

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

1. AMY WHITESELL V. JUSTIN WHITESELL

23FL1102

On April 25, 2024, Respondent filed a Request for Order (RFO) seeking child and spousal support orders. He filed his Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were mail served on May 3, 2024. Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on July 3rd.

The parties filed a Stipulation and Order for Vocational Evaluation on July 9th wherein they agreed that Respondent would undergo a vocational evaluation, and they asked that the court set a review hearing for receipt of the vocational evaluation.

Respondent filed his RFO requesting guideline child and spousal support. According to Petitioner, Respondent has agreed to the imputation of full-time minimum wage income. She states that she has made voluntary payments on support and asks the court to reserve jurisdiction on arrears. She further requests a two-way overtime/bonus table. She also requests a seek work order with Respondent ordered to submit five applications per week and submit proof thereof to Petitioner's counsel and to schedule and meaningfully participate in any interviews and to accept any full-time employment offered to him. She also asks that Respondent be ordered to notify Petitioner of any job offers he receives.

The parties attended hearing on the RFO on July 18th at which time the parties presented the court with several agreed upon Dissomaster reports which the court adopted. This resulted in an arrears balance, Petitioner's portion of the 2023 tax return was to be credited to Petitioner on arrears. The court reserved jurisdiction on the remaining balance to the present hearing date.

As of the date of this writing, the court still has not received the vocational evaluation, nor has it received any additional filings from the parties on the issue. As such, the matter is continued to 1/30/2025 at 8:30 AM in department 5. The court continues to reserve jurisdiction on the issue of arrears back to the date of filing the RFO.

TENTATIVE RULING #1: THE MATTER IS CONTINUED TO 1/30/2025 AT 8:30 AM IN DEPARTMENT 5. THE COURT CONTINUES TO RESERVE JURISDICTION ON THE ISSUE OF ARREARS BACK TO THE DATE OF FILING THE RFO.

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

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

BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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

3. DCSS V. CHAD MCCRACKEN (OTHER PARTY: YULIYA PALSSON) PFS20200179

Respondent filed a Request for Order (RFO) on August 13, 2024, seeking custody and visitation orders. The RFO and all other required documents were served on August 14th. Other Party has not filed a Responsive Declaration to Request for Order.

The parties attended Child Custody Recommending Counseling (CCRC) on September 11, 2024. A report with recommendations was prepared on September 25th and mailed to the parties on September 26th. Neither party has filed a response to the report.

The court has reviewed the filings as outlined above and finds the recommendations contained in the September 25, 2024 CCRC report to be in the best interests of the minor with the exception of recommendation #1 under "Transportation for Parenting Time." The court is not adopting that recommendation. Instead, the court is ordering that neither Other Party nor her husband Harold may drive or transport the minor at any time during the non-professionally supervised visits.

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

TENTATIVE RULING #3: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE RECOMMENDATIONS CONTAINED IN THE SEPTEMBER 25, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR WITH THE EXCEPTION OF RECOMMENDATION #1 UNDER "TRANSPORTATION FOR PARENTING TIME." THE COURT IS NOT ADOPTING THAT RECOMMENDATION. INSTEAD, THE COURT IS ORDERING THAT NEITHER OTHER PARTY NOR HER HUSBAND HAROLD MAY DRIVE OR TRANSPORT THE MINOR AT ANY TIME DURING THE NON-PROFESSIONALLY SUPERVISED VISITS. 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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8:30 a.m./1:30 p.m.

4. DENISE O'SHEA V. KEVIN O'SHEA

PFL20130551

On July 30, 2024, Respondent filed a Request for Order (RFO) seeking spousal support orders. He filed his Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were mail served on August 1, 2024. On October 16th, Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration.

Respondent is asking the court to terminate spousal support order based on the fact that he is now on disability retirement and no longer makes the same amount of money as when the current order was put in place. He states that Petitioner is now earning substantially more income than when the support order was made. In addition to the support orders, Respondent is requesting entry of the judgment.

Petitioner asks that the court modify support to \$575, this accounts for the difference between the current order minus the portion of Respondent's pension that she is receiving. She also requests attorney's fees and costs for Respondent's failure to meet and confer on the issue of support prior to filing the RFO.

Civil Procedure § 664.6 allows a party to move for entry of the judgment pursuant to the terms of a written settlement agreement signed by the parties. Respondent's request for entry of judgment is denied to due failure to provide the court with any information regarding the settlement of the parties.

Moving now to the issue of support, the court finds that spousal support per the Alameda formula is \$510 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$510 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 order is effective as of August 1, 2024.

The court finds the above order results in over payment of \$2,502 through and including October 1, 2024. Respondent may reduce the monthly support by \$208.50 commencing on November 1, 2024, and continuing until the credit is repaid in full (approximately 12 months). Once the credit has been fully repaid, the monthly support payment shall automatically return to \$510 per month.

Petitioner's request for sanctions is denied. An award for attorney's fees and sanctions may be made pursuant to Family Code section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the

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conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). While the purpose of Section 271 is to impose a punitive sanction, the court is not to impose a sanction that would create an "unreasonable financial burden on the party against whom the sanction is imposed." *Id.*

Given Respondent's income, plus the support orders made herein, the court finds that the imposition of sanctions in any amount would pose an unreasonable financial burden on Respondent. Therefore, the request for sanctions is denied.

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

TENTATIVE RULING #4: RESPONDENT'S REQUEST FOR ENTRY OF JUDGMENT IS DENIED. PETITIONER'S REQUEST FOR SANCTIONS IS DENIED. THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$510 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$510 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 ORDER IS EFFECTIVE AS OF AUGUST 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN OVER PAYMENT OF \$2,502 THROUGH AND INCLUDING OCTOBER 1, 2024. RESPONDENT MAY REDUCE THE MONTHLY SUPPORT BY \$208.50 COMMENCING ON NOVEMBER 1, 2024, AND CONTINUING UNTIL THE CREDIT IS REPAID IN FULL (APPROXIMATELY 12 MONTHS). ONCE THE CREDIT HAS BEEN FULLY REPAID, THE MONTHLY SUPPORT PAYMENT SHALL AUTOMATICALLY RETURN TO \$510 PER MONTH.

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

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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.

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	20%	0%	Father	2,361 Payment (cost)/benefit	(500)	510
Filing status	Single	HH/MLA	Mother	869 Net spendable income	1,851	1,379
# Federal exemptions	1*	2*	Total	3,230 % combined spendable	57.3%	42.7%
Wages + salary	0	0	Support (Nondeductible)	Total taxes	139	0
401(k) employee contrib	0	0	Presumed	blocked Comb. net spendable	3,230	
Self-employment income	0	0	Basic CS	blocked Proposed		
Other taxable income	2,500	869	Add-ons	blocked Payment (cost)/benefit	(566)	566
Short-term cap. gains	0	0	SS Payor	Father Net spendable income	1,934	1,434
Long-term cap. gains	0	0	Alameda	510 NSI change from gdl	83	55
Other gains (and losses)	0	0	Total	510 % combined spendable	57.4%	42.6%
Ordinary dividends	0	0	Proposed, tactic 9	% of saving over gdl	60.2%	39.8%
Tax. interest received	0	0	Presumed	blocked Total taxes	0	0
Social Security received	0	0	Basic CS	blocked Comb. net spendable	3,369	
Unemployment compensation	0	0	Add-ons	blocked Percent change	4.3%	
Operating losses	0	0	SS Payor	Father Default Case Settings		
Ca. operating loss adj.	0	0	Alameda	566		
Roy, partnerships, S corp, trusts	0	0	Total	566		
Rental income	0	0	Savings	139		
Misc ordinary tax. inc.	2,500	869	Mother	84		
Other nontaxable income	0	0	Father	55		
New-spouse income	0	0	Total releases to Father	1		
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	0	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	430				
Other medical expenses	0	0				
Property tax expenses	0	166				
Ded. interest expense	0	264				
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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7. MICHELLE MASTERS V. GUY SORBER

22FL0424

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

TENTATIVE RULING #7: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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

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

8. NATASHA MOWERY V. DAVID GOUDY

24FL0489

On May 13, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 10th. The RFO, the CCRC referral form, and all other required documents were personally served on May 21st. Neither party appeared for the CCRC appointment therefore, when the parties appeared for hearing on the RFO they were rereferred to CCRC and a review hearing was set for October 17th. The parties were ordered to file Supplemental Declarations, if any, no later than 10 days prior to the hearing date. The review hearing was later continued to the present date.

Neither party has filed a Supplemental Declaration and Respondent has not filed a Responsive Declaration to Request for Order.

The parties attended CCRC on September 12th and were able to reach agreements on some issues. A report containing the agreements, and recommendations, was prepared on September 19th and mailed to the parties on September 20th. After reviewing the agreements and recommendations contained in the CCRC report the court finds them to be in the best interests of the minors and they are hereby adopted as the orders of the court.

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

TENTATIVE RULING #8: AFTER REVIEWING THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE SEPTEMBER 19, 2024 CCRC REPORT THE COURT FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. 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.

9. RICHARD IAN SYMONS V. SUSAN ELIEL SYMONS

24FL0299

On August 8, 2024, Petitioner filed a Request for Order (RFO) seeking bifurcation and termination of marital status. There is no Proof of Service for this document however, on October 4th Respondent filed a Responsive Declaration to Request for Order along with several other documents in response to the RFO thereby waiving any potential defect in service.

Petitioner filed and served a Declaration of Petitioner's Daughter Yvonne Graser on October 24th. On October 25th he filed and served a Declaration of Petitioner's Daughter Juli Pywell, a Declaration of Petitioner's Daughter Elizabeth Symons, and a Declaration of Petitioner's Medical Doctor.

Petitioner is requesting the court bifurcate and terminate marital status. Respondent opposes the request and is asking that the court set trial on the issue of grounds for dissolution. She argues that the marital status cannot be terminated while there is a question of whether Petitioner is actually the one requesting the divorce.

"The court may separately try one or more issues before the trial of the other issues if resolution of the bifurcated issue is likely to simplify the determination of the other issues." Cal. Rules of Ct. Rule 5.390(c). In dissolution proceedings, the court may bifurcate the issue of the dissolution of the marriage and enter a status only judgment. *Id.* at (c)(7); Fam. Code § 2337. In fact, it is the public policy of the state to favor bifurcation where the dissolution of marriage would otherwise be postponed due to issues of property, support, custody or attorney's fees. In re Marriage of Fink, 54 Cal. App. 3d 357 (1976). In furtherance of that policy, the party moving for bifurcation need only show slight evidence in support of its motion. Girons v. Sup. Ct., 202 Cal. App. 3d 786 (1988). In contrast, the party opposing the motion "must present compelling reasons for denial." *Id.* at 790.

After reading the filings of the parties there does appear to be compelling reasons to deny the bifurcation request. Namely, the court is not inclined to terminate marital status while a question exists as to Petitioner's desire to actually dissolve the marriage. The parties are ordered to appear to select dates for an evidentiary hearing on the issue of grounds for dissolution.

TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING ON THE ISSUE OF GROUNDS FOR DISSOLUTION.

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

10. SHAWN EVANS V. SHALENE EVANS

24FL0159

On August 12, 2024, the parties attended a hearing on a request for a Domestic Violence Restraining Order (DVRO) filed by Respondent. The temporary restraining order was continued and is set to expire on May 23, 2025 with Respondent and the children as protected parties. At the conclusion of the DVRO hearing the parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date.

The parties attended CCRC on September 12, 2024, and were able to reach some agreements. A report containing those agreements was prepared and mailed to the parties on October 21, 2024.

The court has reviewed the agreements of the parties and finds them to be in the best interests of the minors, they are hereby adopted as the orders of the court. Additionally, Respondent is ordered to ensure that the minors are not left unsupervised with the maternal grandfather at any time. 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 #10: THE COURT HAS REVIEWED THE AGREEMENTS OF THE PARTIES AS CONTAINED IN THE OCTOBER 21, 2024 CCRC REPORT AND FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINORS, THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ADDITIONALLY, RESPONDENT IS ORDERED TO ENSURE THAT THE MINORS ARE NOT LEFT UNSUPERVISED WITH THE MATERNAL GRANDFATHER AT ANY TIME. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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

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

11. SUSAN FOLK V. DANNY FOLK

24FL0250

On July 30, 2024, Respondent filed a Request for Order (RFO) seeking a set aside order. The RFO and all other required documents were served on August 1st. Petitioner filed and served her Responsive Declaration to Request for Order on October 18th. On October 21st Petitioner filed a Declaration of Attorney Alexandria Cotton Re: Fees and Costs, it was served on October 18th.

Respondent requests the court set aside the judgment and agreement entered into by the parties on May 8, 2024, and signed by the court on May 17, 2024. He argues that the judgment is unclear and fails to properly divide the marital property. Moreover, he argues that Petitioner took more than what she was entitled to from the home, and she has refused to sign the QDRO. He has no objection to the termination of marital status but asks that all other portions of the judgment be set aside.

Petitioner asks the court to deny the request to set aside the judgement. She also asks that the court deny Respondent's request to modify spousal support though the court sees no such request other than the request to set aside the spousal support orders which are included in the judgment. Finally, Petitioner is requesting \$1,000 as and for sanctions pursuant to Family Code § 271 for Respondent's filing of this motion which Petitioner argues has no legal basis.

“The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). Additionally, a judgment may be set aside pursuant to Family Code § 2121 in cases of fraud or perjury.

Here, Respondent has failed to establish any of the grounds upon which the court may grant the set aside. There is no indication of mistake, inadvertence, surprise, or excusable neglect in his moving papers, nor does he allege fraud or perjury. He argues that the terms of the agreement are not clear and not fair. Assuming he is arguing that he mistakenly or inadvertently agreed to such terms as he appears to have been pro per at the time, failure to exercise reasonable due care prior to entering a contractually binding agreement is not grounds for rescission. See Civ. Code §1689. In fact, where a party is aware of having only limited knowledge of the facts relating to a contractual agreement, but treats that limited knowledge as sufficient, then his resulting mistake is not grounds for rescission

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of the agreement. Grenall v. United of Omaha Life Ins. Co., 165 Cal. App. 4th 188 (2008). For the foregoing reasons, Respondent's request to set aside the judgment is denied.

Petitioner has made a request for sanctions pursuant to Family Code Section 271 which states, in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties..." Fam. Code § 271(a). The court does not find that Respondent's filing of the present motion frustrated the policy of the law where the motion raised an issue which was contested by both parties and was not filed solely for harassment or frivolous purposes. Petitioner's request for sanctions is denied.

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

TENTATIVE RULING #11: RESPONDENT'S REQUEST FOR ORDER IS DENIED. PETITIONER'S REQUEST FOR SANCTIONS IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

12. VINCENT FOSS V. SHANNON FOSS

PFL20210247

On August 8, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders and a waiver of Respondent's Declarations of Disclosure. The RFO was served along with all other required documents on September 19th. Respondent filed a Responsive Declaration to Request for Order on October 23rd however there is no Proof of Service for this document therefore the court cannot consider it. Petitioner filed a Supplemental Declaration of Vincent A. Foss Regarding Custody Issues on October 28th. The court deems this to be a Reply declaration which is late filed pursuant to Civil Procedure § 1005, therefore the court cannot consider it.

The parties attended Child Custody Recommending Counseling (CCRC) on September 11, 2024. A report with recommendations was prepared and mailed to the parties on October 18th.

Petitioner is requesting sole legal and sole physical custody of the minor children. He asks that Respondent have only supervised visits with the children. This is a change from the current order for joint legal custody with primary physical custody to Petitioner and Respondent to have visitation on the 1st, 2nd, 4th, and 5th weekends of the month.

In addition to the requested custody and visitation orders, Petitioner is asking that the court grant a waiver of Respondent's disclosures pursuant to Family Code § 2107. He states that his disclosures were sent in March of 2023. The parties have been separated over 10 years and Petitioner is requesting trial and Mandatory Settlement Conference dates.

The court has reviewed the filings as outlined above and finds it to be in the best interests of the children to award sole legal and sole physical custody of the minor children to Petitioner. Respondent shall have non-professionally supervised visitation on the 1st, 2nd, 4th, and 5th weekends of the month with a supervisor who is mutually agreed upon by the parties. Respondent's visitation shall be from 10 AM to 4 PM on either Saturday or Sunday, as mutually agreeable by the parties.

Regarding the waiver of disclosures, it is unclear to the court if Petitioner is seeking a waiver of both the preliminary and final declarations of disclosure, or if he is only seeking a waiver of the preliminary disclosures. Given the ambiguity, the request is denied.

The parties are ordered to appear to select trial and Mandatory Settlement Conference dates on all issues.

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

TENTATIVE RULING #12: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS IT TO BE IN THE BEST INTERESTS OF THE CHILDREN TO AWARD SOLE LEGAL AND SOLE PHYSICAL CUSTODY OF THE MINOR CHILDREN TO PETITIONER. RESPONDENT SHALL HAVE UNPROFESSIONALLY SUPERVISED VISITATION ON THE 1ST, 2ND, 4TH, AND 5TH WEEKENDS OF THE MONTH WITH A SUPERVISOR WHO IS MUTUALLY AGREED UPON BY THE PARTIES. RESPONDENT'S VISITATION SHALL BE FROM 10 AM TO 4 PM ON EITHER SATURDAY OR SUNDAY, AS MUTUALLY AGREEABLE BY THE PARTIES.

REGARDING THE WAIVER OF DISCLOSURES, IT IS UNCLEAR TO THE COURT IF PETITIONER IS SEEKING A WAIVER OF BOTH THE PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE, OR IF HE IS ONLY SEEKING A WAIVER OF THE PRELIMINARY DISCLOSURES. GIVEN THE AMBIGUITY, THE REQUEST IS DENIED.

THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES ON ALL ISSUES.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

14. CHRISTINE MUNOZ V. MARIAN MUNOZ

24FL0624

Petitioner filed a Request for Order (RFO) on June 21, 2024, requesting spousal support. Petitioner did not concurrently file an Income and Expense Declaration.

Petitioner appeared for the hearing on September 19, 2024, and requested the court continue the matter to allow her to file the Proof of Service. The court granted the request and directed Petitioner to file the Proof of Service of Summons and Petition, as well as the Proof of Service of the RFO.

Upon review of the court file, there is still no Proof of Service showing Respondent has been served with the Petition for Dissolution, Summons, or RFO. As the Petition and Summons have not been served, the court does not have jurisdiction to proceed with the RFO, as such the matter is dropped from calendar. Further, the RFO has not been served, and the matter is dropped from calendar on those grounds as well.

TENTATIVE RULING #14: AS THE PETITION AND SUMMONS HAVE NOT BEEN SERVED, THE COURT DOES NOT HAVE JURISDICTION TO PROCEED WITH THE RFO, AS SUCH THE MATTER IS DROPPED FROM CALENDAR. FURTHER, THE RFO HAS NOT BEEN SERVED, AND THE MATTER IS DROPPED FROM CALENDAR ON THOSE GROUNDS AS WELL.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

15. DEJA JEFFERSON V. CARLOS CADDICK

24FL831

Petitioner filed a Petition for Custody and Support on August 13, 2024. A summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make custody, parenting plan, and child support orders. Petitioner did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 12, 2024.

Respondent was served by certified mail with a signed return receipt.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report without recommendations was filed with the court on September 12, 2024. It was mailed to the parties the same day.

Respondent has not filed a Response or Responsive Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

16. JODI GRAHAM V. NICHOLAS GRAHAM

22FL1083

Respondent filed a Request for Order (RFO) on June 5, 2024, requesting modification of the current orders for child custody and the parenting plan. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been previously referred within the prior six months. Petitioner was personally served on June 5th.

Respondent asserts the prior orders of April 24, 2024 were in error as he was not provided proper notice and was unable to participate due to his incarceration.

Petitioner has not filed a Responsive Declaration.

The court has reviewed the prior filings in this matter. Respondent's assertion that he was not provided with proper notice is inaccurate. He was properly mail served with Petitioner's RFO at his place of incarceration. Further, Respondent could have participated in the CCRC appointment by telephone. Additionally, Respondent could have participated in the hearing, by requesting oral argument and appearing remotely from the jail. Respondent chose not to do so.

On August 15, 2024, the court adopted its tentative ruling referring the parties to CCRC with an appointment on September 13, 2024, and a review hearing on October 31st.

Both parties attended CCRC on September 13th and were able to reach some agreements. A report with the parties' agreements as well as additional recommendations was filed with the court on September 18, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Reply to the CCRC report on October 16, 2024. Proof of Service shows Respondent was served the same day. Petitioner is requesting modifications to the parties' agreement on joint legal custody as well as a delay in implementation of the step-up plan.

The court has read and considered the filings as outlined above. The court finds the agreements and recommendations as set forth in the September 18th CCRC report to be in the minors' best interests. The court adopts the agreements and recommendations as set forth.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

TENTATIVE RULING #16: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN IN THE SEPTEMBER 18TH CCRC REPORT TO BE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

17. JOSE ARGUELLO DELGADO V. ELIZABETH ARGUELLO (CLAIMANT LIA DODGE)
PFL20180801

Claimant filed a Petition for Grandparent Visitation and a Motion for Joinder on October 4, 2024. A summons was issued the same day.

Upon review of the court file, there is no Proof of Service showing either Petitioner or Respondent were properly served.

The court drops the matter from calendar due to the failure to properly serve Petitioner and Respondent.

TENTATIVE RULING #17: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

18. KATELYN BOLLINGER V. RYAN BOLLINGER

23FL0365

On June 14, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC), it was personally served on Respondent on June 30, 2024. The OSC was set for an arraignment on the present date.

On July 9, 2024, Respondent filed a Request for Order (RFO) demurring to the OSC and requesting that it be dismissed. The RFO was accompanied by a Memorandum of Points and Authorities in support of Respondent's requests. Both documents were mail served on July 17th. Petitioner has not opposed the motion.

On August 29, 2024, the court adopted its tentative ruling, denying Respondent's request to discharge or demurrer to counts 1 and 2. The court continued the arraignment on counts 1 and 2 to October 31st at 8:30am in department 5. Counts 3 and 4 were dismissed in the interests of justice. The demurrer was sustained with leave to amend as to counts 5-19. Petitioner was directed to file and serve her amended OSC no later than September 12, 2024.

Petitioner filed a Supplemental Declaration on October 15, 2024. Respondent was served by mail on October 14th. Petitioner is requesting to withdraw the OSC with prejudice.

The court grants Petitioner's request to withdraw the OSC. It is with prejudice.

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

TENTATIVE RULING #18: THE OSC IS DISMISSED WITH PREJUDICE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

19. MONICA MCGOWAN V. SHANE MCGOWAN

PFL20100421

Petitioner filed a Request for Order (RFO) and Order Shortening Time (OST) on August 28, 2024. Petitioner is seeking modification of the current custody and parenting plan orders, for two of the minors. Respondent filed a Responsive Declaration as well as a Memorandum of Points and Authorities on September 3, 2024. On September 3rd, the OST was granted, in so far as the hearing was set in October rather than January when other matters were being set, however, it was not set in less than 16 court days. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 18, 2024, and a review hearing on October 31, 2024. This is a post-judgment request for modification. Upon review of the court file, Respondent was mail and electronically served, along with his counsel. Petitioner filed an Address Verification on September 4, 2024.

Respondent filed his own RFO on September 3, 2024, likewise, seeking modification of child custody and parenting plan orders, for the eldest minor. Petitioner was mail served with address verification.

Parties attended CCRC on September 18, 2024. The minors were interviewed as well. The parties were unable to reach any agreements. A report with recommendations was filed with the court and mailed to the parties on October 21, 2024.

Petitioner filed a Responsive Declaration to Respondent's RFO on October 15, 2024. Respondent was electronically served on October 15th.

Petitioner filed a Reply to the CCRC report on October 23, 2024. Respondent was served on October 23rd.

Respondent filed a Reply Declaration on October 24, 2024. Petitioner was served the same day.

The court has read and considered the filings as outlined above. The court joins in the sentiments of the CCRC counselor as set forth on pages eight and nine of the October 21st CCRC report. As to the minors Joel and Noelle, the court finds the recommendations as set forth in the CCRC report to be in the best interest of the minors. The court adopts the recommendations as its orders. The court denies the request for Minors' Counsel. As to the minor Renee, the court maintains the order for joint legal custody. The parties shall have joint physical custody of Renee, the minor shall have the ability to determine the frequency

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

and duration of time she spends with each parent. The court finds this to be in the best interest of Renee as she is nine weeks from reaching the age of majority.

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

TENTATIVE RULING #19: THE COURT JOINS IN THE SENTIMENTS OF THE CCRC COUNSELOR AS SET FORTH ON PAGES EIGHT AND NINE OF THE OCTOBER 21ST CCRC REPORT. AS TO THE MINORS JOEL AND NOELLE, THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. THE COURT DENIES THE REQUEST FOR MINORS' COUNSEL. AS TO THE MINOR RENEE, THE COURT MAINTAINS THE ORDER FOR JOINT LEGAL CUSTODY. THE PARTIES SHALL HAVE JOINT PHYSICAL CUSTODY OF RENEE, THE MINOR SHALL HAVE THE ABILITY TO DETERMINE THE FREQUENCY AND DURATION OF TIME SHE SPENDS WITH EACH PARENT. THE COURT FINDS THIS TO BE IN THE BEST INTEREST OF RENEE AS SHE IS NINE WEEKS FROM REACHING THE AGE OF MAJORITY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

20. NICOLE GARDEA V. PHILLIP DUNCAN

PFL20180623

Petitioner filed an ex parte request for emergency custody orders on July 11, 2024. On July 12, 2024, the court granted Petitioner's request for sole legal custody of the minor. The court ordered Respondent to have professionally supervised visitation a minimum of one time per week for two hours. Respondent was ordered to pay the cost of supervision. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on July 23rd and a review hearing was set for August 22, 2024. Petitioner filed a Request for Order (RFO) on July 12, 2024, making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was personally served with the RFO, referral to CCRC, ex parte orders, and all other necessary documents on July 16, 2024.

Only Petitioner appeared for the CCRC appointment on July 23, 2024. As such a single parent report with no agreements or recommendations was filed with the court on July 23rd. Copies were mailed to the parties on July 24, 2024.

Respondent did not file a Responsive Declaration.

Parties appeared for the hearing on August 22, 2024. The court rereferred the parties to CCRC with an appointment on September 20, 2024 and set a further review hearing for October 31st.

Both parties attended CCRC on September 20th and reached agreements. The parties submitted a stipulation to the court, which the court signed and adopted as its order on October 2, 2024. The stipulation included terms that parties were to be referred back to CCRC and were to attend the October 31st hearing. The stipulation also included that each party would complete a parenting class and provide proof of completion to the court on or before October 25, 2024.

Petitioner filed a Supplemental Declaration on October 8, 2024, requesting the court allow Petitioner to amend the RFO to include a move away request. Respondent was served by mail the same day.

Neither party has filed a certificate of completion for the parenting course.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

21. WENDY JONES V. LUCAS JONES

PFL20210015

On September 16, 2024, Respondent filed an ex parte application for emergency orders, requesting custody of the minors. On September 18, 2024, the court denied the request, however, referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on October 1, 2024 and a review hearing on October 31st. Respondent filed a Request for Order (RFO) on September 18th making the same requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Petitioner filed an ex parte application for emergency orders on September 24, 2024. On October 1, 2024, the court denied the request and ordered all prior orders to remain in full force and effect. Petitioner filed an RFO on September 24th making the same requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Only Respondent appeared for the CCRC appointment on October 1, 2024. As such, a single parent report with no recommendations was filed with the court on October 16, 2024. Copies were mailed to the parties the same day.

The court drops the matter from calendar as neither RFO has been properly served.

All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO BOTH PARTIES' FAILURE TO PROPERLY SERVE THEIR RESPECTIVE RFOS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

22. YEVAENIY ROKHIN V. JUNGHYUN CHO

22FL0202

Respondent filed a Request for Order (RFO) on August 7, 2024, requesting the court modify the orders for child custody and the parenting plan. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 5, 2024, and a review hearing on October 31, 2024. Petitioner was personally served the “FL-300 Packet” on August 16th. It is unclear to the court what was contained within the “FL-300 Packet”. Respondent is seeking joint legal custody and sole physical custody with the minors to have discretion as to whether and how they have parenting time with Petitioner.

Petitioner filed an RFO on August 23, 2024, requesting that both parties complete 12 sessions of age-appropriate co-parenting classes within 30 days of the court order and provide the court and each other a copy of the certificate of completion, the minors to be interviewed at CCRC, Respondent to maintain Petitioner as an emergency contact for the minors, and attorney’s fees. Petitioner concurrently filed an Income and Expense Declaration. Petitioner also concurrently filed a Responsive Declaration to Respondent’s RFO. Respondent was served by mail on August 23rd and 26th. Petitioner has not filed the FL-319 or FL-158 or a Declaration from counsel addressing the attorney fee request.

Respondent filed a Supplemental Declaration on August 30, 2024. Petitioner was served on the same day. Respondent makes additional requests for orders which exceed what was requested in the August 7th RFO.

Both parties attended CCRC on September 5, 2024, and reached a full agreement. A report memorializing the parties’ agreement was filed with the court on September 5th and mailed to the parties on September 6th.

Respondent filed a Responsive Declaration and Income and Expense Declaration on October 17, 2024. Petitioner was served the same day. Respondent objects to the request for attorney’s fees, as well as the request for a co-parenting class. Despite reaching a full agreement at CCRC, Respondent objects to joint physical custody and the week on/week off schedule. Respondent is requesting to be rereferred to CCRC. Respondent raises hearsay objections to statements in Petitioner’s declaration.

Petitioner filed a Declaration on October 29, 2024. It was personally served on the same day. This is a late filed Declaration and will not be considered.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 31, 2024

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

Regarding the request for Section 2030 attorney's fees, the request is denied due to Petitioner's failure to file the requisite documentation, namely Forms FL-319 and FL-158 or a declaration addressing the factors covered therein.

The court orders parties to appear for the hearing as to child custody and parenting plan orders.

TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AS TO CHILD CUSTODY AND PARENTING PLAN ORDERS.

PETITIONER'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY'S FEES IS DENIED DUE TO PETITIONER'S FAILURE TO FILE THE REQUISITE DOCUMENTATION, NAMELY FORMS FL-319 AND FL-158 OR A DECLARATION ADDRESSING THE FACTORS COVERED THEREIN.

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.