

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

**1. ALEXANDRA CARRERO V. JOSE CARRERO**

**24FL0924**

Respondent filed an ex parte application for emergency custody orders on September 16, 2024. On September 17, 2024, the court denied the request as there were no exigent circumstances. The court ordered that pending the review hearing the parties were to share joint legal custody and Respondent was to have daily visits for a minimum of three hours. Respondent would have primary physical custody. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 14, 2024, and a review hearing on January 2, 2025. Respondent filed a Request for Order (RFO) on September 17, 2024, making the same requests as set forth in the ex parte application. Petitioner was mailed served on September 17, 2024.

Petitioner filed a Declaration on October 14, 2024. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent filed a Reply Declaration on October 14, 2024. Proof of Service shows it was mail served on October 14, 2024.

Respondent filed another ex parte request for emergency orders on October 29, 2024. Petitioner filed a Responsive Declaration on October 29, 2024. The court denied Respondent's emergency request on October 30, 2024, as there were no exigent circumstances.

Both parties appeared for the CCRC appointment on October 14, 2024, however, Respondent left early, despite the appointment being set by his motion. Copies of the CCRC report were filed with the court and mailed to the parties on December 10<sup>th</sup>.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #1: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**2. COMFREY LIM V. NORMAN LIM**

**23FL0722**

On August 16, 2024, Petitioner filed and served a Request for Order (RFO), an Income and Expense Declaration, and a Declaration of Lilka B. Martinez. She filed and served a Supplemental Declaration of Comfrey Lim on October 28<sup>th</sup>.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on October 29<sup>th</sup>. The court finds the Responsive Declaration to be late filed and therefore it cannot be considered. Civil Procedure section 1005(b) mandates that all opposition papers are to be filed at least nine court days before the hearing date. This would have made October 25<sup>th</sup> the last day for filing the Responsive Declaration. The Income and Expense Declaration, on the other hand, may be considered as it has been filed at least 5 days prior to the hearing in accordance with El Dorado Superior Court rule 8.03.01.

Petitioner brings her request for order seeking joint legal and joint physical custody of the parties' three minor children with a step-up plan for visitation with the minor Mason. She also requests child support, spousal support, and attorney's fees in the amount of \$25,000 pursuant to Family Code § 2030. \$10,000 of which is for the cost of a forensic accountant. She is also requesting conjoint therapy between herself and Mason, an order for Mason to resume treatment with Dr. Shorrock, and an order for Respondent to address the mold issue in his home.

Respondent is seeking sole physical custody of Mason and continued shared physical custody of the other two minors. He requests sole legal custody of all three children.

The parties attended Child Custody Recommending Counseling (CCRC) on September 18<sup>th</sup>. A report with recommendations was prepared and mailed to the parties on October 18<sup>th</sup>. Given that the report contains a recommendation awarding sole legal custody to Respondent, Petitioner is asking for a continuance. As of the date of her October 28<sup>th</sup> declaration she had not received a Responsive Declaration and therefore, was unaware that Respondent was seeking sole custody. In the interim, she asks that the court adopt the recommendation that she and Mason are to participate in an assessment for therapy and follow the therapist's recommendations.

On November 7, 2024, the court adopted its tentative ruling. Petitioner's request for therapy with Mason was granted. Mason and Petitioner shall participate in an assessment

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for therapy to determine if it is appropriate for them to work on their relationship and continue therapeutic treatment. The parties were ordered to follow the treatment recommendations of the therapist. Likewise, Petitioner's request for a continuance was granted. This matter was continued to January 2, 2025. Parties were ordered to file updated Income and Expense Declarations and Updating Declarations no later than 10 days prior to the hearing date. The court reserved jurisdiction on the request for spousal support and child support back to the date of filing the RFO. The court further reserved on the issue of attorney's fees.

Respondent refiled his Responsive Declaration on December 16, 2024. The court finds that the court continuing the review hearing to January 2, 2025, did not grant leave to cure Respondent's earlier late filed Responsive Declaration. Respondent concurrently filed a Memorandum of Points and Authorities. Proof of Service shows Petitioner was served with the Responsive Declaration and Memorandum electronically on December 15<sup>th</sup>.

Petitioner filed a Reply Declaration and Income and Expense Declaration on December 23, 2024. Respondent was served on December 23, 2024.

Respondent filed an Income and Expense Declaration on December 23, 2024. Proof of Service shows Petitioner was served on December 23, 2024.

The court has read and considered the filings as outlined above.

The court finds the recommendations as set forth in the October 18<sup>th</sup> CCRC report to be in the best interests of the minors, apart from the recommendation regarding legal custody. The court orders parties shall continue to exercise joint legal custody of the minors. The court adopts the remainder of the recommendations as set forth.

The court adopts the Petitioner's proposed support as attached in Exhibit 6 to the Reply Declaration. The court orders Respondent to pay Petitioner \$3,601 per month as and for guideline child support effective September 1, 2024, through November 30, 2024.

The court orders Respondent to pay Petitioner \$2,841 per month as and for temporary guideline spousal support effective September 1, 2024, through November 30, 2024.

The court finds this results in an arrears balance of \$19,326 for the months of September through November inclusive. Respondent is credited with payments of \$4,500 per month for September through November totally \$13,500. Therefore, the total arrears

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owing is \$5,826. The court orders Respondent to pay Petitioner \$5,826 as and for arrears. That may be made in one lump sum or in monthly payments of \$971. The first payment is due January 15, 2025, and the following payments are due on the 15<sup>th</sup> of each month until paid in full (approximately six months).

Beginning December 1, 2024, the court adopts Petitioner's proposed support as set forth in Exhibit 7 to the Reply Declaration. Respondent shall pay Petitioner \$2,851 as and for guideline child support, effective December 1, 2024, and payable on the 1<sup>st</sup> of each month until further order of the court or termination by operation of law.

The court further orders Respondent to pay Petitioner \$1,675 as and for temporary guideline spousal support, effective December 1, 2024, and payable on the first of each month until further order of the court or termination by operation of law.

The court finds the total support to be \$4,525 per month. The court further finds this results in an arrears balance of \$9,050 for the months of December and January inclusive. Respondent is credited with payments of \$9,000 for December and January. The results in a total arrears balance of \$50 to be paid in full on January 15, 2025.

The court also adopts Petitioner's proposed bonus table as attached in Exhibit 7 to the Reply Declaration. The court orders Respondent to provide his monthly paystubs by no later than the last day of each month. The any income earned over the base salary of \$15,496 is to be trued up with the bonus table by no later than the 15<sup>th</sup> of each month.

Regarding the request for attorney's fees, the public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In re Marriage of Keech, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). This assures each party has access to legal representation to preserve each party's rights. In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. "In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately." *Id.* at (b). Financial

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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. 4<sup>th</sup> 964; 975 (2012).

The court finds not only is there a disparity in income between the parties, but also Respondent has the access to resources which allow him to pay for both his legal representation and Petitioners. The court grants Petitioner's request for Family Code section 2030 attorney's fees in the amount of \$25,000. The court finds this amount to be reasonable based on the fees already incurred by Petitioner and the expectation of future costs.

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 #2: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE OCTOBER 18<sup>TH</sup> CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS, APART FROM THE RECOMMENDATION REGARDING LEGAL CUSTODY. THE COURT ORDERS PARTIES SHALL CONTINUE TO EXERCISE JOINT LEGAL CUSTODY OF THE MINORS. THE COURT ADOPTS THE REMAINDER OF THE RECOMMENDATIONS AS SET FORTH.**

**THE COURT ADOPTS THE PETITIONER'S PROPOSED SUPPORT AS ATTACHED IN EXHIBIT 6 TO THE REPLY DECLARATION. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$3,601 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE SEPTEMBER 1, 2024, THROUGH NOVEMBER 30, 2024. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2,841 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE SEPTEMBER 1, 2024, THROUGH NOVEMBER 30, 2024. THE COURT FINDS THIS RESULTS IN AN ARREARS BALANCE OF \$19,326 FOR THE MONTHS OF SEPTEMBER THROUGH NOVEMBER INCLUSIVE. RESPONDENT IS CREDITED WITH PAYMENTS OF \$4,500 PER MONTH FOR SEPTEMBER THROUGH NOVEMBER TOTALLY \$13,500. THEREFORE, THE TOTAL ARREARS OWING IS \$5,826. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$5,826 AS AND FOR ARREARS. THAT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY PAYMENTS OF \$971. THE FIRST PAYMENT IS DUE JANUARY 15, 2025, AND THE FOLLOWING PAYMENTS ARE DUE ON THE 15<sup>TH</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY SIX MONTHS).**

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**BEGINNING DECEMBER 1, 2024, THE COURT ADOPTS PETITIONER'S PROPOSED SUPPORT AS SET FORTH IN EXHIBIT 7 TO THE REPLY DECLARATION. RESPONDENT SHALL PAY PETITIONER \$2,851 AS AND FOR GUIDELINE CHILD SUPPORT, EFFECTIVE DECEMBER 1, 2024, AND PAYABLE ON THE 1<sup>ST</sup> OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FURTHER ORDERS RESPONDENT TO PAY PETITIONER \$1,675 AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT, EFFECTIVE DECEMBER 1, 2024, AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THE TOTAL SUPPORT TO BE \$4,525 PER MONTH. THE COURT FURTHER FINDS THIS RESULTS IN AN ARREARS BALANCE OF \$9,050 FOR THE MONTHS OF DECEMBER AND JANUARY INCLUSIVE. RESPONDENT IS CREDITED WITH PAYMENTS OF \$9,000 FOR DECEMBER AND JANUARY. THE RESULTS IN A TOTAL ARREARS BALANCE OF \$50 TO BE PAID IN FULL ON JANUARY 15, 2025.**

**THE COURT ALSO ADOPTS PETITIONER'S PROPOSED BONUS TABLE AS ATTACHED IN EXHIBIT 7 TO THE REPLY DECLARATION. THE COURT ORDERS RESPONDENT TO PROVIDE HIS MONTHLY PAYSTUBS BY NO LATER THAN THE LAST DAY OF EACH MONTH. THE ANY INCOME EARNED OVER THE BASE SALARY OF \$15,496 IS TO BE TRUED UP WITH THE BONUS TABLE BY NO LATER THAN THE 15<sup>TH</sup> OF EACH MONTH.**

**THE COURT FINDS NOT ONLY IS THERE A DISPARITY IN INCOME BETWEEN THE PARTIES, BUT ALSO RESPONDENT HAS THE ACCESS TO RESOURCES WHICH ALLOW HIM TO PAY FOR BOTH HIS LEGAL REPRESENTATION AND PETITIONERS. THE COURT GRANTS PETITIONER'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY'S FEES IN THE AMOUNT OF \$25,000. THE COURT FINDS THIS AMOUNT TO BE REASONABLE BASED ON THE FEES ALREADY INCURRED BY PETITIONER AND THE EXPECTATION OF FUTURE COSTS.**

**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 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**

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**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.**

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**4. JEREMY NICHOLS V. OLIVIA NICHOLS**

**23FL1121**

Respondent filed a Request for Order (RFO) on September 19, 2024, requesting to set aside the default entered on May 24, 2024. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

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

**TENTATIVE RULING #4: 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 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.**



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**5. JOEY SELBY V. PAUL JUDGE**

**23FL0851**

Respondent filed a Request for Order (RFO) on September 17, 2024, requesting the court make orders as to spousal support, attorney's fees, and sanctions. Respondent concurrently filed an Income and Expense Declaration and Declaration of Counsel. Petitioner was served by mail on October 31, 2024.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on December 9, 2024. Respondent was served by mail the same day.

Respondent filed a Supplemental Declaration regarding sanctions and attorney's fees on December 19, 2024. Petitioner was electronically served on December 19<sup>th</sup>.

Respondent is seeking guideline temporary spousal support. Respondent is seeking \$25,000 in Family Code section 2030 attorney's fees. Additionally, Respondent is seeking \$8,073.24 in Family Code section 271 sanctions. Petitioner opposes all requests.

Utilizing the parties filed Income and Expense Declarations with a married filing separately tax status the court finds temporary guideline spousal support to be \$705 per month payable from Petitioner to Respondent (see attached DissoMaster). The court orders Petitioner to pay Respondent \$705 per month as and for temporary guideline spousal support effective October 1, 2024, and payable on the 1<sup>st</sup> of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance on \$2,820 for October through January inclusive. The court orders Petitioner to pay respondent \$235 per month as and for arrears effective January 15, 2025, and payable on the 15<sup>th</sup> of each month until paid in full (approximately 12 months). If there is any missed or late payment, the full amount is due and owing with legal interest.

Regarding the request for attorney's fees, the public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In re Marriage of Keech, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). This assures each party has access to legal representation to preserve each party's rights. In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

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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. 4<sup>th</sup> 964; 975 (2012).

While there is a disparity in income, after the payment of support, the court finds Petitioner is not able to pay her and Respondent’s attorney’s fees. Further, Respondent received resources pursuant to the parties’ prior agreement on the division of community assets. The court denies the request for Family Code section 2030 attorney’s fees.

The court reserves on the request for Family Code section 271 sanctions until the time of trial.

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 #5: UTILIZING THE PARTIES FILED INCOME AND EXPENSE DECLARATIONS WITH A MARRIED FILING SEPARATELY TAX STATUS THE COURT FINDS TEMPORARY GUIDELINE SPOUSAL SUPPORT TO BE \$705 PER MONTH PAYABLE FROM PETITIONER TO RESPONDENT (SEE ATTACHED DISSOMASTER). THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$705 PER MONTH AS AND FOR TEMPORARY GUIDELINE SPOUSAL SUPPORT EFFECTIVE OCTOBER 1, 2024 AND PAYABLE ON THE 1<sup>ST</sup> OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE ON \$2,820 FOR OCTOBER THROUGH JANUARY INCLUSIVE. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$235 PER MONTH AS AND FOR ARREARS EFFECTIVE JANUARY 15, 2025 AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF THERE IS ANY MISSED OR LATE PAYMENT, THE FULL AMOUNT IS DUE AND OWING WITH LEGAL INTEREST. FOR THE REASONS SET FORTH ABOVE, THE COURT DENIES THE REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY’S FEES. THE COURT RESERVES ON THE REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS UNTIL THE TIME OF TRIAL. ALL PRIOR ORDERS NOT IN**

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**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 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.**

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

Input Data	Husband	Wife	Guideline (2024)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	0%	0%	Husband	2,018 Payment (cost)/benefit	705	(655)
Filing status	MFS->	<-MFS	Wife	4,280 Net spendable income	2,723	3,576
# Federal exemptions	1*	1*	Total	6,298 % combined spendable	43.2%	56.8%
Wages + salary	867	5,454	<b>Support (Nondeductible)</b>	Total taxes	152	1,125
401(k) employee contrib	0	0	SS Payor	Wife Comb. net spendable	6,298	
Self-employment income	0	0	Alameda	705 <b>Proposed</b>		
Other taxable income	1,303	0	Total	705 Payment (cost)/benefit	705	(655)
Short-term cap. gains	0	0	<b>Proposed, tactic 9</b>	Net spendable income	2,723	3,576
Long-term cap. gains	0	0	SS Payor	Wife NSI change from gdl	0	0
Other gains (and losses)	0	0	Alameda	705 % combined spendable	43.2%	56.8%
Ordinary dividends	0	0	Total	705 % of saving over gdl	0%	0%
Tax. interest received	0	0	Savings	0 Total taxes	152	1,125
Social Security received	1,303	0	Mother	0 Comb. net spendable	6,298	
Unemployment compensation	0	0	Father	0 Percent change	0.0%	
Operating losses	0	0	No releases	<a href="#">Default Case Settings</a>		
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	0				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
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	910				
Other medical expenses	0	517				
Property tax expenses	0	393				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	49				
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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**6. JOSEPHINE CONNELLY V. DAVID KRELL**

**24FL0134**

Respondent filed an Order to Show Cause and Affidavit for Contempt on September 17, 2024, alleging nine counts of contempt. Proof of Service shows Petitioner was personally served on October 2, 2024.

The court notes parties have a hearing set for January 16, 2025, on a Request for Order (RFO) filed by Respondent. For judicial economy, the court finds good cause to continue the arraignment to January 16, 2025, at 1:30 PM.

**TENTATIVE RULING #6: FOR JUDICIAL ECONOMY, THE COURT FINDS GOOD CAUSE TO CONTINUE THE ARRAIGNMENT TO JANUARY 16, 2025, AT 1:30 PM.**

**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.**

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**7. KIMBERLY WITTMERS V. JOHN PEARCE**

**24FL0980**

Petitioner filed a Petition to Establish a Parental Relationship on September 19, 2024. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make child custody and parenting time orders as well as an order for child support and attorney's fees. Petitioner concurrently filed an Income and Expense Declaration.

On October 18, 2204, Petitioner filed an Amended Petition to Establish a Parental Relationship as well as an Amended RFO. An amended Summons was issued on October 18, 2024.

Proof of Personal Service shows Respondent was personally served with the Petition and Summons, as well as the amended RFO and all necessary documents on November 12, 2024.

Respondent has not filed a Response or Responsive Declaration.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #7: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**8. MACHAELA JOHNSON V. MATTHEW JOHNSON**

**22FL0137**

Petitioner filed an ex parte application on October 28, 2024, requesting property control orders. Respondent filed a Responsive Declaration opposing the ex parte request. On October 29, 2024, the court denied the ex parte request. Petitioner filed a Request for Order (RFO) on October 29, 2024, requesting property control orders for Red Line Engineering. Respondent was mailed served on October 31, 2024.

Respondent filed a RFO on November 20, 2024, requesting the court order a vocational evaluation of Petitioner. Petitioner was served with the RFO and a blank Responsive Declaration, however, Petitioner was not served with the Notice of Tentative Ruling as required. Respondent is seeking a vocational evaluation as he believes spousal support will be an issue litigated in the future.

Petitioner filed a Responsive Declaration on December 18, 2024. Respondent was served by mail the same day. Petitioner objects to the request as premature and asserts she is currently employed, and therefore, the request is unnecessary.

Petitioner filed a Supplemental Declaration on December 20, 2024. Respondent was served the same day. Petitioner renews her request for property control or in the alternative to be removed from the lines of credit for the business.

The court finds it will need to take testimony on the request for property control. As such, parties are ordered to appear to select Mandatory Settlement and Trial dates.

The court denies Respondent's request for Petitioner to participate in a vocational evaluation. The court finds the request to be premature, as there is no pending litigation regarding spousal support.

Respondent shall prepare the Findings and Orders After Hearing as to his November 20<sup>th</sup> RFO.

**TENTATIVE RULING #8: THE COURT FINDS IT WILL NEED TO TAKE TESTIMONY ON THE REQUEST FOR PROPERTY CONTROL. AS SUCH, PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT AND TRIAL DATES.**

**THE COURT DENIES RESPONDENT'S REQUEST FOR PETITIONER TO PARTICIPATE IN A VOCATIONAL EVALUATION. THE COURT FINDS THE REQUEST TO BE PREMATURE, AS THERE IS NO PENDING LITIGATION REGARDING SPOUSAL SUPPORT.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

**RESPONDENT SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING AS TO HIS NOVEMBER 20<sup>TH</sup> RFO.**

**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

January 2, 2025

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

**9. ROB GRONEWOLD V. KATHERINE GRONEWOLD**

**PFL20190313**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 30, 2024, asserting Respondent has violated the December 1, 2021 orders regarding the parental exchange location, providing a list of counselors within 10 days of the order, completion of a co-parenting class, and refinancing the mortgage into her name by November 1, 2023. Proof of Service shows Respondent was personally served on February 9, 2024.

Petitioner filed a second OSC on May 21, 2024, alleged three additional counts of contempt for violations of court orders made on January 18, 2024. Proof of Service shows Respondent was personally served on May 30, 2024.

Petitioner filed a Request for Order (RFO) on May 22, 2024, requesting enforcement of the Judgement that the property at 5957 Pony Express Trail in Pollock Pine California be sold if it was not placed in Respondent's name solely on or before November 2023. Proof of Service shows Respondent was personally served with the RFO on May 30, 2024.

Parties appeared on the RFO and OSCs on August 8, 2024. The court appointed the Public Defender's Office to represent Respondent and continued the matter to September 26, 2024 for further arraignment.

Parties appeared on September 26, 2024 for further arraignment. The Public Defender requested a continuance to have an opportunity to file a demurrer. The court granted the continuance request and directed that any demurrer would need to be filed at least 16 court days prior to the hearing and any response would be due at least nine court days prior.

Upon review of the court file, there have been no new filings since the September 26<sup>th</sup> hearing.

The court orders parties to appear for hearing on the RFO and for arraignment on the OSCs.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

**10. CRYSTAL STABLER V. BRYAN STABLER**

**23FL0783**

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

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

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

Parties appeared on October 24, 2024, and reached agreements, including continuing the matter. Parties also agreed to meet with Mediator Neil Forester. The court ordered parties to file updated Income and Expense Declarations at least 5 days prior to the continued hearing date. The court reserved jurisdiction to retroactively modify support to the date of the filing of the RFO.

Neither party has filed any new documents.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

**11. ISRAEL MENDOZA V. ENEIDA MENDOZA**

**PFL20210121**

Petitioner filed an ex parte application for emergency custody orders on November 22, 2024. On November 25, 2024, the court granted the emergency custody orders and referred the parties to an emergency set Child Custody Recommending Counseling appointment on December 3, 2024. The court set a review hearing for January 2, 2025. Petitioner filed a Request for Order (RFO) on November 25<sup>th</sup> making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was personally served on November 25<sup>th</sup>.

Respondent filed a Declaration on November 25, 2024. There is no Proof of Service for this document, therefore, the court cannot consider it. Respondent has not filed a Responsive Declaration.

Both parties and the minor participated in the CCRC appointment on December 3, 2024. The parties were able to reach some agreements. A report with the parties' agreements as well as additional recommendations was filed with the court on December 16, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on December 18<sup>th</sup> and another on December 20<sup>th</sup>. There is no Proof of Service for these documents, therefore, the court cannot consider them.

The court has read and considered the filings as outlined above. The court finds the parties' agreements and the recommendations as set forth in the December 16<sup>th</sup> CCRC report to be in the best interest of the minor. 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. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #11: THE COURT FINDS THE PARTIES' AGREEMENTS AND THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 16<sup>TH</sup> CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. 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. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

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

January 2, 2025

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

**12. JENNIFER COWLES V. BENJAMIN COWLES**

**PFL20180808**

Respondent filed a Request for Order (RFO) on September 18, 2024, requesting the court modify the current child custody, child support, as well as spousal support orders. Respondent concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 17, 2024 and a review hearing on January 2, 2025. This is a post-judgment request for modification. Petitioner was personally served on September 25, 2024.

Both parties attended CCRC on October 17, 2024 and were able to reach a full agreement. The parties submitted a stipulation and order to the court which was signed on October 25, 2024. The court finds those orders continue to be in the minors' best interest and affirms those orders.

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

The court finds the request to modify spousal support is a post-judgment request, and therefore, the court must take testimony on the Family Code section 4320 factors. Therefore, the parties are ordered to appear. The court orders Petitioner to bring a completed Income and Expense Declaration with her to court. Failure to do so may result in sanctions being ordered.

**TENTATIVE RULING #12: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUES OF CHILD AND SPOUSAL SUPPORT. THE COURT ORDERS PETITIONER TO BRING A COMPLETED INCOME AND EXPENSE DECLARATION WITH HER TO COURT. FAILURE TO DO SO MAY RESULT IN SANCTIONS BEING ORDERED.**

**THE COURT MAINTAINS THE CURRENT ORDERS AS TO CHILD CUSTODY AND PARENTING TIME, PER THE OCTOBER 25, 2024 STIPULATION.**

**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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

**13. JING HAN V. LIEN HAN**

**PFL20160529**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on May 3, 2024. The matter has been continued several times to perfect service. Proof of Service shows Respondent was personally served on October 2, 2024.

Respondent filed a Motion to Discharge or Demurrer on December 5, 2024. Petitioner was served on December 16, 2024. Respondent also filed a Request for Order (RFO) requesting Discharge or Demurrer which is set to be heard on March 13, 2024. The RFO was served on Petitioner on December 16, 2024.

Petitioner filed a RFO on September 24, 2024, requesting a modification of child custody and other orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 23, 2024, and a review hearing on January 2, 2024. Proof of Service shows Respondent was served on October 24, 2024, by mail with address verification.

Neither party appeared at the CCRC appointment.

Respondent filed a Responsive Declaration on December 5, 2024, objecting to the court making any orders until the contempt proceedings are resolved. Petitioner was mail served on December 3, 2024.

As to the contempt proceedings, for judicial economy, the court finds good cause to continue the OSC to March 13, 2024, at 8:30 in Department 5, to join with Respondent's RFO seeking discharge or demurrer.

The court drops the September 24, 2024, RFO from calendar due to Petitioner's failure to appear at CCRC, which was set by his RFO.

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 #13: FOR JUDICIAL ECONOMY, THE COURT FINDS GOOD CAUSE TO CONTINUE THE OSC TO MARCH 13, 2024 AT 8:30 IN DEPARTMENT 5, TO JOIN WITH RESPONDENT'S RFO SEEKING DISCHARGE OR DEMURRER. THE COURT DROPS THE SEPTEMBER 24, 2024 RFO FROM CALENDAR DUE TO PETITIONER'S FAILURE TO APPEAR AT CCRC, WHICH WAS SET BY HIS RFO. 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

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

January 2, 2025

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

**14. JOHN HOMSOMBATH V. KRISTEN HOMSOMBATH**

**PFL20200751**

Respondent filed a Request for Order (RFO) on October 3, 2024, requesting modification of parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 24, 2024, and a review hearing on January 2, 2025. Proof of Service shows Petitioner was mail served on October 4, 2024.

Both parties appeared at CCRC and reached a full agreement. Parties subsequently submitted a Stipulation and Order to the court, which the court signed on December 6, 2024. The Stipulation and Order did not contain a provision to vacate the January 2<sup>nd</sup> review hearing date. As such, the court is issuing this tentative ruling.

The court finds the Stipulation and Order signed by the court on December 6, 2024, resolves the issues raised in the RFO. Therefore, the court finds the RFO to be moot. The court drops the matter from calendar for mootness.

All prior orders remain in full force and effect.

**TENTATIVE RULING #14: THE COURT FINDS THE STIPULATION AND ORDER SIGNED BY THE COURT ON DECEMBER 6, 2024, RESOLVES THE ISSUES RAISED IN THE RFO. THEREFORE, THE COURT FINDS THE RFO TO BE MOOT. THE COURT DROPS THE MATTER FROM CALENDAR FOR MOOTNESS. 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 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

January 2, 2025

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

**15. LISA DODGE V. ELIZABETH AND ADOLFO PEREZ**

**24FL1040**

Petitioner filed a Petition for Grandparent Visitation and joinder on October 4, 2024. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting grandparent visitation. Upon review of the court file, there is no Proof of Service showing Respondents have been properly served with the Petition and Summons or the RFO and other necessary documents.

The matter is dropped from calendar due to the court's lack of jurisdiction over the parties.

**TENTATIVE RULING #15: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE COURT'S LACK OF JURISDICTION OVER THE PARTIES.**

**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

January 2, 2025

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

**16. PAUL GIBBS V. LORI GIBBS**

**PFL20160658**

Petitioner filed a Request for Order (RFO) on October 1, 2024, requesting modification of permanent spousal support. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

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

**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 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

January 2, 2025

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

**17. RYAN RICHARDS V. JENNIFER RICHARDS**

**23FL0665**

Petitioner filed an ex parte application for emergency custody orders on November 14, 2024. On November 25, 2024, the court granted the ex parte request granting Petitioner temporary sole physical custody. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment for December 17, 2024 and a review hearing on January 2, 2025. Petitioner filed a Request for Order (RFO) on November 25, 2024 making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was served by overnight delivery on December 4, 2024.

Parties attended the CCRC appointment on December 17, 2024 and were unable to reach any agreements. A report with recommendations was filed with the court and mailed to the parties on December 31, 2024.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the December 31, 2024 CCRC report to be in the best interest of the minor. The court vacates the ex parte orders made on November 25, 2024. The court reinstates the prior orders of September 7, 2023.

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

**TENTATIVE RULING #17: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 31, 2024 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT VACATES THE EX PARTE ORDERS MADE ON NOVEMBER 25, 2024. THE COURT REINSTATES THE PRIOR ORDERS OF SEPTEMBER 7, 2023. ALL PRIOR ORDERS 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 2, 2025

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

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