

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
MARCH 05, 2025
8:30 a.m.

1. BROOKS PETERS V. CASEY COSTA

SFL20190231

Respondent filed a Request for Order (RFO) on February 03, 2025, seeking an award of Attorney's fees incurred for a past Child Support hearing. Respondent did not use Judicial Council form FL-300 for her RFO. A proof of service was filed on February 07, 2025 showing that the RFO was mailed to the Petitioner's attorney of record on February 06, 2025.

Petitioner filed a Responsive Declaration on February 19, 2025 and proof of service filed that same day showing a copy was mailed to the Respondent on February 19, 2025. Petitioner requests that the Court deny the Respondent's request and seeks affirmative relief, asking the Court to order Respondent to pay Petitioner's fees incurred for the same hearing.

Neither party filed an Income and Expense Declaration (FL-150). The most recent FL-150 for each party was filed on September 06, 2024 in advance of the hearing for which each seeks an award of fees.

CRC 5.92(a)(1) states, in part, that ". . . a notice of motion or order to show cause must be filed on a *Request for Order* (form FL-300) . . ."

CRC 5.92(a)(5) states: "A completed *Income and Expense Declaration* (from FL-150) or *Financial Statement (Simplified)* (form FL-155) must be filed with the *Request for Order* (FL-300) when relevant to the relief requested unless a current form is on file with the court."

Local Rule 8.16.04 states:

"Fees and costs will not be awarded unless an Income and Expense Declaration (Judicial Council form FL-150) is submitted with each item fully and accurately completed.

If a party intends to rely on a previously filed income and expense declaration, this must be stated in a declaration under penalty of perjury, stating that there are no changes from the declaration filed by the party, giving the date the previously filed declaration was filed."

Neither party complied with the Local Rule.

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For the reasons set forth above, Respondent's RFO is denied without prejudice and Petitioner's request for affirmative relief is, also, denied without prejudice.

TENTATIVE RULING #1: EACH PARTY'S REQUEST FOR AN AWARD OF ATTORNEY'S FEES IS DENIED WITHOUT PREJUDICE.

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) 573-3042 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 (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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2. EMILY DUMOND V. SAMUEL BRUHNER

24FL0766

On February 06, 2025, Petitioner filed a Request for Trial Setting Conference. The issues to be addressed at trial are: (1) spousal support; (2) division of property; and (3) allocation of debts. Petitioner filed her preliminary declaration of disclosure on July 25, 2024; and her final declaration of disclosure on February 20, 2025. To date, Respondent's preliminary declaration of disclosure is not in the court's file.

The parties are ordered to appear to select trial and mandatory settlement conference dates.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MARCH 05, 2025, IN DEPARTMENT 12 TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

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3. KAYLEIGH SMILEY V. ZACHARY FOX

24FL1246

Respondent filed a Request for Order (RFO) on February 03, 2025 by which he seeks an order that the Petitioner provide him copies of the parties' son's documents (Birth Certificate, SS card, etc.). There is no proof of service filed to show that the RFO was served on the Petitioner. There is no Responsive Declaration or other filing on this issue from the Petitioner.

The Court notes that the parties were before the Court on February 26, 2025 on previous Custody requests and each party's request for DV orders against the other. Those matters were resolved by Stipulation and Order on that date.

As there is no proof of service of the RFO, this matter is dropped without prejudice.

TENTATIVE RULING #3: HEARING ON RFO DROPPED FOR 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) 573-3042 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 (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. RODNEY DEGISCHER V. PATRICIA DEGISCHER

PFL20130925

The hearing on this matter was continued from January 26, 2025.

The matter is before the Court on the Respondent's RFO filed December 05, 2024. A Declaration Regarding Address Verification and Proof of Service by mail were filed on January 07, 2025. The Proof of Service shows service by mail on the Petitioner on January 07, 2025, from Stateline, NV. The RFO requests orders to compel the Petitioner to provide information to allow division of a 401K and for payment regarding student loans which the Respondent asserts are ordered by the Court in the Judgment for Dissolution entered herein on July 02, 2015.

The manner of service of the RFO is improper (FC Sec. 215(a)) as the requests are post-judgment and are not requesting modification of Child Custody, Visitation, or of Child Support Orders.

The Petitioner filed a Responsive Declaration on February 04, 2025, and raised a service issue in that the mailing from out of state made service untimely, but did not raise the service issue noted above, for which reason the Court deems it to have been waived. A Proof of Service also filed on February 04, 2025, shows service by mail on the Respondent's counsel on that same date.

The terms of the Judgment in this matter are based upon an agreement reached at a Settlement Conference. The parties were then self-represented. The Respondent's current attorney was serving as the Judge Pro Tem at the Settlement Conference.

The parties are ordered to appear at the hearing on this matter.

**TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, MARCH 05, 2025, IN DEPARTMENT 12.**

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5. TIFFANY REID V. EDHER SANCHEZ

24FL0904

On February 04, 2025, Petitioner filed a Request for Order (RFO) to compel Respondent's preliminary declaration of disclosure, and Request for Trial Setting Conference. Petitioner served the Request for Trial Setting Conference on Respondent by mail that same day. However, Petitioner did not serve the RFO on Respondent until February 11, 2025 (by mail). Respondent filed no response. The deadline to serve the RFO by mail was February 05, 2025. (Cal. Rules of Court, rule 5.92, subd. (f)(3); Code Civ. Proc., §§ 1005, subd. (b), 1013.) Therefore, the RFO was not timely served and the matter is dropped from the calendar without prejudice due to lack of service.

The parties are ordered to appear to select trial and mandatory settlement conference dates.

TENTATIVE RULING #5: THE REQUEST FOR ORDER IS DROPPED FROM THE CALENDAR WITHOUT PREJUDICE DUE TO LACK OF PROPER SERVICE.

APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MARCH 05, 2025, IN DEPARTMENT 12 TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.