

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

1. DAVID DRUGGE V. KAYLA BACON

SFL20200012

This matter is before the Court on the Request for Order (RFO) filed by the Petitioner on January 29, 2025. As the RFO requests changes in custody of the parties' 15-year-old son (OB), the Court referred the parties to CCRC with the session set for February 14, 2025.

A Proof of Service filed February 10, 2025, shows personal service of the Respondent on February 07, 2025.

No Responsive Declaration was filed by the Respondent.

Both parties attended the CCRC session as scheduled and the report of the CCRC counsellor was submitted on February 26, 2025. A copy of the report was sent to each party by mail on the date it was received by the Court. The report provides a "Move Away" analysis due to the Petitioner's discussion in the CCRC session of wanting to move OB to Tennessee. The report notes the parties reached limited agreements and recommends no change to the current orders.

The Court notes that the RFO does not state that a "Move Away" is being requested. Indeed, the RFO does not specify what changes in custody the Petitioner is seeking.

Because the RFO did not properly raise the issue of a "Move Away", the Court is not addressing that issue.

The Court finds that the agreements and recommendations of the CCRC report are in OB's best interest and therefore adopts the CCRC report as its orders.

TENTATIVE RULING #1: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS OF THE CCRC REPORT SUBMITTED FEBRUARY 26, 2025.

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

This matter was continued from March 05, 2025, due to a widespread power outage that caused the South Lake Tahoe Branch to close for the day.

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 12, 2025, IN DEPARTMENT 12 TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

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DEPARTMENT 12
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3. HOLLY A. AVILA V. DONALD F. HOPKINS, III

23FL0439

This matter is before the Court on the Request for Order (RFO) filed by the Petitioner on January 07, 2025, in which she requests modifications of Custody/Visitation orders for the parties' 2 children (DH age 10 and LH age 8). The request to change custody prompted the Court to schedule a CCRC session which was set for January 27, 2025.

There is no Proof of Service in the Court file to show that the Respondent was served with a copy of the RFO and the Respondent did not file a Responsive Declaration.

Nonetheless, both parties appeared for the CCRC session as scheduled and a CCRC report was submitted to the Court on February 28, 2025. Each party was mailed a copy of the CCRC report on the day it was received.

The Petitioner filed a supplemental declaration on March 07, 2025 but the Court did not consider it as it was late filed and there is no proof of service showing a copy was served on the Respondent.

The Court has read and considered the CCRC report which notes that the current orders for custody are from exit orders from the Juvenile Court issued less than a month prior to the RFO filed by the Petitioner. The parties reached no agreement in the CCRC session and the CCRC counsellor recommends no change to the current orders for custody and visitation.

The Court finds that the recommendations of the CCRC report are in the children's best interest and adopts them as the Court's orders.

TENTATIVE RULING #3: THE COURT ADOPTS THE RECOMMENDATIONS OF THE CCRC REPORT SUBMITTED FEBRUARY 28, 2025.

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.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
MARCH 12, 2025
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4. MONIQUE INSHAW V. FRANCOIS INSHAW

23FL0924

This matter is before the Court for resetting of hearing or announcement of an agreement. The matter had been set for an evidentiary hearing on February 20, 2025 on Custody/Visitation and DV issues. The attorneys for the respective parties were in Court on other matters on February 19, 2025 and requested that the matter be called so that the next day's hearing could be dropped. That was done.

The file contains no new filings to update the Court on the status of the matter.

The parties are ordered to appear to update the Court and set future hearing dates as necessary.

TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR.

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

5. RODNEY DEGISCHER V. PATRICIA DEGISCHER

PFL20130925

The hearing on this matter was continued from January 26, 2025, and March 05, 2025 (due to a widespread power outage that caused the South Lake Tahoe Branch to close for the day).

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 #5: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, MARCH 12, 2025, IN DEPARTMENT 12.**

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6. SAMANTHA GOMEZ V. ALEXANDER ZAMPARDO

22FL0049

This matter is before the Court on the Petition to declare minors free from the Respondent filed by the Petitioner on September 12, 2024. A Citation was issued that same date and set a hearing date of December 11, 2024. The Petitioner filed a Request to Reschedule the hearing on December 05, 2024, and the Court granted the request on December 06, 2024, setting the current hearing date. No Amended Citation for the new hearing date was submitted or issued and there is no Proof of Service in the file to show that the Respondent has been served with any filings in this matter.

The Petitioner is ordered to appear to update the Court on the case.

TENTATIVE RULING #6: THE PETITIONER IS ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
MARCH 12, 2025
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7. TIFFANY REID V. EDHER SANCHEZ

24FL0904

This matter was continued from March 05, 2025, due to a widespread power outage that caused the South Lake Tahoe Branch to close for the day.

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 #7: 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 12, 2025, IN DEPARTMENT 12 TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.