

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 23, 2025

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

2. CANDACE SHUI CHING HU V. QUINGYU HU

24FL0383

On October 3, 2024, Petitioner filed a Request for Order (RFO) and a supporting Memorandum of Points and Authorities. All required documents were served on October 7th.

The parties attended Child Custody Recommending Counseling (CCRC) on November 1st. A report with recommendations was prepared on January 3, 2025. It was mailed to the parties on January 8th.

On January 10th, Respondent filed his Responsive Declaration to Request for Order and a Memorandum of Points and Authorities in support thereof. Both documents were served on January 9th. 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. 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 January 9th the last day for filing the Responsive Declaration therefore, the court cannot consider it.

On January 15th, Petitioner’s Reply Declaration to CCRC Report was filed and served.

Petitioner brings her RFO requesting an order which would allow her to move to Seattle with the children. For this reason, she asks that she be awarded primary physical custody and for the parties to share joint legal custody. She also requests a Family Code Section 3111 evaluation be conducted. In the interim, she asks that the parties continue their current custody schedule, or, in the alternative, she proposes a step-up plan.

The CCRC counselor did not make recommendations regarding the move away request, however she did make numerous other custody and visitation recommendations.

Petitioner’s request for a 3111 evaluation is granted. Petitioner to bear the cost of the evaluation. A review hearing is set for May 8, 2025 at 8:30 a.m. for receipt and review of the 3111 report and to address the issue of the move away request. In the interim, the parties are to maintain their current custody schedule.

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

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TENTATIVE RULING #2: PETITIONER'S REQUEST FOR A 3111 EVALUATION IS GRANTED. PETITIONER TO BEAR THE COST OF THE EVALUATION. A REVIEW HEARING IS SET FOR MAY 8, 2025 AT 8:30 A.M. FOR RECEIPT AND REVIEW OF THE 3111 REPORT AND TO ADDRESS THE ISSUE OF THE MOVE AWAY REQUEST. IN THE INTERIM, THE PARTIES ARE TO MAINTAIN THEIR CURRENT CUSTODY SCHEDULE. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

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3. CATHERINE YOUNG V. LORAL YOUNG

PFL20180796

Sage BlackOwl, counsel for Respondent, filed a Notice of Motion and Motion to be Relieved as Counsel and supporting declaration on October 7, 2024. The motion was served via mail and email. Counsel has shown good cause for withdrawal as the attorney of record for Respondent due to the irreparable breakdown of the attorney-client relationship. The motion is granted.

This matter is also on calendar for the 5-year dismissal hearing. The parties are ordered to appear on this issue.

TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR FOR THE 5-YEAR DISMISSAL HEARING.

THE MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER, UPON THE CLIENT.

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

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4. CATHERYN WADMAN V. MAX TOPPING WADMAN

21FL0116

On October 8, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child support, and clarification of the court's September 13, 2024 order. She filed an Income and Expense Declaration on October 7th. This RFO follows an ex parte request for the same orders which was granted in part by the court on October 8th. At that time the court ordered the minor to be immediately returned to Petitioner and warned that if Respondent failed to comply then Petitioner would be granted sole physical custody pending the regularly set RFO hearing. The court also noted that it would consider any motion for sanctions filed by Petitioner. The ex parte orders were served on October 8th.

On October 21st, Petitioner filed another RFO on an ex parte basis seeking sole legal and sole physical custody of the minor. Respondent filed and served a Responsive Declaration to Request for Order on October 18th. The court granted the request for sole physical custody but denied the request for sole legal. Respondent was ordered to have no parenting time pending the hearing on the RFO. The ex parte orders were served on October 22nd.

On October 21st, Respondent filed and served a declaration from Auburn Tutoring. On January 14, 2025, Petitioner filed a Supplemental Declaration. The court deems this to be a Reply Declaration.

Respondent filed a Declaration on January 17, 2025. The court finds this to be late filed and therefore it has not been read or considered. Respondent has not filed an Income and Expense Declaration. Minor's Counsel has not filed a Statement of Issues and Contentions.

Petitioner filed her first RFO requesting an immediate return of the minor, guideline child support, and clarification of the court's September 13, 2024 order which apparently misstated the existing summer schedule. Additionally, she requests Respondent be ordered to reimburse her for half the cost of the Lindamood-Bell tutoring which totaled \$16,052.00. Therefore, she is seeking \$8,026 in reimbursement.

After the court's initial ex parte orders, Petitioner filed her second RFO seeking full legal and physical custody of the minor.

Respondent asks that the court maintain all prior orders. Respondent attached what he states is a letter from the minor to Minor's Counsel. This is concerning, yet it does not

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appear that Minor's Counsel was served with the Responsive Declaration to Request for Order so it is unclear if she will be objecting to the letter.

The court is in need of additional information, including information from Minor's Counsel. The parties are ordered to appear for the hearing. Respondent is ordered to bring a completed Income and Expense Declaration with him to the hearing so support orders can be made, otherwise the court will utilize Petitioner's estimate of Respondent's income.

TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. RESPONDENT IS ORDERED TO BRING A COMPLETED INCOME AND EXPENSE DECLARATION WITH HIM TO THE HEARING SO SUPPORT ORDERS CAN BE MADE, OTHERWISE THE COURT WILL UTILIZE PETITIONER'S ESTIMATE OF RESPONDENT'S INCOME.

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5. COUNTY OF CALAVERAS V. KYLE HERN (OTHER PARTY: MARINA CONRIQUEZ)

PFS20190061

On October 10, 2024, Other Party filed a Request for Order (RFO) seeking custody and visitation orders. She filed an amended RFO on October 15, 2024. On October 15th the amended RFO and other required documents were mail served on Respondent. The October 10th RFO was mail served on October 29th. It does not appear that Petitioner was served, and Respondent has not filed a Responsive Declaration to Request for Order.

The parties attended Child Custody Recommending Counseling (CCRC) on November 7, 2024, and were able to reach agreements on all issues. A report containing the agreements was prepared and mailed to the parties on January 10, 2025.

Given that this request does not involve a change in support, the court finds good cause to dispense with notice to Petitioner.

After reviewing the CCRC report, the court finds the agreements contained therein to be in the best interests of the minors. The agreements of the parties are therefore hereby adopted as the orders of the court.

Other Party shall prepare and file the Findings and Orders After Hearing. The clerk of the court shall serve the Department of Child Support Services with a copy of the minute order from this hearing.

TENTATIVE RULING #5: THE COURT FINDS THE AGREEMENTS OF THE PARTIES CONTAINED IN THE JANUARY 10, 2025 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. OTHER PARTY SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. THE CLERK OF THE COURT SHALL SERVE THE DEPARTMENT OF CHILD SUPPORT SERVICES WITH A COPY OF THE MINUTE ORDER FROM THIS HEARING.

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

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

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6. GRACE SJOTVEDT V. CONNOR EVANS

PFL20210559

On February 8, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 8th, though ultimately neither party appeared at the CCRC appointment. Petitioner filed and served a Responsive Declaration to Request for Order on April 5th.

The matter came before the court for hearing on July 11, 2024, at which time the parties were re-referred to CCRC. A review hearing was set for October 3, 2024, however the review hearing was continued several times to the present date.

The parties attended CCRC on August 22, 2024, and were able to reach agreements on all issues. A report codifying those agreements was prepared and mailed to the parties the same day. The court has reviewed the agreements as contained therein and finds them to be in the best interests of the minor therefore, they are hereby adopted as the orders of the court.

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

TENTATIVE RULING #6: THE AGREEMENTS CONTAINED IN THE AUGUST 22, 2024 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINOR AND ARE THEREFORE ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. JENNIFER IIDA V. KAY IIDA

23FL0376

On October 11, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was served, along with all other required documents, on October 14th.

Petitioner filed and served a Responsive Declaration to Request for Order on January 9, 2025.

The parties attended Child Custody Recommending Counseling (CCRC) on November 4, 2024. A report with recommendations was prepared and mailed to the parties on January 9th.

Respondent's Reply Declaration and Objection to Petitioner's Responsive Declaration signed January 9, 2025, was filed and served on January 15, 2025.

On January 17th, Petitioner filed and served declarations of six different individuals.

Respondent filed his RFO seeking joint legal custody and primary physical custody of the parties' minor child. He asks that Cassidy reside primarily with Petitioner, and Respondent to have visitation at least twice per week moving toward every other weekend from Friday after school to Sunday evening.

Petitioner is asking for joint legal and joint physical custody. She proposes Cassidy visit with Respondent at their discretion and she asks the court to order "reconnection therapy."

Respondent objects to the character letters attached to Petitioner's Responsive Declaration as unsworn statements and hearsay. The objection is sustained. These letters have not been read or considered by the court.

Of note is the fact that the filings of the parties refer to both children, Cassidy and Conner. However, Conner has since reached the age of majority and therefore, the court is not making custody and visitation orders as to him.

The court has reviewed the filings as outlined above and does find the majority of the CCRC recommendations to be in the best interests of the minor. Therefore, the court is adopting the recommendations contained in the January 9, 2025 CCRC report as the orders of the court with the exception of the parenting time recommendations. Instead, the court is ordering Petitioner to have primary physical custody of the minor with Respondent

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to have visits twice per week for a duration of at least two hours per visit. The parties are to meet and confer on set weekly times for these visits. If the minor is unable to fit two separate visits into her schedule, the visits may be consolidated into one, four-hour visit. If the parties are unable to agree upon set visitation, then Respondent shall have visits with the minor every Thursday and Sunday from 4:00pm – 6:00pm.

In addition to the weekly visit, the court is adopting the recommendation for conjoint therapy, with modifications. The minor and Respondent are to commence conjoint therapy forthwith at a frequency and duration as determined by the counselor. The parties are ordered to abide by the treatment recommendations of the counselor.

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

TENTATIVE RULING #7: RESPONDENT’S OBJECTION TO THE CHARACTER LETTERS ATTACHED TO PETITIONER’S RESPONSIVE DECLARATION IS SUSTAINED. THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND DOES FIND THE MAJORITY OF THE CCRC RECOMMENDATIONS TO BE IN THE BEST INTERESTS OF THE MINOR. THEREFORE, THE COURT IS ADOPTING THE RECOMMENDATIONS CONTAINED IN THE JANUARY 9, 2025 CCRC REPORT AS THE ORDERS OF THE COURT WITH THE EXCEPTION OF THE PARENTING TIME RECOMMENDATIONS. INSTEAD, THE COURT IS ORDERING PETITIONER TO HAVE PRIMARY PHYSICAL CUSTODY OF THE MINOR WITH RESPONDENT TO HAVE VISITS TWICE PER WEEK FOR A DURATION OF AT LEAST TWO HOURS PER VISIT. THE PARTIES ARE TO MEET AND CONFER ON SET WEEKLY TIMES FOR THESE VISITS. IF THE MINOR IS UNABLE TO FIT TWO SEPARATE VISITS INTO HER SCHEDULE, THE VISITS MAY BE CONSOLIDATED INTO ONE, FOUR-HOUR VISIT. IF THE PARTIES ARE UNABLE TO AGREE UPON SET VISITATION, THEN RESPONDENT SHALL HAVE VISITS WITH THE MINOR EVERY THURSDAY AND SUNDAY FROM 4:00PM – 6:00PM.

IN ADDITION TO THE WEEKLY VISIT, THE COURT IS ADOPTING THE RECOMMENDATION FOR CONJOINT THERAPY, WITH MODIFICATIONS. THE MINOR AND RESPONDENT ARE TO COMMENCE CONJOINT THERAPY FORTHWITH AT A FREQUENCY AND DURATION AS DETERMINED BY THE COUNSELOR. THE PARTIES ARE ORDERED TO ABIDE BY THE TREATMENT RECOMMENDATIONS OF THE COUNSELOR.

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

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8. KYLE SHARP V. LAUREN SHARP

PFL20210287

On October 8, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders as well as a move away order. Given that this is a post-judgment request, the RFO was personally served on October 10th.

Respondent filed and served a Supplemental Declaration on December 5, 2024.

The parties attended Child Custody Recommending Counseling (CCRC) on November 1st. A report with recommendations was prepared on December 19, 2024. It was mailed to the parties on December 20th.

Petitioner has not filed a Responsive Declaration to Request for Order and neither party has filed a declaration in response to the CCRC report.

Because this is a move away request with a significant change in custody, the parties are ordered to appear for the hearing.

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

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9. SHAUNA COX V. MICHAEL BRYANT II

22FL0270

On October 8, 2024, Petitioner filed a Request for Order (RFO) seeking an order for the sale of real and personal property located at D'Oro Court. She filed a Memorandum of Points and Authorities in Support of her RFO as well as a Declaration. All required documents were mail served on October 10th.

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

On January 10, 2025, Petitioner filed a Notice of No-Opposition to Petitioner's Request for Order, notifying the court that the time to file a Responsive Declaration has passed and Respondent has not done so.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO was timely and properly served on Respondent. He had notice of the pending requests and chose not to oppose them. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

The requests made in Petitioner's RFO regarding the sale of real and personal property located at 105 D'Oro Court in Rescue and the distribution of the proceeds are granted. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #9: THE REQUESTS MADE IN PETITIONER'S RFO REGARDING THE SALE OF REAL AND PERSONAL PROPERTY LOCATED AT 105 D'ORO COURT IN RESCUE AND THE DISTRIBUTION OF THE PROCEEDS ARE GRANTED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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10. SONIA JOHNSON V. THOMAS JOHNSON

PFL20190519

On October 10, 2024, Petitioner filed a Request for Order (RFO) seeking property control orders. It was mail served, along with all other required documents, on October 15th. Respondent has not filed a Responsive Declaration to Request for Order.

According to the RFO, Petitioner is requesting exclusive temporary use and possession of the marital residence located at Piazza Place in El Dorado Hills. However, in her declaration she states that she has been living in the home since March of 2019, but she can no longer afford the mortgage alone and the property is close to foreclosure. It is unclear exactly what she is requesting from the court.

It appears this matter is set for trial on the issue of property division to be held on February 24th. Given that it is unclear what Petitioner is requesting and given that there is trial on the issue of property division in approximately one month, the RFO is denied. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #10: THE RFO IS DENIED. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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11. SVETLANA PROTSYUK V. OLEG PROTSYUK

23FL0358

On October 7, 2024, Respondent filed a Request for Order (RFO) seeking property control orders, attorney's fees, and additional orders as specified therein. There does not appear to be a Proof of Service on file for the RFO. Nevertheless, Petitioner filed and served a Responsive Declaration to Request for Order on January 8, 2025 thereby waiving any potential defect in service. She filed several declarations in support of her Responsive Declaration, one of which was her Income and Expense Declaration.

Respondent's Reply Declaration and Income and Expense Declaration were filed and served on January 15th.

Respondent is requesting an order to sell the marital residence located at 4818 Crestline Drive in Placerville. He asks that the funds be placed in a trust account until further orders. Additionally, he is asking the court to modify its September 21, 2023 order to make clear that Petitioner is ordered to pay the combined house debt (mortgage and equity line of credit) and to remove Respondent's obligation to do so. He is also requesting attorney's fees in the amount of \$4,275. Finally, he is seeking an order to join this RFO with the trial on December 18, 2024 though the court finds that request to be moot.

Petitioner asks that the court deny the request to sell the Crestline property as well as Respondent's request to relieve him of his obligation to pay the equity line on the Crestline Property. Finally, she asks that Respondent's attorney's fees request be denied and instead, an award of attorney's fees be made to her. In the alternative, she requests immediate control of BBS Auto Sales with the power to operate or sell the business.

The court has reviewed the filings of the parties as outlined above. First and foremost, Respondent's request to sell the Crestline property is denied. According to Petitioner, the payments on the residence are up-to-date and Petitioner and the children still reside in the home therefore, the court does not find it appropriate or necessary to order the sale of the home at this time.

Regarding the September 21, 2023 order, Petitioner was ordered to make the mortgage payments on Crestline Drive, subject to reallocation. This order stands. Regarding the HELOC, Respondent is ordered to make payments on the HELOC, subject to reallocation.

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Petitioner's request for control of BBS Auto Sales is denied as the court does not find that granting the request is necessary to preserve the community estate under Family Code § 213.

Turning to the issue of attorney's fees, both parties' requests are denied. 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). 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 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).

In reviewing each party's respective Income and Expense Declaration, there is only a slight disparity in income with Petitioner earning only slightly more than Respondent. However, considering the allegations that Respondent has not paid his support obligations and considering that Petitioner is supporting both herself and the children, the court does not find an award of attorney's fees from Petitioner to Respondent to be either just or reasonable. Likewise, given the allegations of Petitioner's repeated violations of the ATROS and Respondent's significant credit card debt, the court does not find that he has the ability to pay the fees of both his attorney and Petitioner. As such, both requests are denied.

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

TENTATIVE RULING #11: RESPONDENT'S REQUEST TO SELL THE CRESTLINE PROPERTY IS DENIED. REGARDING THE SEPTEMBER 21, 2023 ORDER, PETITIONER WAS ORDERED TO MAKE THE MORTGAGE PAYMENTS ON CRESTLINE DRIVE, SUBJECT TO REALLOCATION. THIS ORDER STANDS. REGARDING THE HELOC, RESPONDENT IS ORDERED TO MAKE PAYMENTS ON THE HELOC, SUBJECT TO REALLOCATION.

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PETITIONER'S REQUEST FOR CONTROL OF BBS AUTO SALES IS DENIED. BOTH PARTIES' REQUESTS FOR ATTORNEY'S FEES ARE DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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12. APOLINAR PEREZ BALTAZAR V. CECILIA AGUILAR SANDOVAL

23FL0661

Respondent filed a Request for Order (RFO) on October 29, 2024, requesting a modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 25, 2024, and a review hearing on January 23, 2025. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Nevertheless, both parties appeared for the CCRC appointment. The parties were unable to reach any agreements. A report recommending all current orders remain in full force and effect was filed with the court on January 10, 2025, and mailed to the parties the same day.

The court has read and considered the January 10th CCRC report and finds the recommendation to maintain the current custody and parenting plan orders to be in the minors' best interests. The court adopts the recommendation as its order.

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

TENTATIVE RULING #12: THE COURT FINDS THE RECOMMENDATION TO MAINTAIN THE CURRENT CUSTODY AND PARENTING PLAN ORDERS TO BE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE RECOMMENDATION. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 23, 2025

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

13. CANDACE GARCIA V. FRANK GARCIA

24FL0172

Respondent filed a Request for Order (RFO) on October 31, 2024, requesting a modification of the current parenting plan orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months. Proof of Service shows Petitioner was served with the FL-300 only on November 4, 2024.

Petitioner has not filed a Responsive Declaration.

The court finds good cause to proceed insofar as it is maintaining all the current orders. The court has reviewed the prior custody and parenting plan agreement. Parties are sharing joint legal custody. The parties are reminded, in exercising joint legal custody, Mother and Father will share equally in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The court notes the parties' signed a stipulation on May 30, 2024, which the court adopted as its order on June 4, 2024, which includes a Reunification Step-Up Plan for Respondent. Respondent has presented no evidence in his filings that he has complied with any aspects of the Step-Up Plan. The court, therefore, finds the current orders remain in the best interest of minors.

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

TENTATIVE RULING #13: THE COURT FINDS GOOD CAUSE TO PROCEED, DESPITE THE DEFECT IN SERVICE, AS THE COURT IS MAINTAINING ALL CURRENT ORDERS. THE PARTIES ARE REMINDED, IN EXERCISING JOINT LEGAL CUSTODY, MOTHER AND FATHER WILL SHARE EQUALLY IN THE RESPONSIBILITY AND DISCUSS IN GOOD FAITH MATTERS CONCERNING THE HEALTH, EDUCATION, AND WELFARE OF THE CHILDREN. THE COURT NOTES THE PARTIES' SIGNED A STIPULATION ON MAY 30, 2024, WHICH THE COURT ADOPTED AS ITS ORDER ON JUNE 4, 2024, WHICH INCLUDES A REUNIFICATION STEP-UP PLAN FOR RESPONDENT. RESPONDENT HAS PRESENTED NO EVIDENCE IN HIS FILINGS THAT HE HAS COMPLIED WITH ANY ASPECTS OF THE STEP-UP PLAN. THE COURT, THEREFORE, FINDS THE CURRENT ORDERS REMAIN IN THE BEST INTEREST OF MINORS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 23, 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 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

January 23, 2025

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

14. CHRISTINA STEELE V. JOSHUA WALLER

PFL20160057

Order to Show Cause

Petitioner filed an Order to Show Cause and Affidavit for Contempt on October 28, 2024. Petitioner asserts one count of contempt for violation of the custody orders on October 25, 2024. Proof of Service shows Respondent was personally served on October 29, 2024. The court notes that only the FL-410 was served.

Parties are ordered to appear for arraignment.

Request for Order

Petitioner filed a Request for Order (RFO) on October 28, 2024, requesting modification of the custody orders made on October 17, 2024. Proof of Service shows Respondent was personally served on October 28, 2024, with only the FL-300. Petitioner asserts a week on/week off schedule is in the best interest of the minor.

Respondent filed a Responsive Declaration on January 8, 2025; therefore, the court finds any defect in notice has been waived. Proof of Service shows Petitioner was served on January 8, 2025. Respondent objects to the requested changes. Respondent asserts only the first exchange was problematic and that there have been no issues since.

Petitioner filed a certificate showing completion of a Parenting class on November 12, 2024. Proof of Service shows it was served on November 25th. The court notes Petitioner was ordered to complete a co-parenting class. It is unclear from the certificate if that is the course that was completed.

Respondent filed a proof of completion of a co-parenting course on November 13, 2024. Proof of Service shows it was served on November 13th.

The court has read and considered the filings as outlined above. The court finds the current orders of October 17, 2024 remain in the minor's best interest. Petitioner has failed to set forth any grounds upon which the orders should be changed or any change in circumstances between October 17th and October 28th which would warrant a modification of the current orders. As such, Petitioner's requests are denied.

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 23, 2025

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

THE COURT FINDS THE CURRENT ORDERS OF OCTOBER 17, 2024 REMAIN IN THE MINOR'S BEST INTEREST. PETITIONER HAS FAILED TO SET FORTH ANY GROUNDS UPON WHICH THE ORDERS SHOULD BE CHANGED OR ANY CHANGE IN CIRCUMSTANCES BETWEEN OCTOBER 17TH AND OCTOBER 28TH WHICH WOULD WARRANT A MODIFICATION OF THE CURRENT ORDERS. AS SUCH, PETITIONER'S REQUESTS ARE DENIED. 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 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

January 23, 2025

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

15. CHRISTINE LYKOS V. NIKOLAUS LYKOS

24FL0921

Petitioner filed a Petitioner for Nullity on September 5, 2024. A Summons was issued the same day. Proof of Service shows the Petition and Summons were served on September 11, 2024.

Petitioner filed a Request to Enter Default and a Request to Set an Uncontested Matter on November 6th and November 8, 2024, respectively. The default was entered on November 6, 2024. There is no Proof of Service showing the Request to Set an Uncontested Matter was served on Respondent.

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

TENTATIVE RULING #15: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF 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

January 23, 2025

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

16. CHRISTOPHER LARSON V. KELLY NEUMANN

24FL0750

Respondent filed a Request for Order (RFO) requesting a modification of child custody, parenting time, and child support orders, on October 29, 2024. Respondent did not concurrently file an Income and Expense Declaration. Respondent concurrently filed a Declaration containing one of the minor's IEP. The parties were referred to Child Custody Recommending Counseling for an appointment on November 22, 2024, and a review hearing on January 23, 2025. Proof of Service shows Petitioner was served by mail on October 31, 2024.

Both parties attended the CCRC appointment and were able to reach a full agreement. A report with the parties' agreement was filed with the court on January 14, 2025. Copies were mailed to the parties the same day.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the CCRC report and finds the parties' agreement to be in the best interest of the minors. The court adopts the parties' agreement as set forth in the January 14th CCRC report as its order. The court denies Respondent's request for child support. Respondent failed to file and serve an Income and Expense Declaration as required.

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 #16: THE COURT FINDS THE PARTIES' AGREEMENT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE PARTIES' AGREEMENT AS SET FORTH IN THE JANUARY 14TH CCRC REPORT AS ITS ORDER. THE COURT DENIES RESPONDENT'S REQUEST FOR CHILD SUPPORT. RESPONDENT FAILED TO FILE AND SERVE AN INCOME AND EXPENSE DECLARATION AS REQUIRED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 23, 2025

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

January 23, 2025

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

17. GAGE TAYLOR V. KAYLA TAYLOR

23FL1171

Petitioner filed a Request for Order (RFO), requesting amotion to compel Respondent's Preliminary Declaration of Disclosure. Respondent was mail served on December 30, 2024. The court does not find this to be timely. Civil Procedure section 1005(b) which states: "Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California..." This would have made December 24, 2024 the last day for mail service.

Respondent has not filed a Responsive Declaration.

The matter is dropped from calendar due to the lack of proper service. Respondent is reminded it is her obligation to comply with Family Code section 2104.

All prior orders remain in full force and effect.

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 23, 2025

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

19. STEVEN NEVINS V. MORGAN NEVINS

23FL0267

Petitioner filed a Request for Order (RFO), on October 31, 2024, seeking modification of permanent spousal support. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was served in accordance with Family Code section 215.

Nevertheless, Respondent filed a Responsive Declaration as well as a Declaration and Income and Expense Declaration on January 13, 2024. Petitioner was mail served the same day. 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 January 9th the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

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

The court orders parties to appear for the hearing.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.