wizard requesting records that show "IP addresses." The response to the subpoena was due on October 7th. Respondent is opposing the release of IP addresses arguing that at the time she accessed Our Family Wizard she was in a confidential safehouse that protects the address of its participants. She argues that the IP addresses are not relevant and releasing them would expose the identity of the safehouse program.

Petitioner argues that he is entitled to the Our Family Wizard Records and Respondent has failed to show good cause to limit or deny the subpoena. Specifically, she has failed to show that the information sought is privileged or not otherwise discoverable. He argues that the requested records are relevant because the court's order was that communication via Our Family Wizard was ordered to be between the parties, but the writing of the messages leads Petitioner to believe that they were not written by Respondent. He also argues that he attempted to meet and confer by offering to limit the subpoena to exclude the time-period that Respondent was in the safehouse, however Respondent's counsel did not respond. Petitioner is requesting discovery sanctions in the amount of \$2,422.50 which breaks down to \$1,772.50 for preparation of the opposition, \$22.50 filing fee, and the remainder for appearance at the hearing.

Civil Procedure Section 1987.1 vests the court with the authority to either quash a subpoena in its entirety or to modify it. Cal. Civ. Pro. § 1987.1(a). "In addition, the court may make any other order as may be appropriate to protect the person from unreasonable or oppressive demands..."*Id.* In ruling on a Motion to Quash, the court must balance the competing demands of broad discovery, and protection from unreasonable intrusion into privacy.

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The need for broad discovery is so critical to ensuring the fairness of the litigation process that “[a]ny doubt about discovery is to be resolved in favor of disclosure.” Advanced Modular Sputtering, Inc. v. Sup. Ct., 132 Cal. App. 4th 826 (2005). Generally speaking, “...a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence.” Cal. Civ. Pro. § 2017.010.

Here, while the court is not entirely convinced of the relevance of the IP addresses, any doubts are to be resolved in favor of discovery. That said, the court understands Respondent’s concerns regarding the safehouse. Therefore, in order to protect Respondent’s privacy and the information of the safehouse, the subpoena shall be limited to only the relevant time period when Respondent was not in the safehouse.

Regarding the request for sanctions, where a party engages in the misuse of the discovery process, the court “shall” impose monetary sanctions “unless it finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020. Misuse of the discovery process includes, but is not limited to, making, without substantial justification, an unmeritorious objection to discovery and failing to confer in a reasonable good faith attempt to informally resolve any discovery dispute. Cal. Civ. Pro. § 2023.010.

While the Motion to Quash is not being granted in its entirety, the court has found grounds to limit the subpoena on the basis that Respondent is concerned about the information regarding the safehouse. Because the court does find this argument to be meritorious, the court finds that Respondent acted with substantial justification and therefore discovery sanctions are denied.

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

TENTATIVE RULING #7: RESPONDENT’S REQUEST FOR ATTORNEY’S FEES IS GRANTED IN THE AMOUNT OF \$ 20,000. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM NO LATER THAN NOVEMBER 24, 2024, OR IN MONTHLY INCREMENTS OF \$1,000 COMMENCING ON NOVEMBER 1, 2024, AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 20 MONTHS). PAYMENTS ARE TO BE MADE DIRECTLY TO RESPONDENT’S ATTORNEY. IF

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ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

PETITIONER'S REQUEST FOR NEED BASED ATTORNEY'S FEES, TO THE EXTENT HE IS MAKING SUCH A REQUEST, IS DENIED FOR FAILURE TO FILE THE REQUISITE PAPERWORK.

THE MOTION TO QUASH IS GRANTED IN PART. THE LANGUAGE OF THE SUBPOENA SHALL BE LIMITED TO EXCLUDE THE TIME PERIOD DURING WHICH RESPONDENT WAS IN THE SAFEHOUSE. PETITIONER'S REQUEST FOR DISCOVERY SANCTIONS IS DENIED.

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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October 24, 2024

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

8. LETICIA BROWN V. JEFFREY BROWN

PFL20170091

On August 1, 2024, Petitioner filed a Request for Order (RFO), an Attorney Fee Declaration, and an Income and Expense Declaration. All required documents were mail served on August 1st. This is a post-judgment request for modification of support therefore it was required to be personally served in accordance with Family Code § 215. Nonetheless, Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on October 10th, thereby waiving any potential defect in service.

Petitioner brings her RFO requesting orders for child and spousal support. She states that Respondent's income has changed significantly and therefore the support orders must be changed to reflect Respondent's increased income. In addition to the support orders, she is requesting the court order Respondent to sign the quitclaim deed for the Dos Lagos Court property, or, in the alternative, she asks that the court clerk be assigned as elisor to sign the quitclaim deed. She is asking for Respondent to be ordered to transfer title to the vehicles she was awarded in the dissolution, the Journey and the Mustang. She asks that Respondent be ordered to reimburse her for the removal of property and for property costs which Respondent was to incur pursuant to the Marital Settlement Agreement which he did not comply with. She is seeking an order directing Respondent to engage the services of Moon, Schwartz, and Madden ("MSM") to prepare the QDRO and provide all required information as requested by MSM. Finally, Petitioner is also requesting \$25,000 in attorney's fees and an additional \$10,000 in sanctions pursuant to Family Code § 271.

According to Respondent, he did sign the quitclaim deed for the Dos Lagos Court property but prior to turning over the signed deed, he requested Petitioner comply with her obligations under the MSA. He states that the vehicles awarded to Petitioner have already been signed over to her though Petitioner's attorney refused to meet to exchange the documents. Likewise, he states he has reached out to MSM to prepare the QDRO but it cannot be prepared until the administrator of the 401(k) completes certain required filings with the IRS and this is out of Respondent's control.

In response to Petitioner's request for support orders, he argues that there has been no material change in circumstances to warrant a change in support. He states he is unable to work due to an injury. As such, Respondent is requesting spousal support from Petitioner. Regarding the request for attorney's fees, Respondent points to Section 7.2 of

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the MSA which waives each party's right to seek attorney's fees or costs. Nonetheless, Respondent requests attorney's fees in the amount of \$2,000-\$3,000 for having to oppose the present motion.

After reviewing the filings of the parties as outlined above there appears to be numerous discrepancies as to what portions of the MSA have and have not been complied with and by whom. Additionally, the request for post-judgment modification of spousal support requires the court to take evidence on, and address, the Family Code § 4320 factors. For the aforementioned reasons, the parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

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10. SARAH ZAMBRUNO V. NICK ZAMBRUNO

PFL20210341

Order to Show Cause

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on July 31, 2024, alleging two counts of contempt. Upon review of the court file there is no Proof of Service showing Petitioner was properly served with the OSC.

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

Request for Order

Petitioner filed a Request for Order (RFO) on July 29, 2024, requesting the court make orders as to child support arrears, reimbursement for childcare costs and the children's expenses, as well as for Family Code section 271 sanctions. Respondent was served by mail on July 30th.

Respondent filed a Responsive Declaration on October 11, 2024. Petitioner was served on October 11th. Respondent opposes Petitioner's requests.

Petitioner filed a Reply Declaration on October 17, 2024. Respondent was served on the same day.

The court orders parties to appear for the hearing.

TENTATIVE RULING #10: THE MATTER IS DROPPED FROM THE COURT'S 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.

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11. TAMARA ESLICK V. JONATHAN ESLICK

24FL0495

Petitioner filed a Request for Order (RFO) on July 29, 2024, seeking orders for spousal support and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were mail served on July 31st. Respondent has not filed a Responsive Declaration to Request for Order or an Income and Expense Declaration.

Because Respondent has not filed an Income and Expense Declaration, the court is making orders utilizing Petitioner's estimate of Respondent's income. However, the court reserves jurisdiction to amend support back to the date of filing the Request for Order.

Utilizing the figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$2,144 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$2,144 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This support order is effective as of August 1, 2024.

The court finds the above order results in arrears in the amount of \$6,432 through and including October 1, 2024. The court orders Respondent pay Petitioner \$536 on the 15th of each month commencing on November 15th and continuing until paid in full (approximately 12 months). If any payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

Regarding the request for attorney's fees, 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. In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. "In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have

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sufficient financial resources to present the party's case adequately." *Id.* at (b). Financial resources are only one factor to be considered though. *Id.* In addition to the parties' financial resources, the court may consider the parties' trial tactics. In Re Marriage of Falcone & Fyke, 203 Cal. App. 4th 964; 975 (2012).

Here, there does appear to be a disparity in income prior to the court's support orders. However, in the wake of the support orders made herein, the disparity is effectively null, and Petitioner ultimately ends up with the majority of the net spendable income. As such, Petitioner's request for attorney's fees is denied.

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

TENTATIVE RULING #11: UTILIZING THE FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$2,144 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,144 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS SUPPORT ORDER IS EFFECTIVE AS OF AUGUST 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$6,432 THROUGH AND INCLUDING OCTOBER 1, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$536 ON THE 15TH OF EACH MONTH COMMENCING ON NOVEMBER 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS DENIED.

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

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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	0%	0%	Father	7,986 Payment (cost)/benefit	(2,144)	2,144
Filing status	MFJ->	<-MFJ	Mother	4,881 Net spendable income	5,842	7,025
# Federal exemptions	1*	2*	Total	12,867 % combined spendable	45.4%	54.6%
Wages + salary	11,008	6,828	Support (Nondeductible)	Total taxes	3,022	1,874
401(k) employee contrib	0	0	CS Payor	Father Comb. net spendable	12,867	
Self-employment income	0	0	Presumed	1,455 Proposed		
Other taxable income	0	0	Basic CS	1,455 Payment (cost)/benefit	(2,144)	2,144
Short-term cap. gains	0	0	Add-ons	0 Net spendable income	5,842	7,025
Long-term cap. gains	0	0	Presumed Per Kid	NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	1,455 % combined spendable	45.4%	54.6%
Ordinary dividends	0	0	SS Payor	Father % of saving over gdl	0%	0%
Tax. interest received	0	0	Alameda	689 Total taxes	3,022	1,874
Social Security received	0	0	Total	2,144 Comb. net spendable	12,867	
Unemployment compensation	0	0	Proposed, tactic 9	Percent change	0.0%	
Operating losses	0	0	CS Payor	Father Default Case Settings		
Ca. operating loss adj.	0	0	Presumed	1,455		
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,455		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	0	Child 1	1,455		
New-spouse income	0	0	SS Payor	Father		
SS paid other marriage	0	0	Alameda	689		
CS paid other relationship	0	0	Total	2,144		
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	72	No releases			
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

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

12. AMELIA BLANCHARD V. BRIT BLANCHARD

PFL20210403

Petitioner filed a Request for Order (RFO) on September 23, 2024, requesting court permission to relocate the minors out of state. Proof of Service shows Respondent was mail served the same day. Petitioner is requesting the ability to relocate with the minors to Montana. Petitioner asserts she currently has sole legal and physical custody of the minors and Respondent has not participated in any parenting time with the minors.

The court notes parties were not referred to Child Custody Recommending Counseling (CCRC) as there was no request to modify the current custody or parenting plan orders.

Respondent has not filed a Responsive Declaration.

As this is a move away request, the court finds it must take testimony before it can grant the request. Therefore, the parties are ordered to appear for the hearing to select Mandatory Settlement Conference and Trial Dates.

TENTATIVE RULING #12: AS THIS IS A MOVE AWAY REQUEST, THE COURT FINDS IT MUST TAKE TESTIMONY BEFORE IT CAN GRANT THE REQUEST. THEREFORE, THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

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

13. APRIL MCGREGOR V. ROBERT MCGREGOR

22FL0062

Petitioner filed a Request for Order (RFO) on July 30, 2024, requesting the court make child custody and parenting plan orders, as well as grant Petitioner's request to relocate to Oregon with the minor. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 24, 2024 and a review hearing on October 24th. Petitioner was granted an order to serve Respondent via posting on July 30th.

Proof of Service shows the RFO and Amended Summons were posted August 16th, however, they were not posted for 28 days.

Only Petitioner appeared at the August 24th CCRC appointment. As such, a single parent report was filed and mailed to the parties on August 27th.

Petitioner filed an amended RFO on August 29, 2024, making the same requests as set forth in the original RFO. Petitioner was again granted an order to serve Respondent via publication. Proof of Service shows the amended summons, and all other required documents were posted on September 3 and remained posted for 30 days, until October 3, 2024.

Respondent has not filed a Response or a Responsive Declaration.

As this is a move away request, the court finds it must take testimony before it can grant the request. Therefore, the parties are ordered to appear for the hearing to select Mandatory Settlement Conference and Trial Dates.

TENTATIVE RULING #13: AS THIS IS A MOVE AWAY REQUEST, THE COURT FINDS IT MUST TAKE TESTIMONY BEFORE IT CAN GRANT THE REQUEST. THEREFORE, THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

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

14. BRENNA FREEMAN V. GARRY WREIDT, II

21FL0199

Petitioner filed a Request for Order on August 8, 2024, requesting a modification of the current parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 6, 2024. There is no Proof of Service showing Respondent was properly served with the RFO and referral to CCRC.

Only Petitioner appeared at the September 6th CCRC appointment. As such, a single parent report with no recommendations was filed with the court September 6th. It was mailed to the parties on September 11th.

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

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM THE COURT'S 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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8:30 a.m./1:30 p.m.

16. CRYSTAL STABLER V. BRYAN STABLER

23FL0783

Petitioner filed a Request for Order (RFO) on August 12, 2024, requesting a modification of child support orders. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail on August 16th. Petitioner is requesting guideline child support based on a 20% timeshare.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on October 15, 2024. The court finds the declaration to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made October 11th the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

Respondent’s Income and Expense Declaration, however, is timely. The party responding to a request for support must file an Income and Expense Declaration with his or her responsive documents or, if the responsive papers are not filed, no less than 5 days prior to the hearing date. El Dorado Sup. Ct. Rule 8.03.01. The court cannot consider it, however, as there is no Proof of Service showing Petitioner was properly served.

The court orders parties to appear for the hearing to determine if Petitioner is willing to waive the defect in service.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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

17. EMMA CROWLEY V. MICHAEL CROWLEY

PFL2020062

Respondent filed an RFO requesting modification of the child custody and parenting plan orders on May 21, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 27, 2024, and a review hearing on August 22, 2024. Proof of Service shows Petitioner was personally served in accordance with Family Code section 215, on May 21, 2024.

Both parties attended CCRC on June 27th and reached a full agreement. A report memorializing the parties' agreement was filed with the court on June 27, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Responsive Declaration on August 12, 2024. Proof of Service shows it was served on Respondent by mail on August 9, 2024, and electronically on August 11, 2024.

Parties appeared for the hearing on August 22nd and requested a rereferral to CCRC. The court granted the request and ordered the minor to be made available to be interviewed at the mediator's request. Parties were to attend CCRC on September 19th and return for a further review hearing on October 24th. The court directed that any Supplemental Declarations were to be filed and served at least 10 days prior to the hearing.

Both parties and the minor participated in the CCRC appointment on September 19th. A report with recommendations was filed with the court on October 14, 2024, and mailed to the parties the same day.

The court has reviewed and considered the filings as outlined above. The court finds the recommendations as set forth in the October 14th CCRC report are in the best interests of the minor. The court adopts the recommendations as its 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 #17: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE OCTOBER 14TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS 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.

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

18. IAN ELKERTON V. JORDYN TIMBERLAKE

23FL0767

Petitioner filed a Request for Order (RFO) on July 31, 2024, requesting a modification of parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 29, 2024 and a review hearing on October 24, 2024. Petitioner was personally served on August 9, 2024.

Petitioner filed an ex parte request for emergency orders on August 12th, requesting emergency sole legal and physical custody of the minor. The court granted the request on August 13th. The court converted the August 29th CCRC appointment to an emergency appointment and affirmed the October 24th review hearing date. Petitioner filed a subsequent RFO on August 13th, requesting the same orders as set forth in the ex parte request. There is no Proof of Service showing Respondent was served with the ex parte orders or August 13th RFO.

Only Petitioner appeared for the CCRC appointment on August 29, 2024. As such, a single parent CCRC report with no recommendations was filed with the court on September 5, 2024. Copies were mailed to the parties on September 6th.

The court finds Respondent had proper notice of the July 31st RFO and referral to CCRC. However, it does not appear Respondent received notice of the subsequent RFO or the ex parte orders. The court orders parties to appear for the hearing.

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

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

19. JACKSON LLYOD V. MADELINE AUGUSTSSON

24FL0564

Respondent filed a Request for Order (RFO) on July 10, 2024, requesting spousal support and attorney's fees. Respondent did not concurrently file an Income and Expense Declaration. Petitioner was mail served on July 23, 2024.

Respondent requested to continue the hearing on September 13, 2024, which the court denied, as there was no Proof of Service showing Petitioner had been served with the request to continue the hearing.

On September 17th the parties stipulated to continue the hearing from September 26th to October 24th.

Petitioner has not filed a Responsive Declaration.

The court finds Respondent 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. 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. Respondent failed to file and serve an Income and Expense Declaration at the time of filing of the RFO. Therefore, the request for support is denied. Likewise, the request for attorney's fees is denied.

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

TENTATIVE RULING #19: THE COURT FINDS RESPONDENT HAS FAILED TO COMPLY WITH THE CALIFORNIA RULES OF COURT AS WELL AS THE EL DORADO COUNTY LOCAL RULES BY FAILING TO FILE AN INCOME AND EXPENSE DECLARATION CONCURRENTLY WITH THE FILING OF THE RFO. THEREFORE, THE REQUEST FOR SUPPORT IS DENIED. LIKEWISE, THE REQUEST FOR ATTORNEY'S FEES IS DENIED. 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

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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.

20. JENNIFER ST. CLAIR V. ANTHONY BRUNE

24FL0609

On August 8, 2024, at the conclusion of the hearing on Petitioner's request for a Domestic Violence Restraining Order, the parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 6, 2024 and a review hearing on October 24, 2024. Both parties were present and heard the court orders. Parties were also directed to file and serve updated Income and Expense Declarations at least 10 days prior to the review hearing.

Neither party appeared for the September 6th CCRC appointment.

Neither party has filed an Income and Expense Declaration.

The court drops the matter from calendar due to the parties' failure to appear at CCRC and failure to file Income and Expense Declarations.

TENTATIVE RULING #20: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE PARTIES' FAILURE TO APPEAR AT CCRC AND FAILURE TO FILE INCOME AND EXPENSE DECLARATIONS.

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

21. JOSEPH KLEIN V. EMILY KLEIN

PFL20180690

Respondent filed a Request for Order (RFO) on July 12, 2024, requesting the court modify the current child custody and child support orders. Respondent concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 12, 2024, and a review hearing on October 3, 2024. Proof of Service shows Petitioner was personally served on July 13, 2024. Respondent is requesting sole physical custody of the minors and guideline support based on parenting time.

Respondent filed a Declaration with letters from the minors attached on August 7, 2024. Proof of Service shows Petitioner was electronically served on August 8th.

Petitioner filed a Responsive Declaration on August 9, 2024. Proof of Service shows Respondent was personally served on August 9th. Petitioner requests the current orders remain in full force and effect. Petitioner has no objection to guideline child support.

Both parties attended the August 13th CCRC appointment. They were unable to reach any agreements. A report with recommendations was filed with the court on September 20, 2024, and mailed to the parties the same day.

Petitioner filed an Income and Expense Declaration on September 3, 2024. Respondent was mail served on September 6.

Respondent filed two Declarations as well as an Income and Expense Declaration on September 16th. Proof of Service shows Petitioner was personally served the same day.

Petitioner filed an Amended Responsive Declaration on October 4th. It is unclear whether this was served on Respondent.

Petitioner filed a second Amended Responsive Declaration on October 7, 2024, along with a motion in limine. Both were electronically served on October 7th. Petitioner requests the court maintain the current custody and parenting plan orders, requests the parties be ordered to communicate via a co-parenting application, and that the court order reunification counseling between the youngest minor and Petitioner. Petitioner in the motion in limine, requests the court disregard the audio recording a transcript included in Respondent's September 14th [sic] Declaration.

Respondent filed a "Request for Custody Orders" on October 10, 2024, along with a Declaration with attached letters, an Amended Response to the CCRC report, and a Reply

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October 24, 2024

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

Declaration. The documents were electronically served on October 10th. Respondent's Reply Declaration exceeds 10 pages, and the court has not considered past page 10.

Petitioner filed a Sur-Reply to Respondent's Reply Declaration on October 17, 2024. It was electronically served on October 17th. This Declaration is not properly before the court, as Sur-Replies are not permitted without first seeking leave of court, therefore, it will not be considered.

The court has read and considered the filings as outlined above. The court grants Petitioner's motion to exclude the audio recording and transcript. The court finds the recording is inadmissible pursuant to Penal Code section 632(d) and the recording was not made for purposes of obtaining a Domestic Violence Restraining Order. The court finds the recommendations as set forth in the September 20th CCRC report are in the best interests of the minors. The court is adopting the recommendations with the following additions, the court is ordering the parties to use a co-parenting application for all communication about the minors. The court is also ordering Petitioner and the minor Jillian to engage in conjoint therapy when deemed appropriate by Jillian's therapist.

Utilizing the parties' most recent Income and Expense Declarations, as well as a 100% timeshare to Respondent the court finds guideline child support to be \$2,620 per month (See attached DissoMaster). The court orders Petitioner to pay Respondent \$2,620 as and for guideline child support effective July 15, 2024, and payable on the 15th of each month until further court order or termination by operation of law. The court further finds Petitioner routinely earns overtime and has therefore, included an overtime table. Petitioner is ordered to true up any overtime earned on the 1st of each month.

The court finds this order results in an arrears balance for the months of July through October inclusive of \$10,480. Petitioner is credited \$7,104 for the current child support payments. Therefore, the remain arrears is \$3,376. Petitioner is ordered to pay Respondent \$422 per month as and for arrears commencing on November 1, 2024, and payable on the 1st of each month until paid in full (approximately 8 months). If any payment is missed or late, the full amount shall become immediately due and owing with legal interest.

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 24, 2024

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

TENTATIVE RULING #21: THE COURT GRANTS PETITIONER'S MOTION TO EXCLUDE THE AUDIO RECORDING AND TRANSCRIPT. THE COURT FINDS THE RECORDING IS INADMISSIBLE PURSUANT TO PENAL CODE SECTION 632(D) AND THE RECORDING WAS NOT MADE FOR PURPOSES OF OBTAINING A DOMESTIC VIOLENCE RESTRAINING ORDER. THE COURT FIND THE RECOMMENDATIONS AS SET FORTH IN THE SEPTEMBER 20TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT IS ADOPTING THE RECOMMENDATIONS WITH THE FOLLOWING ADDITIONS, THE COURT IS ORDERING THE PARTIES TO USE A CO-PARENTING APPLICATION FOR ALL COMMUNICATION ABOUT THE MINORS. THE COURT IS ALSO ORDERING PETITIONER AND THE MINOR JILLIAN TO ENGAGE IN CONJOINT THERAPY WHEN DEEMED APPROPRIATE BY JILLIAN'S THERAPIST.

UTILIZING THE PARTIES' MOST RECENT INCOME AND EXPENSE DECLARATIONS, AS WELL AS A 100% TIMESHARE TO RESPONDENT THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$2,620 PER MONTH (SEE ATTACHED DISSOMASTER). THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$2,620 AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE JULY 15, 2024, AND PAYABLE ON THE 15TH OF EACH MONTH UNTIL FURTHER COURT ORDER OR TERMINATION BY OPERATION OF LAW. THE COURT FURTHER FINDS PETITIONER ROUTINELY EARNS OVERTIME AND HAS THEREFORE, INCLUDED AN OVERTIME TABLE. PETITIONER IS ORDERED TO TRUE UP ANY OVERTIME EARNED ON THE 1ST OF EACH MONTH.

THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE FOR THE MONTHS OF JULY THROUGH OCTOBER INCLUSIVE OF \$10,480. PETITIONER IS CREDITED \$7,104 FOR THE CURRENT CHILD SUPPORT PAYMENTS. THEREFORE, THE REMAIN ARREARS IS \$3,376. PETITIONER IS ORDERED TO PAY RESPONDENT \$422 PER MONTH AS AND FOR ARREARS COMMENCING ON NOVEMBER 1, 2024, AND PAYABLE ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 8 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE FULL AMOUNT SHALL BECOME IMMEDIATELY DUE AND OWING WITH LEGAL INTEREST.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 24, 2024

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.

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	0%	0%	Father	9,303	Payment (cost)/benefit	(2,545) 2,545
Filing status	HH/MLA	HH/MLA	Mother	3,886	Net spendable income	6,758 8,931
# Federal exemptions	1*	3*	Total	13,189	% combined spendable	43.1% 56.9%
Wages + salary	14,870	0	Support		Total taxes	3,658 612
401(k) employee contrib	625	0	CS Payor	Father	Comb. net spendable	15,689
Self-employment income	0	4,583	Presumed	2,545	Proposed	
Other taxable income	0	0	Basic CS	2,545	Payment (cost)/benefit	(2,620) 2,620
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	6,967 8,773
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	209 (158)
Other gains (and losses)	0	0	Child 1	951	% combined spendable	44.3% 55.7%
Ordinary dividends	0	0	Child 2	1,594	% of saving over gdl	407.8% -307.8%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	3,373 845
Social Security received	0	0	Total	2,545	Comb. net spendable	15,740
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.3%
Operating losses	0	0	CS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	2,620		
Roy, partnerships, S corp, trusts	0	0	Basic CS	2,620		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	2,500	Child 1	991		
New-spouse income	0	0	Child 2	1,629		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	2,620		
Adj. to income (ATI)	267	0	Savings	51		
9.3% elective PTE payment	0	0	Mother	209		
Ptr Support Pd. other P'ships	0	0	Father	-158		
Health insurance	611	85	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	267	0				
Mandatory retirement	1,032	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 Monthly Overtime Wages Report 2024 Monthly	
		CASE NUMBER:

"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	Santa Clara SS%	Santa Clara SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	2,545	0	2,545
100	14.44	14	0.00	0	2,560	0	2,560
200	14.43	29	0.00	0	2,574	0	2,574
300	14.42	43	0.00	0	2,588	0	2,588
400	14.41	58	0.00	0	2,603	0	2,603
500	14.40	72	0.00	0	2,617	0	2,617
600	14.40	86	0.00	0	2,632	0	2,632
700	14.39	101	0.00	0	2,646	0	2,646
800	14.38	115	0.00	0	2,660	0	2,660
900	14.37	129	0.00	0	2,674	0	2,674
1,000	14.36	144	0.00	0	2,689	0	2,689
1,100	14.36	158	0.00	0	2,703	0	2,703
1,200	14.35	172	0.00	0	2,717	0	2,717
1,300	14.34	186	0.00	0	2,732	0	2,732
1,400	14.33	201	0.00	0	2,746	0	2,746
1,500	14.32	215	0.00	0	2,760	0	2,760
1,600	14.32	229	0.00	0	2,774	0	2,774
1,700	14.31	243	0.00	0	2,788	0	2,788
1,800	14.30	257	0.00	0	2,803	0	2,803
1,900	14.28	271	0.00	0	2,817	0	2,817
2,000	14.27	285	0.00	0	2,830	0	2,830



LAW & MOTION TENTATIVE RULINGS

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

22. MATTHEW REDDER V. KELSEY MERCER-PRUESSNER

24FL0447

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on July 31, 2024. Respondent alleges one count of contempt. Petitioner was personally served on August 8, 2024.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 24, 2024

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

23. SARAH LEAHY V. ALEXANDER LEAHY

PFL20190491

Claimants filed a motion for joinder for the maternal grandparents on September 24, 2024. Proof of Service shows Respondent was mail served via counsel on September 25, 2024. There is no Proof of Service showing Petitioner was properly served.

The court finds service in this matter was not proper. There is no Proof of Service showing Petitioner was ever served with the RFO. The court cannot find any exception in Family Code sections 3103 (c) or 3104 (c) that would allow the court to dispense with notice.

Pursuant to Family Code section 3104(c): “The petitioner shall give notice of the petition to each of the parents of the child, any stepparents, and any person who has physical custody of the child, by personal service pursuant to Section 415.10 of the Code of Civil Procedure.”

Respondent filed a Responsive Declaration on October 9, 2024. Claimants and Petitioner were served on October 9, 2024.

Petitioner has not filed a Responsive Declaration.

The court drops the matter from calendar due to the lack of proper service. Petitioner was not served, and Respondent was not personally served.

Even if the service had been proper, the court would have denied the motion. “A person who has or claims custody or physical control of any of the minor children subject to the action, or visitation rights with respect to such children, may apply to the court for an order joining himself or herself as a party to the proceeding.” Cal. Rules of Court, Rule 5.24(c)(2). Notwithstanding the foregoing, before ordering the joinder of grandparents, the court must (1) find “that there is a preexisting relationship between the grandparent and the grandchild that has engendered a bond such that visitation is in the best interest of the child;” and (2) balance “the interest of the child in having visitation with the grandparent against the right of the parents to exercise their parental authority.” Cal. Rule of Ct., Rule 5.24(e)(1)(B); Cal. Fam. Code § 3104(a). Here, the court cannot find there is a bond such that visitation would be in the best interest of the minor based on the pleadings. Further, the court cannot find in favor of the grandparents when balancing the interest of the minor in having visitation with the grandparents against the parents’ right to exercise their parental authority. Visitation is occurring on a frequent and consistent basis. The maternal

LAW & MOTION TENTATIVE RULINGS

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grandparents' dissatisfaction with the duration and manner of the visits does not warrant joinder.

TENTATIVE RULING #23: THE MATTER IS DROPPED FROM THE COURT'S 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.