

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

1. ASHLEY SHENEFIELD V. SEAN AGUILAR

PFL20140027

On May 30, 2024, the court made custody orders and ordered Petitioner to undergo a 730 Psychological Evaluation. A hearing was set for the present date for receipt and review of the report.

On September 30th, Respondent filed his certificate of completion of a coparenting course, however there is no Proof of Service for this document therefore the court cannot consider it. On November 25th, Respondent filed a Declaration of Sean Aguilar Re: Status of Compliance with May 30, 2024 Orders. The declaration was mail served the same date as filing. Petitioner has not filed a declaration and there is no 730 report filed with the court at the time of this writing.

According to Respondent, Petitioner has not undergone the 730 evaluation nor has she exercised any of her visitation time since the last hearing date. Respondent has not received any information that Petitioner has complied with any of the court's other orders. Respondent is asking to keep all current orders in effect with no review hearing.

Respondent's request is granted. All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #1: RESPONDENT'S REQUEST IS GRANTED. 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.

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December 5, 2024

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

3. CARRIE BRASS V. BRIAN BRASS

23FL0652

On October 3, 2024, Petitioner filed a Request for Order (RFO) seeking orders for child support, spousal support, attorney's fees, and an order to deem 23FL0652 the lead case. The RFO was served, along with all other required documents, on the same date as filing. She filed and electronically served her Income and Expense Declaration on November 6th. Respondent has not filed a Responsive Declaration to Request for Order.

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 file an opposition to the RFO. 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.

Petitioner filed her RFO requesting to change the current child support order which was made on August 2, 2024. She states the prior orders in the DCSS case (24FL0423) utilized only an estimate of Respondent's income. She asks that child support be retroactive to the date of filing the Petition for Dissolution. She is also requesting guideline spousal support, and attorney's fees in the amount of \$10,000. Finally, she asks that 23FL0652 be designated the lead case. She asks that Respondent be ordered to file his FL-120 and FL-141 under the present case number.

After reviewing the court's file, it appears Respondent filed his FL-120 under the present case number, therefore, the court finds that request to be moot. Regarding the FL-141, if, as Petitioner states, Respondent has in fact served his Declaration of Disclosure, Respondent is ordered to file his FL-141 under the present case number no later than January 5, 2025. Moving forward, 23FL0652 shall be designated the lead case and all filings, with the exception of child support, shall be made under that case number.

Regarding the request for child support, because there is a pending DCSS case, the court does not have jurisdiction to rule on child support. This matter has not been joined with the DCSS case therefore, the court cannot continue Petitioner's request for child support to the DCSS calendar. Instead, the request is dropped.

The request for spousal support is granted. Respondent has failed to file an Income and Expense Declaration of his own, therefore, the court is left to utilize Petitioner's estimate of Respondent's income for the purpose of calculating spousal support.

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The court finds that spousal support per the Alameda formula is \$516 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$516 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 October 15, 2024.

The court finds the above order results in arrears in the amount of \$1,032 through and including November 15, 2024. The court orders Respondent pay Petitioner \$516 on the 1st of each month commencing on January 1st until paid in full (approximately 2 months). If any payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

The court further finds Respondent routinely earns overtime pay and therefore, has included an overtime table with the DissoMaster. Respondent is to pay Petitioner a true up of any overtime earned no later than fourteen days from the date the overtime payment is received.

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

Here, Respondent's monthly income is double that of Petitioner's. This is not including Respondent's monthly overtime income. The court therefore, finds a disparity in access to income to afford counsel. Additionally, in reviewing the amount of attorney's fees already incurred by Petitioner, the court finds \$10,000 to be a reasonable amount. Respondent is ordered to pay Petitioner \$10,000 as and for attorney's fees pursuant to Family Code § 2030. Payment may be made in one lump sum or in monthly increments of \$500 which are to be made no later than the 15th of each month commencing on December 15th and continuing until paid in full (approximately 20 months). Payments are to be made directly to Petitioner's attorney. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

TENTATIVE RULING #3: RESPONDENT FILED HIS FL-120 UNDER THE PRESENT CASE NUMBER THEREFORE THE COURT FINDS THAT REQUEST TO BE MOOT. REGARDING THE FL-141, IF, AS PETITIONER STATES, RESPONDENT HAS IN FACT SERVED HIS DECLARATION OF DISCLOSURE, RESPONDENT IS ORDERED TO FILE HIS FL-141 UNDER THE PRESENT CASE NUMBER NO LATER THAN JANUARY 5, 2025. MOVING FORWARD, 23FL0652 SHALL BE DESIGNATED THE LEAD CASE AND ALL FILINGS, WITH THE EXCEPTION OF CHILD SUPPORT, SHALL BE MADE UNDER THAT CASE NUMBER.

PETITIONER'S REQUEST FOR CHILD SUPPORT IS DROPPED FROM CALENDAR.

UTILIZING THE SAME FIGURES AS OUTLINED IN PETITIONER'S INCOME AND EXPENSE DECLARATION, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$516 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$516 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 OCTOBER 15, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$1,032 THROUGH AND INCLUDING NOVEMBER 15, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$516 ON THE 1ST OF EACH MONTH COMMENCING ON JANUARY 1ST UNTIL PAID IN FULL (APPROXIMATELY 2 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

RESPONDENT IS ORDERED TO PAY PETITIONER \$10,000 AS AND FOR ATTORNEY'S FEES PURSUANT TO FAMILY CODE § 2030. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$500 WHICH ARE TO BE MADE NO LATER THAN THE 15TH OF EACH MONTH COMMENCING ON DECEMBER 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 20 MONTHS). PAYMENTS ARE TO BE MADE DIRECTLY TO PETITIONER'S ATTORNEY. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

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

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother	
Number of children	0	2	Nets (adjusted)	Guideline			
% time with Second Parent	20%	0%	Father	5,404	Payment (cost)/benefit	(1,806)	1,838
Filing status	Single	HH/MLA	Mother	3,322	Net spendable income	3,566	5,160
# Federal exemptions	1*	3*	Total	8,726	% combined spendable	40.9%	59.1%
Wages + salary	7,258	3,290	Support (Nondeductible)		Total taxes	1,854	(183)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	8,726	
Self-employment income	0	0	Presumed	1,500	Proposed		
Other taxable income	0	0	Basic CS	1,500	Payment (cost)/benefit	(2,124)	2,162
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	3,657	5,144
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	91	(16)
Other gains (and losses)	0	0	Child 1	526	% combined spendable	41.6%	58.4%
Ordinary dividends	0	0	Child 2	974	% of saving over gdl	121.5%	-21.5%
Tax. interest received	0	0	SS Payor	Father	Total taxes	1,428	168
Social Security received	0	0	Alameda	338	Comb. net spendable	8,801	
Unemployment compensation	0	0	Total	1,838	Percent change	0.9%	
Operating losses	0	0	Proposed, tactic 9		Default Case Settings		
Ca. operating loss adj.	0	0	CS Payor	Father			
Roy, partnerships, S corp, trusts	0	0	Presumed	1,656			
Rental income	0	0	Basic CS	1,656			
Misc ordinary tax. inc.	0	0	Add-ons	0			
Other nontaxable income	0	0	Presumed Per Kid				
New-spouse income	0	0	Child 1	632			
SS paid other marriage	0	0	Child 2	1,024			
CS paid other relationship	0	0	SS Payor	Father			
Adj. to income (ATI)	0	0	Alameda	516			
9.3% elective PTE payment	0	0	Total	2,172			
Ptr Support Pd. other P'ships	0	0	Savings	75			
Health insurance	0	151	Mother	91			
Qual. Bus. Inc. Ded.	0	0	Father	-16			
Itemized deductions	0	0	Total releases to Father	2			
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	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	1,500	338	1,838
100	14.23	14	13.73	14	1,514	351	1,866
200	14.20	28	13.76	28	1,528	365	1,894
300	14.16	42	13.78	41	1,542	379	1,922
400	14.13	57	13.81	55	1,556	393	1,949
500	14.10	70	13.84	69	1,570	407	1,977
600	14.07	84	13.86	83	1,584	421	2,005
700	14.03	98	13.88	97	1,598	435	2,033
800	14.00	112	13.91	111	1,612	449	2,061
900	13.97	126	13.93	125	1,626	463	2,089
1,000	13.94	139	13.96	140	1,639	477	2,117
1,100	13.91	153	13.98	154	1,653	492	2,144
1,200	13.88	167	14.00	168	1,667	506	2,172
1,300	13.85	180	14.02	182	1,680	520	2,200
1,400	13.82	194	14.05	197	1,693	534	2,228
1,500	13.79	207	14.07	211	1,707	549	2,256
1,600	13.76	220	14.09	225	1,720	563	2,283
1,700	13.74	234	14.11	240	1,733	578	2,311
1,800	13.71	247	14.13	254	1,747	592	2,339
1,900	13.68	260	14.15	269	1,760	607	2,367
2,000	13.65	273	14.17	283	1,773	621	2,394
2,100	13.63	286	14.19	298	1,786	636	2,422
2,200	13.61	299	14.21	313	1,799	650	2,450
2,300	13.63	314	14.22	327	1,813	665	2,478
2,400	13.64	327	14.22	341	1,827	679	2,506
2,500	13.63	341	14.21	355	1,841	693	2,534
2,600	13.63	354	14.20	369	1,854	707	2,561
2,700	13.62	368	14.19	383	1,868	721	2,589
2,800	13.62	381	14.19	397	1,881	735	2,616
2,900	13.61	395	14.19	411	1,895	749	2,644
3,000	13.60	408	14.18	426	1,908	763	2,671
3,100	13.59	421	14.18	440	1,921	777	2,699
3,200	13.59	435	14.18	454	1,935	792	2,726
3,300	13.58	448	14.18	468	1,948	806	2,754
3,400	13.57	461	14.18	482	1,961	820	2,781

PETITIONER: RESPONDENT:	CASE NUMBER:
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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
3,500	13.56	475	14.18	496	1,975	834	2,809
3,600	13.55	488	14.18	511	1,988	848	2,836
3,700	13.54	501	14.19	525	2,001	863	2,864
3,800	13.53	514	14.19	539	2,014	877	2,891
3,900	13.52	527	14.19	553	2,027	891	2,918
4,000	13.51	540	14.19	568	2,040	906	2,946
4,100	13.50	553	14.20	582	2,053	920	2,973
4,200	13.49	567	14.20	596	2,067	934	3,001
4,300	13.48	580	14.21	611	2,080	949	3,028
4,400	13.47	593	14.21	625	2,093	963	3,056
4,500	13.46	606	14.21	640	2,106	977	3,083
4,600	13.45	619	14.22	654	2,119	992	3,110
4,700	13.44	631	14.22	669	2,131	1,006	3,138
4,800	13.43	644	14.23	683	2,144	1,021	3,165
4,900	13.41	657	14.23	697	2,157	1,035	3,193
5,000	13.40	670	14.24	712	2,170	1,050	3,220
5,100	13.39	683	14.25	727	2,183	1,064	3,247
5,200	13.38	696	14.25	741	2,196	1,079	3,275
5,300	13.37	709	14.26	756	2,209	1,093	3,302
5,400	13.36	721	14.26	770	2,221	1,108	3,329
5,500	13.35	734	14.27	785	2,234	1,122	3,357
5,600	13.34	747	14.27	799	2,247	1,137	3,384
5,700	13.33	760	14.28	814	2,260	1,152	3,411
5,800	13.32	772	14.29	829	2,272	1,166	3,439
5,900	13.31	785	14.29	843	2,285	1,181	3,466
6,000	13.30	798	14.30	858	2,298	1,196	3,493
6,100	13.29	810	14.30	872	2,310	1,210	3,521
6,200	13.28	823	14.31	887	2,323	1,225	3,548
6,300	13.27	836	14.32	902	2,336	1,240	3,575
6,400	13.25	848	14.32	917	2,348	1,254	3,603
6,500	13.24	861	14.33	931	2,361	1,269	3,630
6,600	13.23	873	14.33	946	2,373	1,284	3,657
6,700	13.22	886	14.34	961	2,386	1,299	3,684
6,800	13.22	899	14.35	976	2,399	1,313	3,712
6,900	13.22	912	14.38	992	2,412	1,330	3,742
7,000	13.23	926	14.41	1,008	2,426	1,346	3,772
7,100	13.24	940	14.43	1,025	2,440	1,363	3,803

PETITIONER: RESPONDENT:	CASE NUMBER:
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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
7,200	13.25	954	14.46	1,041	2,454	1,379	3,833
7,300	13.26	968	14.49	1,058	2,468	1,395	3,863
7,400	13.26	981	14.51	1,074	2,481	1,412	3,893
7,500	13.27	995	14.54	1,090	2,495	1,428	3,923
7,600	13.27	1,009	14.56	1,107	2,509	1,445	3,953
7,700	13.28	1,023	14.59	1,123	2,523	1,461	3,984
7,800	13.29	1,036	14.61	1,140	2,536	1,478	4,014
7,900	13.29	1,050	14.64	1,156	2,550	1,494	4,044
8,000	13.29	1,064	14.66	1,173	2,563	1,511	4,074
8,100	13.30	1,077	14.68	1,189	2,577	1,527	4,104
8,200	13.30	1,091	14.71	1,206	2,591	1,544	4,134
8,300	13.31	1,104	14.73	1,222	2,604	1,560	4,164
8,400	13.31	1,118	14.75	1,239	2,618	1,577	4,195
8,500	13.31	1,131	14.77	1,256	2,631	1,593	4,225
8,600	13.31	1,145	14.79	1,272	2,645	1,610	4,255
8,700	13.32	1,159	14.81	1,289	2,659	1,626	4,285
8,800	13.32	1,172	14.83	1,305	2,672	1,643	4,315
8,900	13.32	1,186	14.85	1,322	2,686	1,660	4,345
9,000	13.32	1,199	14.87	1,339	2,699	1,676	4,375
9,100	13.32	1,213	14.89	1,355	2,712	1,693	4,405
9,200	13.33	1,226	14.91	1,372	2,726	1,710	4,436
9,300	13.33	1,239	14.93	1,389	2,739	1,726	4,466
9,400	13.33	1,253	14.95	1,405	2,753	1,743	4,496
9,500	13.33	1,266	14.97	1,422	2,766	1,759	4,525
9,600	13.33	1,279	14.98	1,438	2,779	1,776	4,555
9,700	13.32	1,292	15.00	1,455	2,792	1,792	4,585
9,800	13.32	1,306	15.01	1,471	2,806	1,809	4,614
9,900	13.32	1,319	15.03	1,488	2,819	1,825	4,644
10,000	13.31	1,331	15.03	1,503	2,831	1,841	4,672



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

4. CHRISTINE HARRISON-WAKEFIELD V. JEFF WAKEFIELD

24FL0518

On May 21, 2024, Petitioner filed a Request for Order (RFO) seeking spousal support, attorney's fees, and a variety of property control orders. She filed her Income and Expense Declaration concurrently with the RFO. All required documents were personally served on May 29th. Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on August 8th. Both documents were served on August 7th. Parties stipulated to continue the August 22nd hearing to September 5th.

Petitioner filed her RFO requesting, among other things, spousal support in the amount of \$1,166 per month. She states she is working part-time, and she has medical conditions which preclude her from working full-time.

Respondent asks that Petitioner be imputed with full-time minimum wage and spousal support be set to \$0.

The matter came before the court for hearing on September 5, 2024, at which time the court ruled on all issues except for the issue of spousal support. The court noted deficiencies in Petitioner's Income and Expense Declaration. Therefore, the issue of support was continued to the present date and Petitioner was ordered to file a full and complete Income and Expense Declaration with supporting documents.

As ordered, Petitioner filed her Income and Expense Declaration on November 15th. She filed a Declaration in Support of FL-150 Re: Request for Spousal Support on the same date. Both documents were served on November 5th.

Respondent filed and served his updated Income and Expense Declaration on November 25th.

After reviewing Petitioner's updated Income and Expense Declaration, and her declaration regarding her income and ability to work, the court does not find the imputation of income to be appropriate at this time. While support may be reduced based on the imputation of income to the lower earning spouse, the amount of income imputed is to be based on that spouse's measurable earning capacity which is determined by (1) the ability of the spouse to earn consistent with the spouse's health, age, education, marketable skills, and employment history; and (2) the opportunity available for employment. In re Marriage of Simpson, 4 Cal. 4th 225 (1992). Here, the court does not find that Respondent has sufficiently established Petitioner's ability and opportunity to work. Therefore, the request for imputation of income is denied.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

In light of the foregoing, the court finds that spousal support per the Alameda formula is \$83 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$83 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of June 1, 2024.

The court finds the above order results in arrears in the amount of \$498 through and including December 1, 2024. The court orders Respondent pay Petitioner \$83 on the 15th of each month commencing on December 15th and continuing until paid in full (approximately 6 months). If any payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

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

TENTATIVE RULING #4: RESPONDENT'S REQUEST TO IMPUTE PETITIONER WITH FULL TIME MINIMUM WAGE INCOME IS DENIED. THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$83 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$83 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF JUNE 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$498 THROUGH AND INCLUDING DECEMBER 1, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$83 ON THE 15TH OF EACH MONTH COMMENCING ON DECEMBER 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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.**

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

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	20%	0%	Father	1,388	Payment (cost)/benefit	(17)
Filing status	MFS->	<-MFS	Mother	1,077	Net spendable income	1,371
# Federal exemptions	1*	2*	Total	2,465	% combined spendable	55.6%
Wages + salary	0	0	Support (Nondeductible)		Total taxes	266
401(k) employee contrib	0	0	Presumed	blocked	Comb. net spendable	2,465
Self-employment income	1,654	0	Basic CS	blocked	Proposed	
Other taxable income	0	1,077	Add-ons	blocked	Payment (cost)/benefit	(83)
Short-term cap. gains	0	0	SS Payor	Father	Net spendable income	1,471
Long-term cap. gains	0	0	Alameda	17	NSI change from gdl	100
Other gains (and losses)	0	0	Total	17	% combined spendable	55.9%
Ordinary dividends	0	0	Proposed, tactic 9		% of saving over gdl	60%
Tax. interest received	0	0	Presumed	blocked	Total taxes	99
Social Security received	0	0	Basic CS	blocked	Comb. net spendable	2,632
Unemployment compensation	0	0	Add-ons	blocked	Percent change	6.8%
Operating losses	0	0	SS Payor	Father	Default Case Settings	
Ca. operating loss adj.	0	0	Alameda	83		
Roy, partnerships, S corp, trusts	0	0	Total	83		
Rental income	0	0	Savings	167		
Misc ordinary tax. inc.	0	1,077	Mother	100		
Other nontaxable income	0	0	Father	67		
New-spouse income	0	0	Total releases to Father	1		
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	0	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	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 5, 2024

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

5. DCSS V. BRIAN BRASS (OTHER PARENT: CARRIE BRASS)

24FL0423

On September 4, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders as well as child support orders. He filed his Income and Expense Declaration concurrently therewith. All required documents were served on September 17th.

Other Parent filed and served her Income and Expense Declaration on November 6th.

Respondent filed and served a Responsive Declaration to Request for Order on November 20th, which is unclear if this is intended to be a Reply Declaration since he is the original moving party.

Other Parent filed and served a Responsive Declaration to Request for Order on November 25th. DCSS filed and served their Responsive Declaration to Request for Order on November 25th as well.

Other Parent filed and served her Reply Declaration on November 26th.

The parties attended Child Custody Recommending Counseling (CCRC) on October 3rd and were able to reach agreements on custody and visitation. A report was prepared the same day and mailed to the parties on October 4th.

In Other Parent's November 25th Responsive Declaration, she states that the CCRC "agreements" have created logistical problems, and she is asking that they return to the schedule agreed upon in mediation with Heather Mayer. In her Reply Declaration, Other Parent states that the parties did not reach agreements in CCRC and that she was unclear what she was signing. She requests several modifications to the CCRC report.

The court has reviewed the filings as outlined above and finds the agreements as stated in the October 3, 2024 CCRC report are in the best interests of the minors. They are therefore, hereby adopted as the orders of the court.

The court notes DCSS' involvement in the case therefore the issue of child support is continued to 01/27/2025 at 8:30 AM to be heard on the DCSS calendar in Department 10 pursuant to Family Code § 4251.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

TENTATIVE RULING #5: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE AGREEMENTS AS STATED IN THE OCTOBER 3, 2024 CCRC REPORT ARE IN THE BEST INTERESTS OF THE MINORS. THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

THE COURT NOTE'S DCSS' INVOLVEMENT IN THE CASE THEREFORE THE ISSUE OF CHILD SUPPORT IS CONTINUED TO 01/27/2025 AT 8:30 AM TO BE HEARD ON THE DCSS CALENDAR IN DEPARTMENT 10 PURSUANT TO FAMILY CODE § 4251.

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 5, 2024

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

6. ELIZA ZORN V. JOSEPH ZORN

23FL1114

On February 15, 2024, this matter came before the court for hearing on a Request for Order (RFO) filed by Petitioner on November 14, 2023. At the hearing, the parties presented the court with an agreement on all issues. As part of their stipulation the parties agreed to a review hearing on the issues of child support, spousal support, credits, reimbursements and arrears. The review hearing was originally set to be heard on May 30th but it was continued several times which ultimately resulted in a continuance to the present date. Supplemental Declarations were ordered to be filed no later than 10 days prior to the hearing date.

Neither party has submitted a Supplemental Declaration on the issue of support. As such, the court is maintaining all prior orders.

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

TENTATIVE RULING #6: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

7. ISAIAH RUBALCAVA V. JESSICA RUBALCAVA

23FL0670

Christine Coen, counsel for Jessica Rubalcava, filed a Notice of Motion and Motion to be Relieved as Counsel and a supporting declaration on August 29, 2024. Upon review of the court's file, there is no Proof of Service. However, on October 29, 2024, a Substitution of Attorney was filed, substituting Ms. Coen out of the case. Ms. Coen did not file a request to vacate the hearing on the motion to be relieved, and therefore, the court issues this tentative ruling.

The court finds the request to be relieved to be moot, as a Substitution of Attorney has been filed. Therefore, the matter is dropped from calendar.

TENTATIVE RULING #7: THE MATTER IS DROPPED FROM CALENDAR AS MOOT.

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 5, 2024

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

8. JENNIFER JACKSON V. D'ANGELO JACKSON

23FL0216

Petitioner filed a Request for Order (RFO) on September 3, 2024, requesting waiver of Respondent's Preliminary and Final Declarations of Disclosure as well as bifurcation. Petitioner is seeking monetary sanctions for Respondent's failure to comply with the disclosure requirements. Respondent was mail served on September 5, 2024.

Petitioner brings her RFOs requesting an order waiving Respondent's preliminary and final financial disclosures; sanctions pursuant to Family Code § 2107 in the amount of \$1,464.50; Family Code section 271 sanctions in the amount of \$1,000; and bifurcation and termination of marital status.

Respondent has not filed a Responsive Declaration.

Family Code sections 2104 and 2105 impose on each party the obligation of making preliminary and final disclosures of assets within the specified timeframes. Where a party fails to comply with their disclosure requirements, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). "...[T]he court *shall*...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and *shall* include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

In a leading treatise on family law, the authors state: "Section 2104 is cast in mandatory terms (Fam. C. § 2104(a)—'... each party shall serve on the other party ...'). The statute contains no exceptions and, therefore, the preliminary declaration of disclosure requirement is implicitly *nonwaivable*. [Fam. C. § 2104(a)] [¶] Indeed, even if the final declaration is waived as allowed by the statutes ..., a preliminary declaration is still required. [Fam. C. §§ 2105(c)(1), 2110 ...]" (Hogoboom & King, Cal. Practice Guide: Family Law (The Rutter Group 1997) ¶ 11:66, p. 11–14 (rev. #1, 2000), original italics.)

Here, Petitioner has established her compliance with Section 2104 as well as Respondent's failure to do the same. Respondent has not submitted an explanation for his failure to comply with his disclosure obligations therefore, the court cannot find that he acted with substantial justification. While Petitioner is seeking a waiver of Respondent's preliminary and final disclosures, the court finds this to be premature. Although Family

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

Code section 2107 (b)(3) does allow the court to grant the complying party's voluntary waiver of the receipt of the noncomplying party's preliminary and final declarations of disclosure, the court notes, it is the third remedy available to a party. The first available remedy in subsection (b) is (1) to compel a further response. Next is (2) an order preventing the noncomplying party from presenting evidence on issues that should have been covered in the declaration of disclosure. In this context, "good cause" for granting the waiver is where a party is seeking entry of judgment and has fully complied with the declaration requirements. While Petitioner has fully complied with the declaration requirements Petitioner has not yet sought an order compelling these disclosures. As such, Respondent is ordered to submit his full and complete preliminary and final declarations of disclosure no later than January 2, 2024. The court reserves on Petitioner's requests to waive preliminary and final declarations of disclosure. Respondent is sanctioned \$1,500 pursuant to Family Code § 2107(c).

Sanctions are to be paid directly to Petitioner's attorney. They may be paid in one lump sum or in monthly increments of \$250 due on the 15th of each month commencing on December 15, 2024, and continuing until paid in full (approximately 6 months). If any payment is missed or late the entire amount shall become immediately due and payable.

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

The court finds it does not have an Income and Expense Declaration from Respondent and therefore, is unable to determine if Family Code section 271 sanctions would create an "unreasonable financial burden" on Respondent. As such, the court is reserving on the request.

In dissolution proceedings, the court may bifurcate the issue of the dissolution of the marriage and enter a status only judgment. *Id.* at (c)(7); Fam. Code § 2337. Prior to granting such a request the court must ensure "[a]ll pension plans that have not been

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

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 evidencing such. Cal. Rule Ct. 5.390(a). Because the court is issuing an order compelling Respondent to serve his preliminary and final declarations of disclosure, it is premature to proceed with the bifurcation of marital status. The court reserves on this request.

The court sets a further hearing on compliance with the order compelling the disclosures, along with the bifurcation request, and motion for Family Code section 271 sanctions on January 16, 2025, at 8:30 in Department 5. Respondent is ordered to file and serve an Income and Expense Declaration at least 10 days prior to the hearing. Respondent is admonished that failure to comply with the motion to compel may result in additional sanctions.

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 #8: RESPONDENT IS ORDERED TO SUBMIT HIS FULL AND COMPLETE PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE NO LATER THAN JANUARY 2, 2024. THE COURT RESERVES ON PETITIONER'S REQUESTS TO WAIVE PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE. RESPONDENT IS SANCTIONED \$1,500 PURSUANT TO FAMILY CODE § 2107(C). SANCTIONS ARE TO BE PAID DIRECTLY TO PETITIONER'S ATTORNEY. THEY MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$250 DUE ON THE 15TH OF EACH MONTH COMMENCING ON DECEMBER 15, 2024, AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. THE COURT FINDS IT DOES NOT HAVE AN INCOME AND EXPENSE DECLARATION FROM RESPONDENT AND THEREFORE, IS UNABLE TO DETERMINE IF FAMILY CODE SECTION 271 SANCTIONS WOULD CREATE AN "UNREASONABLE FINANCIAL BURDEN" ON RESPONDENT. AS SUCH, THE COURT IS RESERVING ON THE REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. BECAUSE THE COURT IS ISSUING AN ORDER COMPELLING RESPONDENT TO SERVE HIS PRELIMINARY AND FINAL DECLARATIONS OF DISCLOSURE, IT IS PREMATURE TO PROCEED WITH THE BIFURCATION OF MARITAL STATUS. THE COURT RESERVES ON THIS REQUEST. THE COURT SETS A FURTHER HEARING ON COMPLIANCE WITH THE ORDER COMPELLING THE DISCLOSURES, ALONG WITH THE BIFURCATION REQUEST, AND MOTION FOR FAMILY CODE SECTION 271 SANCTIONS ON JANUARY 16, 2025, AT 8:30 IN DEPARTMENT 5. RESPONDENT IS ORDERED TO FILE AND SERVE AN INCOME

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

AND EXPENSE DECLARATION AT LEAST 10 DAYS PRIOR TO THE HEARING. RESPONDENT IS ADMONISHED THAT FAILURE TO COMPLY WITH THE MOTION TO COMPEL MAY RESULT IN ADDITIONAL SANCTIONS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

9. JESSICA RUBALCAVA V. ISIAH RUBALCAVA

24FL0018

Christine Coen, counsel for Jessica Rubalcava, filed a Notice of Motion and Motion to be Relieved as Counsel and supporting declaration on October 11, 2024. Upon review of the court's file, there is no Proof of Service. However, on October 29, 2024, a Substitution of Attorney was filed, substituting Ms. Coen out of the case. Ms. Coen did not file a request to vacate the hearing on the motion to be relieved, and therefore, the court issues this tentative ruling.

The court finds the request to be relieved to be moot, as a Substitution of Attorney has been filed. Therefore, the matter is dropped from calendar.

TENTATIVE RULING #9: THE MATTER IS DROPPED FROM CALENDAR AS MOOT.

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 5, 2024

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

10. KIRK SODERQUIST V. RENEE BINGAMAN

22FL0324

On September 9, 2024, Petitioner filed a Request for Order (RFO) requesting the court make child support orders. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service filed.

Respondent has not filed a Responsive Declaration.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #10: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

11. RICHARD BAKER V. KELSEY HICKENBOTTOM

23FL0229

Respondent filed a Request for Order (RFO) on June 4, 2024, requesting to modify child custody and parenting time, as well as remove the requirement for Soberlink testing. The parties were not referred to Child Custody Recommending Counseling (CCRC), though it is unclear why. There is no Proof of Service showing Petitioner was served with the RFO.

Petitioner filed a Responsive Declaration on August 16, 2024, which was served on Respondent the same day. Petitioner does not raise the issue of service of the RFO, and therefore, the court deems it to have been waived.

Respondent filed a Reply Declaration on August 20, 2024, it was served on August 19th.

On September 5, 2024, the parties appeared for the hearing on Respondent's RFO. The parties stipulated to removing the Soberlink provisions from the parenting plan. The parties further agreed to Respondent participating in "on-demand" alcohol testing. Respondent was ordered to provide all evidence related to her attendance at AA meetings and individual therapy. The parties were referred to CCRC with an appointment on September 23, 2024 and a review hearing on December 5th.

Both parties attended the September 23rd CCRC appointment. However, the parties were unable to reach any agreements. A report with recommendations was filed with the court on November 22, 2024. Copies were mailed to the parties on November 26th.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the November 22nd CCRC report to be in the best interest of the minor. The court adopts the recommendations as its orders. The parties shall begin utilizing the 2-2-3 schedule with Respondent's Friday through Sunday beginning December 6th. Petitioner will then have Monday and Tuesday (December 9th and 10th) and Respondent will have Wednesday and Thursday (December 11th and 12th). It will then be Petitioner's Friday through Sunday. The schedule will then repeat with the parties alternating the weekends. If the parties have already initiated the 2-2-3 schedule they are to continue with their schedule.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

TENTATIVE RULING #11: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE NOVEMBER 22ND CCRC REPORT TO THE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. THE PARTIES SHALL BEGIN UTILIZING THE 2-2-3 SCHEDULE WITH RESPONDENT'S FRIDAY THROUGH SUNDAY BEGINNING DECEMBER 6TH. PETITIONER WILL THEN HAVE MONDAY AND TUESDAY (DECEMBER 9TH AND 10TH) AND RESPONDENT WILL HAVE WEDNESDAY AND THURSDAY (DECEMBER 11TH AND 12TH). IT WILL THEN BE PETITIONER'S FRIDAY THROUGH SUNDAY. THE SCHEDULE WILL THEN REPEAT WITH THE PARTIES ALTERNATING THE WEEKENDS. IF THE PARTIES HAVE ALREADY INITIATED THE 2-2-3 SCHEDULE THEY ARE TO CONTINUE WITH THEIR SCHEDULE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

13. BRIYANA HAROLD V. JUSTIN HAROLD

24FL0930

Petitioner filed a Request for Order (RFO) on September 9, 2024, requesting child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on October 9, 2024 and a review hearing on December 5, 2024. Proof of Service shows Respondent was properly served on September 13, 2024.

Respondent filed a Responsive Declaration on November 25, 2024. Proof of Service shows Petitioner was personally served on the same day. Civil Procedure section 1005(b) mandates that 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 November 20th the last day for filing a response to the RFO. Therefore, the Responsive Declaration is late filed and has not been considered by the court.

Petitioner filed a Declaration on November 25, 2024. Respondent was personally served on November 26th.

Both parties attended CCRC and reached a full agreement as to the oldest two minors. A report with the parties’ agreement was filed with the court on October 11, 2024 and mailed to the parties the same day.

The court finds the agreements of the parties to be in the best interests of the minors. The court adopts the agreements as set forth in in the October 11th CCRC report as its orders.

As to the youngest minor, Luke, there appears to be a dispute as to parentage. The court notes there is a separate case for the minor, case number 24FL0947, which is set to be heard on December 12, 2024, at 1:30 PM in Department 5. The court finds good cause to continue Luke’s portion of the case to join with the matter currently set on December 12, 2024, at 1:30 PM in Department 5.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

TENTATIVE RULING #13: THE COURT FINDS THE AGREEMENTS OF THE PARTIES TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AS SET FORTH IN IN THE OCTOBER 11TH CCRC REPORT AS ITS ORDERS. AS TO THE YOUNGEST MINOR, LUKE, THERE APPEARS TO BE A DISPUTE AS TO PARENTAGE. THE COURT NOTES THERE IS A SEPARATE CASE FOR THE MINOR, CASE NUMBER 24FL0947, WHICH IS SET TO BE HEARD ON DECEMBER 12, 2024, AT 1:30 PM IN DEPARTMENT 5. THE COURT FINDS GOOD CAUSE TO CONTINUE LUKE'S PORTION OF THE CASE TO JOIN WITH THE MATTER CURRENTLY SET ON DECEMBER 12, 2024, AT 1:30 PM IN DEPARTMENT 5. 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 5, 2024

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

14. CATHRYN NERWINSKI V. JOHN NERWINSKI

PFL20190281

Petitioner filed a Request for Order (RFO) on September 5, 2024, requesting a modification of spousal support. This is a post-judgment request for modification. Petitioner did not concurrently file an Income and Expense Declaration. There is no Proof of Service showing Respondent was properly served with the RFO and other necessary documents.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

15. CHRISTINA PETANOVICH V. THOMAS PETANOVICH

24FL0847

Petitioner filed a Request for Order (RFO) on September 4, 2024, requesting the court make orders as to child custody, parenting plan, and child support. Petitioner concurrently filed an Income and Expense Declaration. Parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on October 2, 2024, and a review hearing on December 5th. There is no Proof of Service showing Respondent was properly served with the RFO and other necessary documents.

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

The parties submitted a stipulation as to child custody and the parenting plan, which the court adopted as its orders on October 4, 2024. The court maintains those orders.

The request for child support is dropped from calendar as there is no Proof of Service showing Respondent was properly served with the request.

All prior orders remain in full force and effect.

TENTATIVE RULING #15: THE RFO IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

16. DCSS V. JOSHUA AKERS (OTHER PARENT: MYRIAH DEMARS) PFS20150283

Respondent filed an ex parte application for emergency custody and parenting plan orders on May 9, 2024. The court denied the request on May 10, 2024, finding that Petitioner had not been noticed and Other Parent had not been provided with copies of the ex parte request. The court also found the allegations to be remote in time. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on May 28, 2024, and a review hearing on June 20, 2024. Other Parent was served on May 17, 2024. There is no Proof of Service showing Petitioner was properly served.

A CCRC report was filed with the court on June 18, 2024.

Parties were ordered to appear for the hearing on June 20, 2024. Only Respondent appeared. The court found good cause to proceed with the hearing as Other Parent had been provided with adequate notice. The court found good cause to dispense with service to DCSS as the RFO did not request to modify the current child support orders. The court granted Respondent temporary sole legal and physical custody of the minor. The court set a review hearing for September 19, 2024, due to concerns about Other Parent's physical condition. The court ordered parties to file and serve Supplemental Declarations at least 10 days prior to the hearing.

Other Parent filed a Declaration on September 13, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

On September 19, 2024, the court found good cause to rerefer the parties to CCRC and set a further review hearing. The CCRC appointment was set for October 17, 2024 and the further review hearing was set for December 5th.

Pending the review hearing, the current orders remained in full force and effect. The court authorized non-professionally supervised visits between the minor and Other Parent a minimum of one time per week for a minimum of two hours. The parties were to agree upon the non-professional supervisor. If the parties were unable to agree to a non-professional supervision, Other Parent was to have professionally supervised visits a minimum of one time per week for two hours. The parties were ordered to share in the cost of the professional supervision equally, subject to reallocation. Other Parent was also granted telephone/Facetime calls with the minor three times per week for 15 minutes each.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

Only Respondent appeared for the CCRC appointment on October 17th. Once again, a single parent report was filed with the court on October 18th. Copies were mailed to the parties the same day.

Other Parent filed a Declaration on October 28, 2024. There is no Proof of Service for this Declaration therefore, the court cannot consider it.

Other Parent filed another declaration on November 1, 2024. Once again, there is no Proof of Service, however, the court finds good cause to consider this declaration. Based on this declaration, Other Parent suffered yet another catastrophic medical emergency on October 25, 2024. She is currently hospitalized and will continue to be hospitalized through the end of the year.

The court finds the current orders remain in the minor's best interest. Respondent shall continue to have temporary sole legal and physical custody of the minor. Other Parent shall have non-professionally supervised visits between the minor and Other Parent a minimum of one time per week for a minimum of two hours. Other Parent may also have telephone/Facetime calls with the minor three times per week for 15 minutes each. The phone calls may be monitored by Respondent. All communication between the parties regarding parenting time shall take place via a co-parenting application, such as Talking Parents. Other Parent is to contact Respondent via the co-parenting application to schedule parenting time.

The court is not inclined to set a further CCRC appointment or a review hearing, based on Other Parent not appearing at the CCRC appointment on October 17th. Also given the nature of Other Parent's medical needs, the court finds setting a further review hearing would be fruitless. When appropriate, Other Parent may file a new RFO to modify the current 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 #16: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINOR'S BEST INTEREST. RESPONDENT SHALL CONTINUE TO HAVE TEMPORARY SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR. OTHER PARENT SHALL HAVE NON-PROFESSIONALLY SUPERVISED VISITS BETWEEN THE MINOR AND OTHER PARENT A MINIMUM OF ONE TIME PER WEEK FOR A MINIMUM OF TWO HOURS. OTHER PARENT MAY ALSO HAVE TELEPHONE/FACETIME CALLS WITH THE MINOR THREE TIMES PER

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

WEEK FOR 15 MINUTES EACH. THE PHONE CALLS MAY BE MONITORED BY RESPONDENT. ALL COMMUNICATION BETWEEN THE PARTIES REGARDING PARENTING TIME SHALL TAKE PLACE VIA A CO-PARENTING APPLICATION, SUCH AS TALKING PARENTS. OTHER PARENT IS TO CONTACT RESPONDENT VIA THE CO-PARENTING APPLICATION TO SCHEDULE PARENTING TIME. THE COURT IS NOT INCLINED TO SET A FURTHER CCRC APPOINTMENT OR A REVIEW HEARING, BASED ON OTHER PARENT NOT APPEARING AT THE CCRC APPOINTMENT ON OCTOBER 17TH. ALSO GIVEN THE NATURE OF OTHER PARENT'S MEDICAL NEEDS, THE COURT FINDS SETTING A FURTHER REVIEW HEARING WOULD BE FRUITLESS. WHEN APPROPRIATE, OTHER PARENT MAY FILE A NEW RFO TO MODIFY THE CURRENT 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.

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 5, 2024

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

17. DONNA REGENNITTER V. ROBERT REGENNITTER

24FL0818

Petitioner filed a request for a Domestic Violence Restraining Order (DVRO) on August 21, 2024. On September 19, 2024, the court denied the request for the DVRO and set the matter for a hearing on attorney's fees for December 5, 2024, in Department 5.

Neither party has filed a Supplemental Declaration.

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

There is currently no Request for Order (RFO) pending.

It is unclear to the court which party is seeking attorney's fees. Neither party was represented by counsel during the DVRO proceedings. Therefore, neither party would be entitled to attorney's fees.

The court denies the request for attorney's fees as neither party has set forth any grounds upon which the court could grant such a request.

TENTATIVE RULING #17: THE REQUEST FOR ATTORNEY'S FEES IS DENIED AS NEITHER PARTY HAS SET FORTH ANY GROUNDS UPON WHICH THE COURT COULD GRANT SUCH A REQUEST.

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 5, 2024

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

18. JOHN ABATE V. AMANDA CARROLL

PFL20180902

On June 26, 2024, Respondent filed a Request for Order (RFO) and an Application for an Order Shortening Time (OST). Petitioner filed a Responsive Declaration to Request for Order on June 25th. The OST was denied, the parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set for hearing on the present date. The CCRC referral and the RFO were mail served on July 11th.

Only Respondent and the minor appeared at the CCRC appointment on July 25th, therefore CCRC was unable to make any recommendations, and a single parent report was filed with the court on July 30th.

Respondent filed and served his Responsive Declaration to Request for Order on August 28th. Petitioner filed and served a Declaration on September 9th.

Petitioner brings her RFO seeking to change the minor's school to Schnell School in Placerville or, in the alternative, Sierra Elementary School in Placerville. She asks that the parties come to an agreement regarding transportation for school.

Respondent opposes the request and asks that the child remain in his current school. According to Respondent, his failure to appear at CCRC was because he did not receive the paperwork prior to the appointment. He is requesting a re-referral to CCRC.

On September 19, 2024, the court re-referred the parties to CCRC with an appointment on October 16, 2024, and a review hearing on December 5th at 1:30 PM in Department 5.

Both parties attended the CCRC appointment on October 16th, however, were unable to reach any agreements. A report with recommendations was filed with the court on November 6, 2024, and mailed to the parties the same day.

Petitioner filed a Declaration on November 22, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

Respondent filed a Declaration on November 25, 2024. Petitioner was served on November 22nd.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the November 6th CCRC report to be the in the minor's best interest. The court adopts the recommendations with the following modifications: the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

court is not adopting the recommendation as to individual counseling for Respondent. The court is adopting the recommendation as to the minor's participation in counseling. Respondent is to propose the names of three potential therapists for the minor on or before December 19th. Petitioner shall select one on or before December 26th. If the therapist is not within the minor's insurance coverage, the parties shall share the cost of sessions equally. The minor is to attend at a frequency and duration as recommended by the therapist. The parties shall follow the directives of the therapist.

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 THE RECOMMENDATIONS AS SET FORTH IN THE NOVEMBER 6TH CCRC REPORT TO THE IN THE MINOR'S BEST INTEREST. THE COURT ADOPTS THE RECOMMENDATIONS WITH THE FOLLOWING MODIFICATIONS: THE COURT IS NOT ADOPTING THE RECOMMENDATION AS TO INDIVIDUAL COUNSELING FOR RESPONDENT. THE COURT IS ADOPTING THE RECOMMENDATION AS TO THE MINOR'S PARTICIPATION IN COUNSELING. RESPONDENT IS TO PROPOSE THE NAMES OF THREE POTENTIAL THERAPISTS FOR THE MINOR ON OR BEFORE DECEMBER 19TH. PETITIONER SHALL SELECT ONE ON OR BEFORE DECEMBER 26TH. IF THE THERAPIST IS NOT WITHIN THE MINOR'S INSURANCE COVERAGE, THE PARTIES SHALL SHARE THE COST OF SESSIONS EQUALLY. THE MINOR IS TO ATTEND AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE THERAPIST. THE PARTIES SHALL FOLLOW THE DIRECTIVES OF THE THERAPIST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

19. MARIA CRUZ DIAZ V. DANIEL DIAZ

22FL0480

Petitioner filed a Request for Order (RFO) on September 17, 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 17, 2024, and a review hearing on December 5th. Respondent was personally served on October 3, 2024.

Both parties attended CCRC on October 17th and reached a full agreement. A report memorializing the parties' agreement was filed with the court on November 21, 2024. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the parties' agreement to be in the minors' best interests. The court adopts the agreement as set forth in the November 21st CCRC report as its order.

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 #19: THE COURT FINDS THE PARTIES' AGREEMENT TO BE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE AGREEMENT AS SET FORTH IN THE NOVEMBER 21ST CCRC REPORT AS ITS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

20. TINA SCHAFFER V. JAMES GOFF

PFL20100724

Petitioner filed an ex parte application for emergency orders on September 5, 2024. On September 10, 2024, the court denied the request due to Petitioner's failure to serve Respondent. The court referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on October 10, 2024, and set a review hearing for December 5th. The court further directed Respondent to refrain from transporting the minor with any measurable amount of alcohol or other intoxicating substance in his system. Further Respondent was directed to comply with the criminal court orders as well as DMV provisions for having a valid driver's license and proof of insurance prior to transporting the minor.

Petitioner filed a Request for Order (RFO) on September 10, 2024, making the same requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Only Petitioner appeared for the CCRC appointment on October 10th. As such, a single parent report, with no recommendations, was filed with the court on October 10th. Copies were mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

The matter is dropped from the court's calendar due to Petitioner's failure to properly serve Respondent.

All prior orders remain in full force and effect.

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

21. WILLIAM FORREST V. MAILE FORREST

PFL20170101

Respondent filed a Request for Order (RFO) on September 18, 2024, requesting modifications of multiple orders, including modification of child and spousal support, as well as attorney's fees. Respondent did not file an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Petitioner filed a Responsive Declaration on November 26, 2024. There is no Proof of Service for this document and therefore, it has not been considered. Additionally, Civil Procedure section 1005(b) 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 November 20th the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

22. SCOTT RONNIGEN V. ANGELINA RONNIGEN

23FL0127

On September 19, 2024, the matter was heard in Department 8, for Respondent's request to renew her Domestic Violence Restraining Order (DVRO). The request was granted. Respondent requested attorney's fees pursuant to Family Code section 6344 for the renewal of the DVRO. The request was set for a hearing on December 5, 2024, at 1:30 PM in Department 5. Parties were direct to file and serve updated Income and Expense Declarations at least 10 days prior to the hearing.

Respondent filed a Declaration of Counsel in Support of Attorney's Fees on November 14, 2024. Respondent filed an Income and Expense Declaration on November 19, 2024. Petitioner was served on November 14th and 18th respectively. Respondent seeks \$1,599.40 in attorney's fees for the DVRO renewal. Respondent requests the court order Petitioner to begin payments for the fees once the fee award for the initial DVRO is paid in full, approximately August 1, 2025.

Petitioner has not filed an updated Income and Expense Declaration.

Family Code § 6344 which is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that filed for the DVRO then, "[a]fter notice and a hearing, a court, upon request *shall issue and order for the payment of attorney's fees and costs.*" Cal. Fam. Code § 6344 (a). However, "[b]efore a court awards attorney's fees and costs pursuant to this section, the court shall first determine pursuant to Section 270 that the party ordered to pay has, or is reasonably likely to have, the ability to pay." *Id.* at (c).

The court finds Petitioner is currently paying attorney's fees for the original DVRO at a rate of \$200 per month. Therefore, the court finds Petitioner has and is reasonably likely to have the ability to pay. The court grants the request for attorney's fees in the amount of \$1,599.40 payable from Petitioner to Respondent's counsel, Layla Cordero. Those payments shall begin on August 1, 2025, at a rate of \$200 per month payable on the 1st of each month until paid in full (approximately 8 months). If there is any late or missed payment, the full amount is due and owing with legal interest.

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

TENTATIVE RULING #22: THE COURT FINDS PETITIONER IS CURRENTLY PAYING ATTORNEY'S FEES FOR THE ORIGINAL DVRO AT A RATE OF \$200 PER MONTH.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

December 5, 2024

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

THEREFORE, THE COURT FINDS PETITIONER HAS AND IS REASONABLY LIKELY TO HAVE THE ABILITY TO PAY. THE COURT GRANTS THE REQUEST FOR ATTORNEY'S FEES IN THE AMOUNT OF \$1,599.40 PAYABLE FROM PETITIONER TO RESPONDENT'S COUNSEL, LAYLA CORDERO. THOSE PAYMENTS SHALL BEGIN ON AUGUST 1, 2024 AT A RATE OF \$200 PER MONTH PAYABLE ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 8 MONTHS). IF THERE IS ANY LATE OR MISSED PAYMENT, THE FULL AMOUNT IS DUE AND OWING WITH LEGAL INTEREST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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