

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

1. ASHLEY CURRY V. PAUL CURRY

24FL0965

On September 16, 2024, Petitioner filed a Request for Order (RFO) seeking orders for custody and visitation as well as support orders and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents, were personally served on September 30th.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on December 6th.

The parties attended Child Custody Recommending Counseling (CCRC) on October 14th. A report with recommendations was prepared on December 5th and mailed to the parties on December 6th.

Petitioner brings her RFO seeking the assistance of CCRC to establish a parenting plan for the minor child. She requests guideline child and spousal support and attorney's fees in the amount of \$7,500 pursuant to Family Code § 2030.

Respondent is requesting joint legal and joint physical custody with a 50/50 timeshare. He asks that *pendente lite* spousal support be set to \$218 per month and child support set to \$226 per month. Additionally, he asks that support for overtime be paid within one week of the first day of each month and he agrees to provide Petitioner with copies of his paystubs for the relevant timeframe. Finally, he asks that Petitioner be awarded no more than \$2,000 in attorney's fees and he requests a payment plan in the amount of \$200 per month.

After reviewing the filings as outlined above, the court finds the recommendations contained in the December 5, 2024 CCRC report to be in the best interests of the minor. Therefore, they are hereby adopted as the orders of the court.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$140 per month and child support is \$675 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$815 per month as and for child support and temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. This order is effective as of September 15, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

The court finds the above order results in arrears in the amount of \$3,260 through and including December 15, 2024. The court orders Respondent pay Petitioner \$271.67 on the 1st of each month commencing on January 1, 2025 and continuing until paid in full (approximately 12 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

The court further finds Respondent routinely earns overtime pay and therefore, has included an overtime table with the DissoMaster report. Respondent is to provide Petitioner with copies of his paystubs along with his true up payments (if any) on a monthly basis due within one week of the first day of each month.

Regarding 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. 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).

Here, there is a disparity of gross income between the parties, however, the net income after support orders is much more on par. Additionally, while the court does find a disparity in income, given Respondent's high monthly expenses the court does not find that he has the ability to pay the entirety of the attorney's fees for both parties. Instead, the court is ordering \$2,500 as and for attorney's fees and costs. Respondent is ordered to make payments directly to Petitioner's attorney in the amount of \$250 per month due on the 1st of each month commencing on January 1, 2025 and continuing until paid in full. If any payment is missed or late the entire amount shall become immediately due and payable.

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

TENTATIVE RULING #1: THE RECOMMENDATIONS CONTAINED IN THE DECEMBER 5, 2024 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINOR AND ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$140 PER MONTH AND CHILD SUPPORT IS \$675 PER MONTH. SEE ATTACHED

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$815 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF SEPTEMBER 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$3,260 THROUGH AND INCLUDING DECEMBER 15, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$271.67 ON THE 1ST OF EACH MONTH COMMENCING ON JANUARY 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS OVERTIME PAY AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. RESPONDENT IS TO PROVIDE PETITIONER WITH COPIES OF HIS PAYSTUBS ALONG WITH HIS TRUE UP PAYMENTS (IF ANY) ON A MONTHLY BASIS DUE WITHIN ONE WEEK OF THE FIRST DAY OF EACH MONTH.

THE COURT IS ORDERING \$2,500 AS AND FOR ATTORNEY'S FEES AND COSTS. RESPONDENT IS ORDERED TO MAKE PAYMENTS DIRECTLY TO PETITIONER'S ATTORNEY IN THE AMOUNT OF \$250 PER MONTH DUE ON THE 1ST OF EACH MONTH COMMENCING ON JANUARY 1, 2025 AND CONTINUING UNTIL PAID IN FULL. IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

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

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

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	29%	0%	Father	5,241 Payment (cost)/benefit	(816)	816
Filing status	MFJ->	<-MFJ	Mother	4,108 Net spendable income	4,426	4,924
# Federal exemptions	1*	2*	Total	9,349 % combined spendable	47.3%	52.7%
Wages + salary	8,936	0	Support (Nondeductible)	Total taxes	1,305	0
401(k) employee contrib	200	0	CS Payor	Father Comb. net spendable	9,349	
Self-employment income	0	0	Presumed	675 Proposed		
Other taxable income	0	0	Basic CS	675 Payment (cost)/benefit	(816)	816
Short-term cap. gains	0	0	Add-ons	0 Net spendable income	4,426	4,924
Long-term cap. gains	0	0	Presumed Per Kid	NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	675 % combined spendable	47.3%	52.7%
Ordinary dividends	0	0	SS Payor	Father % of saving over gdl	0%	0%
Tax, interest received	0	0	Alameda	140 Total taxes	1,305	0
Social Security received	0	0	Total	815 Comb. net spendable	9,349	
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	675		
Roy, partnerships, S corp, trusts	0	0	Basic CS	675		
Rental income	0	0	Add-ons	0		
Misc ordinary tax, inc.	0	0	Presumed Per Kid			
Other nontaxable income	0	4,108	Child 1	675		
New-spouse income	0	0	SS Payor	Father		
SS paid other marriage	0	0	Alameda	140		
CS paid other relationship	0	0	Total	815		
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	1,225	0	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	116	0				
Mandatory retirement	1,049	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	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	675	140	816
200	11.08	22	19.05	38	698	178	876
400	11.02	44	19.10	76	719	217	936
600	10.95	66	19.15	115	741	255	996
800	10.89	87	19.20	154	763	294	1,056
1,000	10.74	107	18.97	190	783	330	1,113
1,200	10.79	130	19.04	228	805	369	1,174
1,400	10.82	151	19.10	267	827	408	1,234
1,600	10.83	173	19.16	306	849	447	1,295
1,800	10.83	195	19.20	346	870	486	1,356
2,000	10.82	216	19.25	385	892	525	1,417
2,200	10.81	238	19.29	424	913	564	1,478
2,400	10.79	259	19.33	464	934	604	1,538
2,600	10.76	280	19.34	503	955	643	1,598
2,800	10.62	297	19.15	536	973	676	1,649
3,000	10.49	315	18.98	569	990	709	1,700
3,200	10.38	332	18.83	603	1,008	743	1,750
3,400	10.28	349	18.71	636	1,025	776	1,801
3,600	10.18	367	18.60	669	1,042	810	1,852
3,800	10.10	384	18.50	703	1,059	843	1,902
4,000	10.02	401	18.41	737	1,076	877	1,953
4,200	9.95	418	18.34	770	1,093	910	2,003
4,400	9.88	435	18.27	804	1,110	944	2,054
4,600	9.81	451	18.21	837	1,127	978	2,105
4,800	9.76	468	18.15	871	1,144	1,011	2,155
5,000	9.70	485	18.10	905	1,160	1,045	2,205
5,200	9.65	502	18.06	939	1,177	1,080	2,257
5,400	9.62	520	18.07	976	1,195	1,116	2,311
5,600	9.60	538	18.08	1,013	1,213	1,153	2,366
5,800	9.58	555	18.09	1,049	1,231	1,189	2,420
6,000	9.55	573	18.10	1,086	1,248	1,226	2,475
6,200	9.53	591	18.11	1,123	1,266	1,263	2,529
6,400	9.50	608	18.12	1,160	1,284	1,300	2,584
6,600	9.48	626	18.13	1,197	1,301	1,337	2,638
6,800	9.46	643	18.14	1,234	1,319	1,374	2,692



PETITIONER:	CASE NUMBER:
RESPONDENT:	

Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
7,000	9.44	661	18.15	1,271	1,336	1,411	2,747
7,200	9.42	678	18.16	1,308	1,354	1,448	2,801
7,400	9.40	695	18.17	1,345	1,371	1,485	2,856
7,600	9.38	713	18.18	1,382	1,388	1,522	2,910
7,800	9.36	730	18.19	1,419	1,405	1,559	2,964
8,000	9.34	747	18.20	1,456	1,422	1,596	3,019
8,200	9.32	764	18.21	1,493	1,440	1,633	3,073
8,400	9.30	781	18.22	1,530	1,457	1,671	3,127
8,600	9.28	798	18.23	1,568	1,474	1,708	3,182
8,800	9.26	815	18.24	1,605	1,491	1,745	3,236
9,000	9.25	832	18.25	1,642	1,508	1,783	3,290
9,200	9.23	849	18.26	1,680	1,525	1,820	3,344
9,400	9.21	866	18.27	1,717	1,541	1,857	3,399
9,600	9.20	883	18.28	1,755	1,558	1,895	3,453
9,800	9.18	900	18.29	1,792	1,575	1,932	3,507
10,000	9.16	916	18.30	1,830	1,592	1,970	3,561
10,200	9.15	933	18.30	1,867	1,608	2,007	3,616
10,400	9.13	950	18.31	1,905	1,625	2,045	3,670
10,600	9.12	966	18.32	1,942	1,642	2,082	3,724
10,800	9.10	983	18.33	1,980	1,658	2,120	3,778
11,000	9.09	1,000	18.34	2,017	1,675	2,157	3,832
11,200	9.07	1,016	18.35	2,055	1,691	2,195	3,887
11,400	9.06	1,033	18.36	2,093	1,708	2,233	3,941
11,600	9.04	1,049	18.36	2,130	1,724	2,270	3,994
11,800	9.02	1,065	18.36	2,166	1,740	2,306	4,047
12,000	9.00	1,081	18.36	2,203	1,756	2,343	4,099
12,200	8.99	1,096	18.35	2,239	1,772	2,379	4,151
12,400	8.97	1,112	18.35	2,275	1,787	2,415	4,202
12,600	8.95	1,128	18.34	2,311	1,803	2,451	4,254
12,800	8.93	1,143	18.34	2,347	1,819	2,487	4,306
13,000	8.91	1,159	18.33	2,383	1,834	2,523	4,358
13,200	8.90	1,174	18.33	2,419	1,850	2,560	4,409
13,400	8.88	1,190	18.33	2,456	1,865	2,596	4,461
13,600	8.86	1,205	18.32	2,492	1,881	2,632	4,513
13,800	8.85	1,221	18.32	2,528	1,896	2,668	4,564
14,000	8.83	1,236	18.32	2,564	1,912	2,704	4,616
14,200	8.81	1,252	18.31	2,601	1,927	2,741	4,668



PETITIONER:	CASE NUMBER:
RESPONDENT:	

Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
14,400	8.80	1,267	18.31	2,637	1,943	2,777	4,720
14,600	8.78	1,283	18.31	2,673	1,958	2,813	4,771
14,800	8.77	1,298	18.31	2,710	1,973	2,850	4,823
15,000	8.76	1,313	18.31	2,746	1,989	2,886	4,875
15,200	8.74	1,329	18.30	2,782	2,004	2,922	4,926
15,400	8.73	1,344	18.30	2,819	2,019	2,959	4,978
15,600	8.71	1,359	18.30	2,855	2,035	2,995	5,030
15,800	8.70	1,375	18.30	2,891	2,050	3,031	5,081
16,000	8.69	1,390	18.30	2,928	2,065	3,068	5,133
16,200	8.67	1,405	18.30	2,964	2,081	3,104	5,185
16,400	8.66	1,420	18.30	3,000	2,096	3,141	5,236
16,600	8.65	1,436	18.29	3,037	2,111	3,177	5,288
16,800	8.64	1,451	18.29	3,073	2,126	3,214	5,340
17,000	8.62	1,466	18.29	3,110	2,141	3,250	5,391
17,200	8.61	1,481	18.29	3,146	2,157	3,286	5,443
17,400	8.60	1,496	18.29	3,183	2,172	3,323	5,495
17,600	8.59	1,511	18.29	3,219	2,187	3,359	5,546
17,800	8.58	1,527	18.29	3,256	2,202	3,396	5,598
18,000	8.56	1,542	18.29	3,292	2,217	3,432	5,649
18,200	8.55	1,557	18.29	3,329	2,232	3,469	5,701
18,400	8.54	1,572	18.29	3,365	2,247	3,505	5,753
18,600	8.53	1,587	18.29	3,402	2,262	3,542	5,804
18,800	8.52	1,602	18.29	3,438	2,277	3,579	5,856
19,000	8.51	1,617	18.29	3,475	2,292	3,615	5,908
19,200	8.50	1,632	18.29	3,512	2,307	3,652	5,959
19,400	8.49	1,647	18.29	3,548	2,322	3,688	6,011
19,600	8.48	1,662	18.29	3,585	2,337	3,725	6,062
19,800	8.47	1,677	18.29	3,621	2,352	3,762	6,114
20,000	8.46	1,692	18.29	3,658	2,367	3,798	6,166
20,200	8.45	1,707	18.29	3,695	2,382	3,835	6,217
20,400	8.44	1,722	18.29	3,731	2,397	3,871	6,269
20,600	8.43	1,737	18.29	3,768	2,412	3,908	6,320
20,800	8.42	1,752	18.29	3,805	2,427	3,945	6,372
21,000	8.41	1,767	18.29	3,841	2,442	3,981	6,424
21,200	8.40	1,782	18.29	3,878	2,457	4,018	6,475
21,400	8.40	1,797	18.29	3,915	2,472	4,055	6,527
21,600	8.39	1,811	18.29	3,951	2,487	4,091	6,578
21,800	8.38	1,826	18.29	3,988	2,502	4,128	6,630
22,000	8.37	1,841	18.29	4,025	2,517	4,165	6,681
22,200	8.36	1,856	18.29	4,061	2,531	4,201	6,733
22,400	8.35	1,871	18.29	4,098	2,546	4,238	6,784
22,600	8.34	1,886	18.30	4,135	2,561	4,275	6,836
22,800	8.34	1,901	18.30	4,171	2,576	4,312	6,888
23,000	8.33	1,915	18.30	4,208	2,591	4,348	6,939
23,200	8.32	1,930	18.30	4,245	2,606	4,385	6,991
23,400	8.31	1,945	18.30	4,282	2,620	4,422	7,042
23,600	8.30	1,960	18.30	4,318	2,635	4,459	7,094

PETITIONER: RESPONDENT:	CASE NUMBER:
--------------------------------	--------------

Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
23,800	8.30	1,975	18.30	4,355	2,650	4,495	7,145
24,000	8.29	1,989	18.30	4,392	2,665	4,532	7,197
24,200	8.28	2,004	18.30	4,429	2,680	4,569	7,248
24,400	8.27	2,019	18.30	4,466	2,694	4,606	7,300
24,600	8.27	2,034	18.30	4,502	2,709	4,642	7,352
24,800	8.26	2,048	18.30	4,539	2,724	4,679	7,403
25,000	8.25	2,063	18.30	4,576	2,738	4,716	7,455
25,200	8.25	2,078	18.30	4,613	2,753	4,753	7,506
25,400	8.24	2,093	18.31	4,650	2,768	4,790	7,558
25,600	8.23	2,107	18.31	4,686	2,783	4,827	7,609
25,800	8.22	2,121	18.30	4,721	2,796	4,861	7,657
26,000	8.21	2,134	18.28	4,754	2,810	4,894	7,704
26,200	8.20	2,148	18.28	4,788	2,823	4,929	7,752
26,400	8.19	2,161	18.26	4,822	2,837	4,962	7,798
26,600	8.18	2,175	18.26	4,856	2,850	4,996	7,846
26,800	8.16	2,188	18.24	4,889	2,863	5,029	7,892
27,000	8.15	2,199	18.21	4,918	2,875	5,058	7,932
27,200	8.13	2,211	18.19	4,947	2,887	5,087	7,974
27,400	8.11	2,222	18.16	4,976	2,898	5,116	8,014
27,600	8.10	2,234	18.14	5,006	2,910	5,146	8,055
27,800	8.08	2,246	18.11	5,035	2,922	5,176	8,097
28,000	8.06	2,257	18.09	5,064	2,933	5,204	8,137
28,200	8.05	2,269	18.06	5,094	2,945	5,234	8,179
28,400	8.03	2,281	18.04	5,122	2,956	5,262	8,219
28,600	8.02	2,292	18.01	5,152	2,968	5,292	8,260
28,800	8.00	2,304	17.99	5,182	2,980	5,322	8,302
29,000	7.99	2,316	17.97	5,212	2,991	5,352	8,343
29,200	7.98	2,329	17.96	5,244	3,004	5,384	8,388
29,400	7.96	2,342	17.95	5,276	3,017	5,416	8,433
29,600	7.95	2,354	17.93	5,308	3,030	5,449	8,478
29,800	7.94	2,367	17.92	5,341	3,042	5,481	8,523
30,000	7.93	2,380	17.91	5,373	3,055	5,513	8,568



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

2. BONNIE PHILLIPS V. SAMUEL PHILLIPS

PFL20140549

On September 12, 2024, Respondent filed a Request for Order (RFO) seeking to terminate spousal support. He filed his Income and Expense Declaration concurrently therewith. This is a post judgement request for modification of support and therefore was personally served in accordance with Family Code § 215.

Petitioner filed and served a Responsive Declaration to Request for Order and a Declaration of Attorney Keri Pike, in Support of Award of Attorney Fees and Costs on November 27th. She filed and served her Income and Expense Declaration on December 4th.

Because this is a post-judgment request for modification of support orders the court is required to take testimony on, and make findings regarding, the Family Code § 4320 factors. The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

3. CHRISTOPHER RAYNE V. IRENE RAYNE

23FL0409

On September 11, 2024, Respondent filed a Request for Order (RFO) seeking support orders, property control, attorney's fees, and various additional orders as stated therein. Also on September 11th, she filed an Income and Expense Declaration, Respondent's Motion for Trial Preference, and a Declaration of Tessa Mayer Roberts in Support of Respondent's Motion for Trial Preference. All documents were mail served on September 17th.

Petitioner filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on December 3rd.

Respondent brings her RFO seeking guideline temporary spousal support and attorney's fees and costs in the amount of \$10,000. She requests sole and exclusive use and possession of the marital residence located on Chapman Trail in Placerville. She asks that Petitioner be ordered to pay one half of the mortgage in addition to spousal support. Additionally, she asks that Petitioner be ordered to make the past due payments to the State of CA Franchise Tax Board and the Internal Revenue Service. Finally, she is asking for trial preference pursuant to Civil Procedure § 36 and bifurcation and termination of the marital status.

Petitioner asks that he be allowed to reduce monthly support payments by 50% of the amount of the monthly mortgage payments to account for Respondent's portion of the mortgage. He further asks that each party be ordered to make a good faith effort to meet their joint tax obligations. He does ask that the party making such payments be allowed to claim them as credits at the time of property division. While Petitioner does not oppose the termination of marital status, he does oppose the requests made by Respondent in Section 4(b) of her FL-315. Finally, he opposes the request for trial preference noting the extensive discovery needed. He would agree to an expedited trial on the issue of the date of separation only.

Utilizing the figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$3,332 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$3,332 per month as and for temporary spousal support, payable on the 15th of the month until further order of the court or legal termination. This order is effective as of September 15, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

The court finds the above order results in arrears in the amount of \$16,660 through and including December 15, 2024. The court orders Petitioner to pay Respondent \$694.17 on the 1st of each month commencing on January 1, 2025 and continuing until paid in full (approximately 24 months). If any payment is late or missed the remaining balance is due in full, with legal interest within five (5) days.

Petitioner may not reduce spousal support in exchange for his payment of the mortgage and trailer loans. The court reserves jurisdiction over the issue of credits for these payments. The parties are ordered to equally share in the costs of the mortgage on the marital residence.

Respondent cites no real reason as to her request for sole use and possession of the marital residence other than the fact that Petitioner lives in Kentucky. As such, the request is denied at this time.

The court reserves jurisdiction over the CA Franchise Tax Board and Internal Revenue Service debts until the time of trial.

Turning to Respondent's request for bifurcation, a party may request bifurcation of the issue of marital status, however prior to doing so the party must ensure that "[a]ll pension plans that have not been divided by court order that require joinder ..." have been joined. Cal. Rule Ct. 5.390(d)(1). A party seeking bifurcation is to submit a completed FL-315. Cal. Rule Ct. 5.390(a). After reviewing Respondent's filings, it appears she has met the aforementioned requirements. Therefore, the court finds good cause to bifurcate the case and grant a separate trial on the issue of marital status only. The parties are ordered to appear for the hearing on this issue.

Regarding the request for trial preference, the court is in need of additional information regarding Respondent's medical condition and regarding the status of discovery. The parties are ordered to appear for the hearing on this issue.

Finally, addressing Respondent's attorney fee request, the request is made pursuant to Family Code § 2030. 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. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

findings on “whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties.” Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. “In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party’s case adequately.” *Id.* at (b). 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 is an undeniable disparity in income between the parties, even in light of the support orders made herein. Additionally, it appears Petitioner has simply failed to communicate with Respondent’s counsel thereby causing Respondent to incur additional fees and costs that likely would have been otherwise avoidable. As such, Respondent’s request for attorney’s fees and costs is granted. According to each party’s respective Income and Expense Declaration, Respondent has paid her attorney over \$12,000 while Petitioner has paid his approximately \$8,000. Therefore, the request for \$10,000 does not appear unreasonable given the circumstances. Petitioner is ordered to pay Respondent \$10,000 as and for attorney’s fees. This amount may be paid in one lump sum or in monthly increments of \$833.33 due and payable on the 1st of each month and continuing until paid in full (approximately 12 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.

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

TENTATIVE RULING #3: UTILIZING THE FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$3,332 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$3,332 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 15TH OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF SEPTEMBER 15, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$16,660 THROUGH AND INCLUDING DECEMBER 15, 2024. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$694.17 ON THE 1ST OF EACH MONTH COMMENCING ON JANUARY 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL, WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

PETITIONER MAY NOT REDUCE SPOUSAL SUPPORT IN EXCHANGE FOR HIS PAYMENT OF THE MORTGAGE AND TRAILER LOANS. THE COURT RESERVES JURISDICTION OVER THE ISSUE OF CREDITS FOR THESE PAYMENTS. THE PARTIES ARE ORDERED TO EQUALLY SHARE IN THE COSTS OF THE MORTGAGE ON THE MARITAL RESIDENCE.

RESPONDENT CITES NO REAL REASON AS TO HER REQUEST FOR SOLE USE AND POSSESSION OF THE MARITAL RESIDENCE OTHER THAN THE FACT THAT PETITIONER LIVES IN KENTUCKY. AS SUCH, THE REQUEST IS DENIED AT THIS TIME.

THE COURT RESERVES JURISDICTION OVER THE CA FRANCHISE TAX BOARD AND INTERNAL REVENUE SERVICE DEBTS UNTIL THE TIME OF TRIAL.

THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUES OF BIFURCATION AND OF TRIAL PREFERENCE.

PETITIONER IS ORDERED TO PAY RESPONDENT \$10,000 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$833.33 DUE AND PAYABLE ON THE 1ST OF EACH MONTH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 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.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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	29%	0%	Father	9,942 Payment (cost)/benefit	(3,332)	3,332
Filing status	MFJ->	<-MFJ	Mother	1,290 Net spendable income	6,610	4,622
# Federal exemptions	1*	2*	Total	11,232 % combined spendable	58.9%	41.1%
Wages + salary	0	0	Support (Nondeductible)	Total taxes	810	0
401(k) employee contrib	0	0	Presumed	blocked Comb. net spendable	11,232	
Self-employment income	0	0	Basic CS	blocked Proposed		
Other taxable income	11,064	0	Add-ons	blocked Payment (cost)/benefit	(3,332)	3,332
Short-term cap. gains	0	0	SS Payor	Father Net spendable income	6,610	4,622
Long-term cap. gains	0	0	Alameda	3,332 NSI change from gdl	0	0
Other gains (and losses)	0	0	Total	3,332 % combined spendable	58.9%	41.1%
Ordinary dividends	0	0	Proposed, tactic 9	% of saving over gdl	0%	0%
Tax. interest received	0	0	Presumed	blocked Total taxes	810	0
Social Security received	4,504	0	Basic CS	blocked Comb. net spendable	11,232	
Unemployment compensation	0	0	Add-ons	blocked Percent change	0.0%	
Operating losses	0	0	SS Payor	Father Default Case Settings		
Ca. operating loss adj.	0	0	Alameda	3,332		
Roy, partnerships, S corp, trusts	0	0	Total	3,332		
Rental income	0	0	Savings	0		
Misc ordinary tax. inc.	6,560	0	Mother	0		
Other nontaxable income	0	1,290	Father	0		
New-spouse income	0	0	No releases			
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	312	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
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 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	29%	0%	Father	9,942 Payment (cost)/benefit	(3,332)	3,332
Filing status	MFJ->	<-MFJ	Mother	1,290 Net spendable income	6,610	4,622
# Federal exemptions	1*	2*	Total	11,232 % combined spendable	58.9%	41.1%
Wages + salary	0	0	Support (Nondeductible)	Total taxes	810	0
401(k) employee contrib	0	0	Presumed	blocked Comb. net spendable	11,232	
Self-employment income	0	0	Basic CS	blocked Proposed		
Other taxable income	11,064	0	Add-ons	blocked Payment (cost)/benefit	(3,332)	3,332
Short-term cap. gains	0	0	SS Payor	Father Net spendable income	6,610	4,622
Long-term cap. gains	0	0	Alameda	3,332 NSI change from gdl	0	0
Other gains (and losses)	0	0	Total	3,332 % combined spendable	58.9%	41.1%
Ordinary dividends	0	0	Proposed, tactic 9	% of saving over gdl	0%	0%
Tax. interest received	0	0	Presumed	blocked Total taxes	810	0
Social Security received	4,504	0	Basic CS	blocked Comb. net spendable	11,232	
Unemployment compensation	0	0	Add-ons	blocked Percent change	0.0%	
Operating losses	0	0	SS Payor	Father Default Case Settings		
Ca. operating loss adj.	0	0	Alameda	3,332		
Roy, partnerships, S corp, trusts	0	0	Total	3,332		
Rental income	0	0	Savings	0		
Misc ordinary tax. inc.	6,560	0	Mother	0		
Other nontaxable income	0	1,290	Father	0		
New-spouse income	0	0	No releases			
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	312	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
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

December 19, 2024

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

4. EDEN FU V. ANDREW FU

24FL0267

On September 3, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child support, property control, and various additional orders. She filed her Income and Expense Declaration concurrently therewith. All required documents were electronically served on September 6th.

The parties attended Child Custody Recommending Counseling (CCRC) on October 10th and were able to reach agreements on the issues of custody and visitation. A report memorializing those agreements was drafted the same day. The report was mailed to the parties on October 11th.

Respondent filed and served a Responsive Declaration to Request for Order on December 4th. He filed his Income and Expense Declaration on December 5th. The Proof of Service states that it was served on the 4th with the Responsive Declaration.

The Reply Declaration of Petitioner-Mother Re Custody, Visitation, Child Support, Payment of Household Expense and Watts Charges was filed and served on December 9th.

Petitioner filed her RFO requesting joint legal and sole physical custody with Respondent to have reasonable visitation to be held at the discretion of the children. She asks for guideline child support for both children. Additionally, she asks that Respondent be given exclusive use, possession, and control of the marital residence located on Village Green Drive, with Petitioner ordered to pay all expenses associated with the residence. Notwithstanding her request for Petitioner to pay all such expense in Section 5(b) of the RFO, in Section 8 she asks that Respondent be responsible for all costs of staying in the family home including, but not limited to, mortgage, insurance, utilities, HOA, property tax, pool and yard maintenance, etc. She asks that the court reserve jurisdiction on *Watts* Charges and *Epstein* Credits. Finally, she is requesting an order directing Respondent to discontinue his use of Petitioner's email account and provide her with the new password.

Respondent asks that the court adopt the agreement reached by the parties at CCRC. He consents to guideline child support however he asks that it be effective as of the date Petitioner moved out of the family residence (September 17, 2024). He also consents to the court's reservation of *Watts* Charges and *Epstein* Credits until final disposition of the case. He opposes Petitioner's request regarding the email address as he argues that it is his email and has been used by him exclusively.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

The court has reviewed the agreements of the parties as stated in the October 10, 2024 CCRC report and finds them to be in the best interests of the minor. As such, they are hereby adopted as the orders of the court.

Respondent is awarded exclusive use, possession, and control of the marital residence. Respondent is ordered to timely and fully pay for all costs of staying in the family home including, but not limited to, mortgage, insurance, utilities, HOA, property tax, pool and yard maintenance, etc.

The court reserves jurisdiction on *Watts* charges and *Epstein* credits until the time of trial on the issue of property division.

Regarding the email address, the court does not find Respondent's declaration to be credible as the email address contains Petitioner's full name. As such, Respondent is ordered to discontinue his use of the email address edenmp@yahoo.com forthwith. Respondent is ordered to provide Petitioner with the log in information for the address no later than 5:00 pm on December 20th.

Regarding support, the court is adopting the DissoMaster reports attached as Exhibit A to Petitioner's December 9th Reply Declaration as the orders of the court.

Utilizing the same figures as outlined in the DissoMaster report, the court finds that child support is \$1,222 per month. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$1,222 per month as and for child support payable on the 1st of the month until further order of the court or legal termination.

The court's order for child support is effective as of September 17, 2024. As of that date there were two minor children, therefore the court orders Respondent to pay Petitioner \$919.80 as and for child support for the month of September. This is calculated as follows: \$1,971 (child support for two children. See attached DissoMaster) divided by 30 days which equals \$65.70 per day multiplied by 14 days.

For the months of October through December 17th, support is calculated at the rate of \$1,222 per month. The court finds this results in additional arrears in the amount of \$3,666. In total, Respondent owes Petitioner \$5,637 as and for arrears. Respondent is ordered to pay Petitioner \$469.75 on the 1st of each month commencing on January 1, 2025 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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

TENTATIVE RULING #4: THE AGREEMENTS OF THE PARTIES AS STATED IN THE OCTOBER 10, 2024 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINOR AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT IS AWARDED EXCLUSIVE USE, POSSESSION, AND CONTROL OF THE MARITAL RESIDENCE. RESPONDENT IS ORDERED TO TIMELY AND FULLY PAY FOR ALL COSTS OF STAYING IN THE FAMILY HOME INCLUDING, BUT NOT LIMITED TO, MORTGAGE, INSURANCE, UTILITIES, HOA, PROPERTY TAX, POOL AND YARD MAINTENANCE, ETC. THE COURT RESERVES JURISDICTION ON WATTS CHARGES AND EPSTEIN CREDITS UNTIL THE TIME OF TRIAL ON THE ISSUE OF PROPERTY DIVISION.

REGARDING THE EMAIL ADDRESS, RESPONDENT IS ORDERED TO DISCONTINUE HIS USE OF THE EMAIL ADDRESS EDENMP@YAHOO.COM FORTHWITH. RESPONDENT IS ORDERED TO PROVIDE PETITIONER WITH THE LOG IN INFORMATION FOR THE ADDRESS NO LATER THAN 5:00 PM ON DECEMBER 20TH.

REGARDING SUPPORT, THE COURT IS ADOPTING THE DISSOMASTER REPORTS ATTACHED AS EXHIBIT A TO PETITIONER'S DECEMBER 9TH REPLY DECLARATION AS THE ORDERS OF THE COURT.

UTILIZING THE SAME FIGURES AS OUTLINED IN THE DISSOMASTER REPORT, THE COURT FINDS THAT CHILD SUPPORT IS \$1,222 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,222 PER MONTH AS AND FOR CHILD SUPPORT PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION.

THE COURT'S ORDER FOR CHILD SUPPORT IS EFFECTIVE AS OF SEPTEMBER 17, 2024. AS OF THAT DATE THERE WERE TWO MINOR CHILDREN, THEREFORE THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$919.80 AS AND FOR CHILD SUPPORT FOR THE MONTH OF SEPTEMBER. THIS IS CALCULATED AS FOLLOWS: \$1,971 (CHILD SUPPORT FOR TWO CHILDREN. SEE ATTACHED DISSOMASTER) DIVIDED BY 30 DAYS WHICH EQUALS \$65.70 PER DAY MULTIPLIED BY 14 DAYS.

FOR THE MONTHS OF OCTOBER THROUGH DECEMBER 17TH, SUPPORT IS CALCULATED AT THE RATE OF \$1,222 PER MONTH. THE COURT FINDS THIS RESULTS IN ADDITIONAL ARREARS IN THE AMOUNT OF \$3,666. IN TOTAL, RESPONDENT OWES PETITIONER \$5,637 AS AND FOR ARREARS. RESPONDENT IS ORDERED TO PAY

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

PETITIONER \$469.75 ON THE 1ST OF EACH MONTH COMMENCING ON JANUARY 1, 2025 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.

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

December 19, 2024

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

5. JASON GILLESPIE V. BARBARA GILLESPIE

24FL0722

On September 12, 2024, Respondent filed a Request for Order (RFO) seeking child support. She filed her Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents were mail served on September 12th.

Petitioner filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on December 5th.

Respondent's Reply Declaration Re Child Support was filed and served on December 11th.

A Supplemental Declaration of Petitioner and Response to Respondent's Reply Declaration of 12/11/24 was also filed and served on December 11th.

Respondent brings her RFO seeking guideline child support she notes deficiencies on Petitioner's Income and Expense Declaration and asks that he be imputed with income at least in the amount of his listed monthly expenses. Petitioner states that Respondent is the higher earning spouse, and he requests that child support be paid by Respondent to Petitioner.

In reviewing Petitioner's Income and Expense Declaration he has not included either the requisite Profit and Loss Statement or Schedule C. The parties are ordered to appear for the hearing. Petitioner is ordered to bring with him either a Profit and Loss Statement or Schedule C.

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. PETITIONER IS ORDERED TO BRING WITH HIM EITHER A PROFIT AND LOSS STATEMENT OR SCHEDULE C.

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

December 19, 2024

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

7. JUSTIN KRUEGER V. JOLYN CAMPISI

22FL0519

Petitioner filed a Request for Order (RFO) on September 13, 2024 seeking custody and visitation orders. It was mail served the same day. He filed a Declaration Regarding Address Verification, though it does not appear that this is a post-judgment request.

The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on October 4th. Only Respondent appeared at the appointment therefore a single parent report without recommendations was prepared.

On October 8th, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice seeking a re-referral to CCRC. The ex parte request was granted, and the parties were re-referred to CCRC with an appointment on November 7th.

The parties attended the second CCRC appointment as scheduled, and a report with recommendations was prepared on November 26th. It was mailed to the parties on November 26th and then again on December 6th.

Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner filed a Supplemental Declaration on December 6th, it was mail served the same day.

Petitioner brings his RFO requesting sole legal custody of the minor. He asks that Respondent's visits be professionally supervised in El Dorado County and all phone contact to be on speaker phone.

The court has reviewed the filings as outlined above and does not find the recommendations contained in the November 26, 2024 CCRC report to be in the best interests of the minor. Instead, the parties are ordered to share joint legal custody. Petitioner shall have sole physical custody of the minor. Respondent is to have two visits with the minor during the summer, each of which will be for a duration of one consecutive week. The visits are to take place in California. The parties are to meet and confer in good faith to choose the dates for each visit. Petitioner's requests for the visits to be professionally supervised and all phone calls to be held on speaker phone are both denied as the court does not see good cause to make either of these orders at this time.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

TENTATIVE RULING #7: THE PARTIES ARE ORDERED TO SHARE JOINT LEGAL CUSTODY. PETITIONER SHALL HAVE SOLE PHYSICAL CUSTODY OF THE MINOR. RESPONDENT IS TO HAVE TWO VISITS WITH THE MINOR DURING THE SUMMER, EACH OF WHICH WILL BE FOR A DURATION OF ONE CONSECUTIVE WEEK. THE VISITS ARE TO TAKE PLACE IN CALIFORNIA. THE PARTIES ARE TO MEET AND CONFER IN GOOD FAITH TO CHOOSE THE DATES FOR EACH VISIT. PETITIONER'S REQUESTS FOR THE VISITS TO BE PROFESSIONALLY SUPERVISED AND ALL PHONE CALLS TO BE HELD ON SPEAKER PHONE ARE BOTH DENIED AS THE COURT DOES NOT SEE GOOD CAUSE TO MAKE EITHER OF THESE ORDERS AT THIS TIME. 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

December 19, 2024

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

8. MACHAELA MELROSE V. SHAWN SANTELIO

23FL1121

On June 20, 2024, the parties appeared for a hearing on their respective Requests for Orders (RFO). The court adopted a step-up plan, and a review hearing was set for September 19th. At the September 19th hearing the court progressed Respondent's parenting time to step-2 of the step-up plan. A review hearing was set for the present date.

On December 9th, Respondent filed and served a Declaration regarding the status of his visits. Petitioner filed and served her Supplemental Declaration to Request for Order on December 13th.

Respondent states he has been compliant with his visits, and he is requesting increased visitation. He is requesting a week-on/week-off schedule. Petitioner does not agree with the week on/week off schedule, but she does agree to move up to step 3 of the step-up plan which allows for Respondent to have visits from Friday-Sunday every other weekend. She proposes drop-off at 6:00pm on Friday and pick-up at 6:00pm on Sunday. Finally, she requests the parties change their exchange location though she does not specify where she would like the exchanges to take place.

After reviewing the filings as outlined above, the court finds it to be in the best interests of the minor to progress Respondent's visits to Step 3. Respondent shall have visitation with the minor every other weekend from Friday at 6:00pm to Sunday at 6:00pm. The parties are to mutually agree upon an exchange location. Respondent is admonished that firearms are to be stored in a locked area for the entire duration of Respondent's visitation time.

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

TENTATIVE RULING #8: THE COURT FINDS IT TO BE IN THE BEST INTERESTS OF THE MINOR TO PROGRESS RESPONDENT'S VISITS TO STEP 3. RESPONDENT SHALL HAVE VISITATION WITH THE MINOR EVERY OTHER WEEKEND FROM FRIDAY AT 6:00PM TO SUNDAY AT 6:00PM. THE PARTIES ARE TO MUTUALLY AGREE UPON AN EXCHANGE LOCATION. RESPONDENT IS ADMONISHED THAT FIREARMS ARE TO BE STORED IN A LOCKED AREA FOR THE ENTIRE DURATION OF RESPONDENT'S VISITATION TIME. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

9. MICHAEL OSBORNE V. CORTNEY OSBORNE

24FL0362

On September 16, 2024, Respondent filed a Request for Order (RFO) requesting custody and visitation orders and Family Code § 271 sanctions. It was mail served on September 19th.

On September 23rd, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice, also seeking custody and visitation orders. In ruling on the ex parte the court maintained the current orders and determined that the 2-2-3 visitation schedule is now in effect. Petitioner was ordered to have Monday/Tuesday and Respondent to have Wednesday/Thursday, with the parties alternating weekends. The court reserved on Petitioner's request for sanctions and a hearing was set for the present date. Petitioner thereafter filed his RFO on September 24th.

Respondent filed her RFO seeking the following orders: (1) Petitioner's parenting time to be confirmed as the 1st, 2nd, and 4th weekends of the month until he obtains suitable housing; at that time a clearly defined 2-2-3 parenting plan shall be practiced; (2) The child not to stay overnight at the home of a non-relative adult; and (3) The non-custodial parent to have bedtime phone calls every night at 7:45 pm for up to 10 minutes. She also requests \$1,000 in Family Code § 271 sanctions.

Petitioner is requesting the implementation of a 2-2-3 parenting schedule in which Petitioner has every Monday/Tuesday, Respondent has every Wednesday/Thursday, and the parties to alternate Friday after school to Monday morning drop off at school/daycare. While he agrees to comply with any court order regarding Facetime, he asks that the court prohibit discussion of his home, who is in his home, disparaging remarks, and anything related to the custody proceedings. Petitioner is also requesting attorney's fees and costs in the amount of \$5,000.

After reviewing the filings of the parties, the court finds it to be in the best interests of the minor to continue practicing the 2-2-3 schedule as stated in the court's September 24th ex parte order. Petitioner shall have every Monday/Tuesday, Respondent shall have every Wednesday/Thursday, the parties are to alternate weekends from Friday after school/daycare to Monday drop off at school/daycare. The non-custodial parent shall have a bedtime phone call or Facetime call with the minor every night at 7:45 pm for up to 10 minutes. The parties are admonished to abide by the Respect Guidelines as stated in the June 27, 2024 CCRC report and which were thereafter adopted as the orders of the court.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

Respondent's request for an order precluding the minor from staying the night at a non-relative adult's home is denied as Respondent has failed to establish that such an order is, in fact, in the minor's best interests.

Each party's request for Section 271 sanctions is denied. However, the parties are admonished that further failure to abide by court orders may result in monetary sanctions, contempt charges, or modification of the custody orders.

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 #9: THE COURT FINDS IT TO BE IN THE BEST INTERESTS OF THE MINOR TO CONTINUE PRACTICING THE 2-2-3 SCHEDULE AS STATED IN THE COURT'S SEPTEMBER 24TH EX PARTE ORDER. PETITIONER SHALL HAVE EVERY MONDAY/TUESDAY, RESPONDENT SHALL HAVE EVERY WEDNESDAY/THURSDAY, THE PARTIES ARE TO ALTERNATE WEEKENDS FROM FRIDAY AFTER SCHOOL/DAYCARE TO MONDAY DROP OFF AT SCHOOL/DAYCARE. THE NON-CUSTODIAL PARENT SHALL HAVE A BEDTIME PHONE CALL OR FACETIME CALL WITH THE MINOR EVERY NIGHT AT 7:45 PM FOR UP TO 10 MINUTES. THE PARTIES ARE ADMONISHED TO ABIDE BY THE RESPECT GUIDELINES AS STATED IN THE JUNE 27, 2024 CCRC REPORT AND WHICH WERE THEREAFTER ADOPTED AS THE ORDERS OF THE COURT.

RESPONDENT'S REQUEST FOR AN ORDER PRECLUDING THE MINOR FROM STAYING THE NIGHT AT A NON-RELATIVE ADULT'S HOME IS DENIED AS RESPONDENT HAS FAILED TO ESTABLISH THAT SUCH AN ORDER IS, IN FACT, IN THE MINOR'S BEST INTERESTS.

EACH PARTY'S REQUEST FOR SECTION 271 SANCTIONS IS DENIED. HOWEVER, THE PARTIES ARE ADMONISHED THAT FURTHER FAILURE TO ABIDE BY COURT ORDERS MAY RESULT IN MONETARY SANCTIONS, CONTEMPT CHARGES, OR MODIFICATION OF THE CUSTODY ORDERS.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

10. SEEMA NAVEEN V. AASHEESH NAVEEN

PFL20170667

On September 19, 2024, the court made orders as to therapeutic services for the minor as well as potential reunification services. The court reserved on Respondent's request for Family Code section 271 sanctions. The court set a review hearing on December 19th to address progress in therapy for the minor and to address potential reunification therapy between the minor and Respondent.

Upon review of the court file, there have been no new filings from any party, including Minor's Counsel, regarding compliance with, and the progress of, the court's September 19th orders. The parties are therefore, ordered to appear to provide the court with updated information.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

11. SHYLO BELL V. CHRISTOPHER LOVELESS

22FL0232

Petitioner filed a Request for Order (RFO) on September 16, 2024, requesting the court modify the current orders for child custody and child support. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on October 4, 2024 and a review hearing on December 19th. Proof of Service shows Respondent was personally served with a “Notice of Hearing” on October 4, 2024. The court notes the Proof of Service does not show Respondent was served with any of the necessary documents.

Only Petitioner appeared at the CCRC appointment on October 4, 2024. As such a single parent report was filed on October 7, 2024 and mailed to the parties the same day.

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

The court cannot find Respondent was properly served. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #11: 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

December 19, 2024

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

12. STEVE ALLUMS V. JESSICA STAFFORD

PFL20140106

Minor's Counsel filed a Request for Order (RFO) on behalf of the minor on September 12, 2024, requesting modification of the current parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on September 26, 2024 and a review hearing on December 19th. Proof of Service shows Petitioner and Respondent were mail served on September 17, 2024.

Only Respondent appeared for the CCRC appointment on September 26, 2024. As such a single parent report was filed with the court on September 26, 2024, and mailed to the parties the same day.

Petitioner filed a Responsive Declaration on December 6, 2024. Petitioner and Minor's Counsel were served by mail the same day. Petitioner objects to "Respondent's request to suspend visitation." Petitioner also states he was unaware of the CCRC appointment, despite being properly served with the referral. Petitioner requests the current orders remain in full force and effect.

Respondent filed a Responsive Declaration on December 9, 2024. Petitioner and Minor's Counsel were mail served the same day. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Additionally, Civil Procedure 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 December 6th the last day for filing the Responsive Declaration therefore the court cannot consider it.

The court has read and considered the filings as outlined above. Petitioner has failed to set forth adequate grounds to warrant the parties being referred back to CCRC. The court finds Minor's Counsel's requested orders to be in the best interest of the minor. The court grants Minor's Counsel's request to suspend Petitioner's parenting time until he can demonstrate he has complied with the prior court orders regarding addressing his mental health issues. Once Petitioner has demonstrated compliance with the mental health component of the prior orders, he may file an RFO to reinstate parenting time. The court is vacating the order for Ms. Anderson to be the designated therapist, as she no longer provides services in El Dorado County.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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

TENTATIVE RULING #12: THE COURT FINDS MINOR'S COUNSEL'S REQUESTED ORDERS TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT GRANTS MINOR'S COUNSEL'S REQUEST TO SUSPEND PETITIONER'S PARENTING TIME UNTIL HE CAN DEMONSTRATE HE HAS COMPLIED WITH THE PRIOR COURT ORDERS REGARDING ADDRESSING HIS MENTAL HEALTH ISSUES. ONCE PETITIONER HAS DEMONSTRATED COMPLIANCE WITH THE MENTAL HEALTH COMPONENT OF THE PRIOR ORDERS, HE MAY FILE AN RFO TO REINSTATE PARENTING TIME. THE COURT IS VACATING THE ORDER FOR MS. ANDERSON TO BE THE DESIGNATED THERAPIST, AS SHE NO LONGER PROVIDES SERVICES IN EL DORADO COUNTY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

13. ALANA BARBIERY V. DANIEL BARBIERY

23FL0609

On September 19, 2024, the court adopted its tentative ruling with modifications pursuant to the parties' stipulation. Parties agreed to set a 90-day review hearing on December 19, 2024. Parties were directed to file and serve supplemental declarations at least 10 days prior to the hearing. They were admonished that failure to do so would result in the matter being dropped from calendar. Upon review of the court file, neither party has filed a supplemental declaration. As such, the matter is dropped from calendar.

TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

14. CAROL VANWOERKOM V. RICHARD VANWOERKOM

PFL20190042

On February 16, 2024, Petitioner filed a Request for Order (RFO) and an accompanying Income and Expense Declaration. Both documents, along with all other required documents were mail served on February 19th. Because this is a post-judgment request for modification of child support, Petitioner filed a Declaration Regarding Address Verification – Post Judgment Request to Modify a Child Custody, Visitation, or Child Support Order, on April 19th. See Fam. Code § 215.

This matter was originally set to be heard on May 2, 2024. Parties agreed to continue the matter and for the court to stay its tentative ruling pending the next hearing. The court accepted the parties' agreement and continued the matter to June 27th.

Respondent filed a Responsive Declaration and Income and Expense Declaration on June 13, 2024. Petitioner was electronically served on June 13th.

On June 20, 2024, parties filed a Stipulation and Order to continue the June 27th hearing to August 15th.

On August 13, 2024, parties filed a Stipulation and Order to continue the August 15th hearing to September 26, 2024.

On September 24, 2024, parties filed a Stipulation and Order to continue the September 26th hearing to December 19, 2024.

On December 10, 2024, Petitioner filed an updated Income and Expense Declaration. There is no Proof of Service for this document and therefore, the court cannot consider it.

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

Respondent consents to guideline child support, however, he asks the court to issue a *Gavron* warning to Petitioner and a seek work order, and an order for Petitioner to participate in a vocational evaluation at Respondent's request to be completed within the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

next two months. Thereafter he requests the court impute Petitioner's income commensurate with the earning capacity outlined in her vocational evaluation. Respondent further asks the court to deny Petitioner's request for Family Code section 2030 fees as Respondent asserts there is no need or disparity in income. Respondent further asserts the court should not proceed with Petitioner's RFO as she did not comply with Family Code section 215 when initially serving the RFO and moreover, Petitioner failed to concurrently file an Income and Expense Declaration or an Attorney Fees Declaration with her initial filing.

It does not appear Petitioner complied with the service requirements of Family Code section 215, in that the original service was on Respondent's counsel, and did not include all the necessary documents. However, given the extensive history of continuances in this matter, it is clear that Respondent has actual knowledge of the requested orders and the hearing date therefore, the court finds that any defect in service of the moving papers has been waived.

Upon review of the court file, Petitioner did not concurrently file an Income and Expense Declaration with her request to modify child support and for attorney's fees. The RFO was filed on February 16, 2024. Petitioner's Income and Expense Declaration was not filed with the court until March 8, 2024. Further, Petitioner's Income and Expense Declaration is now out of date, as it was filed more than 90 days ago. The court cannot consider the December 10th Income and Expense Declaration as there is no Proof of Service for this document.

As to Respondent's assertion that Petitioner failed to include an attorney declaration in her request for Family Code section 2030 attorney's fees, the court finds Petitioner included the required Judicial Council forms, the FL-319 and FL-158. A Declaration from counsel may be filed in lieu of the forms. Therefore, the court finds Petitioner has complied with this requirement. Nonetheless, Petitioner's requests are denied.

"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. "'Current' means the form has been completed within the past three months providing no facts have changed." Cal. Rule Ct. 5.260(3). 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. Here, while Petitioner initially filed

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

an Income and Expense Declaration, Petitioner has failed to file an updated FL-150 since March 8, 2024, which puts it outside the three month window and as such it is not considered current. Therefore, due to Petitioner's failure to timely file and serve an updated Income and Expense Declaration, Petitioner's requests to modify guideline child support and for Family Code section 2030 attorney's fees are denied.

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

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

TENTATIVE RULING #14: PETITIONER'S REQUESTS ARE DENIED FOR FAILURE TO TIMELY FILE AND SERVE AN UPDATED INCOME AND EXPENSE DECLARATION. THE COURT MAINTAINS ITS PRIOR ORDERS REGARDING THE ALLOCATION OF ADOPTION ASSISTANCE FUNDS. THIS ISSUE HAS ALREADY BEEN RULED ON AND THERE HAS BEEN NO SHOWING TO WARRANT SETTING ASIDE THAT ORDER. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

15. 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.

Parties appeared for the hearing on October 24, 2024. Respondent acknowledged receipt of the ex parte papers and waived any defect in notice. The parties were rereferred to CCRC with an appointment on November 8, 2024. Parties were admonished that if either failed to appear at the CCRC appointment, the court may impose sanctions. The court set a review hearing for December 19th.

Only Respondent appeared for the November 8th CCRC appointment. As such, a single parent report was filed with the court on November 8, 2024.

Due to Petitioner's failure to appear at CCRC on his own RFO, the court denies Petitioner's requested orders. Petitioner is sanctioned \$100 for his failure to appear. Payment may be made in full or in increments of \$25 per month until paid in full. The first payment is due on January 2, 2025 and on the 1st of each month thereafter until paid in full. The court vacates the prior ex parte orders.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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

TENTATIVE RULING #15: DUE TO PETITIONER'S FAILURE TO APPEAR AT CCRC ON HIS OWN RFO, THE COURT DENIES PETITIONER'S REQUESTED ORDERS. PETITIONER IS SANCTIONED \$100 FOR HIS FAILURE TO APPEAR. PAYMENT MAY BE MADE IN FULL OR IN INCREMENTS OF \$25 PER MONTH UNTIL PAID IN FULL. THE FIRST PAYMENT IS DUE ON JANUARY 2, 2025 AND ON THE 1ST OF EACH MONTH THEREAFTER UNTIL PAID IN FULL. THE COURT VACATES THE PRIOR EX PARTE ORDERS. ALL PRIOR ORDERS ARE REINSTATED AND REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

16. 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.

The court issued a tentative ruling on October 30, 2024, dropping the matter from calendar due to the failure to serve Petitioner and Respondent.

Claimant appeared for the hearing on October 31, 2024, and requested a continuance to allow service to be perfected.

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 #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

17. KELLY ROBINSON V. DEVON DUBEY

PFL20170096

Respondent filed a Request for Order (RFO) on September 24, 2024, requesting a modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on October 24, 2024, and a review hearing on December 20th. Proof of Service shows Petitioner was personally served on October 3, 2024.

Both parties and the minors participated in the October 24th CCRC appointment. The parties were unable to reach any agreements. A report with recommendations was filed with the court on November 26, 2024 and mailed to the parties the same day.

Respondent filed a Reply Declaration to the CCRC report on December 2, 2024. Petitioner was served by mail on December 4, 2024. Respondent requests the court assign a new CCRC to the matter as he believes the CCRC is biased against him. Respondent has included a parenting program completion report as well as a batterers intervention program report.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds there is proof of completion of the Batterers Intervention Program and the 52-week parenting program. Therefore, the court is rereferring the parties to CCRC for further recommendations. Parties are to attend CCRC on 1/26/2025 at 1:00 PM with Rebecca Nelson and return for a review hearing on 3/13/2025 at 1:30 PM in department 5. The court has considered Respondent's request to reassign a new CCRC counselor and finds the request to be untimely.

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 THERE IS PROOF OF COMPLETION OF THE BATTERERS INTERVENTION PROGRAM AND THE 52-WEEK PARENTING PROGRAM. THEREFORE, THE COURT IS REREFERRING THE PARTIES TO CCRC FOR FURTHER RECOMMENDATIONS. PARTIES ARE TO ATTEND CCRC ON 1/16/2025 AT 1:00 PM WITH REBECCA NELSON AND RETURN FOR A REVIEW HEARING ON 3/13/2025 AT 1:30 PM IN DEPARTMENT 5. THE COURT HAS CONSIDERED RESPONDENT'S REQUEST TO REASSIGN A NEW CCRC COUNSELOR AND FINDS THE REQUEST TO BE UNTIMELY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

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

December 19, 2024

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

18. MONICA LITTLE V. JAMES LITTLE

PFL20200073

On October 4, 2024, the court found Respondent had rebutted the Family Code section 3044 presumptions. The court referred the parties to Child Custody Recommending Counseling (CCRC) to determine if there should be a modification of the parenting plan or custody orders. The parties were to attend CCRC on November 6, 2024 and a review hearing on December 20th.

Both parties attended CCRC on November 6th. A report with limited recommendations was filed with the court on November 8, 2024 and mailed to the parties the same day.

Respondent filed a Reply Declaration to the CCRC report on December 9, 2024. Petitioner was served by mail the same day. Respondent raises concerns about the CCRC report and the apparent confusion of the CCRC as to the reasons for the appointment. Respondent proposes modifications to the current parenting plan as well as the holiday schedule.

Petitioner has not filed a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court finds joint legal and physical custody of the minors is in their best interest. The minors shall reside primarily with Petitioner. The court finds the recommendation as to the change in exchange time in the CCRC report to be in the best interests of the minors and adopts the recommendation as its order. The court further finds Respondent's proposed changes to the parenting plan including the holiday schedule to be in the best interests of the minors. The court adopts Respondent's proposed changes 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 #18: THE COURT FINDS JOINT LEGAL AND PHYSICAL CUSTODY OF THE MINORS IS IN THEIR BEST INTEREST. THE MINORS SHALL RESIDE PRIMARILY WITH PETITIONER. THE COURT FINDS THE RECOMMENDATION AS TO THE CHANGE IN EXCHANGE TIME IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND ADOPTS THE RECOMMENDATION AS ITS ORDER. THE COURT FURTHER FINDS RESPONDENT'S PROPOSED CHANGES TO THE PARENTING PLAN INCLUDING THE HOLIDAY SCHEDULE TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS RESPONDENT'S PROPOSED CHANGES AS ITS ORDERS. ALL PRIOR ORDERS

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 19, 2024

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

**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

December 19, 2024

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

19. NIKOLAS PAECH V. CAROLINE GIROUX

PFL20120276

On October 17, 2024, the court referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on October 31, 2024. The court set a further review hearing for December 19th.

Both parties attended CCRC on October 31, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on December 6, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on December 9, 2024, stating he had not yet received the CCRC report. Respondent and Minors' Counsel were served on the same day.

Respondent filed a Declaration on December 9, 2024. It was served on Petitioner and Minors' Counsel the same day.

Respondent filed a further Declaration on December 13, 2024, requesting the review hearing be continued due to not receiving the CCRC report until December 12, 2024, which is less than 10 days prior to the hearing and did not allow sufficient time to review the report and formulate a Reply.

Minors' Counsel has not filed any Supplemental Declarations.

The court has read and considered the filings as outlined above. The court finds good cause to continue the review hearing given the late receipt of the CCRC report. The review hearing is continued to February 6, 2025, at 1:30 PM.

Supplemental Declarations are to be filed and served at least 10 days prior to the review hearing.

TENTATIVE RULING #19: THE COURT FINDS GOOD CAUSE TO CONTINUE THE REVIEW HEARING GIVEN THE LATE RECEIPT OF THE CCRC REPORT. THE REVIEW HEARING IS CONTINUED TO FEBRUARY 6, 2025, AT 1:30 PM. SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE REVIEW 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

DEPARTMENT 5

December 19, 2024

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

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

December 19, 2024

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

20. SARAH HINRICHS V. WILLIAM HINRICHS

24FL0745

Petitioner filed a Request for Order (RFO) on September 23, 2024, requesting the court make orders as to child custody and parenting time. Because the parties had been referred to Child Custody Recommending Counseling (CCRC) within the prior six months, a referral was not made. Proof of Service shows Respondent was personally served on November 26, 2024. Petitioner is seeking joint legal and sole physical custody of the minors.

Respondent has not filed a Responsive Declaration.

The court orders parties to appear for the hearing.

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