

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
April 10, 2025
8:30 a.m./1:30 p.m.

1. ANNE MCNELIS V. FERRIS NUESMEYER

PFL20160411

On January 27, 2025, Petitioner filed a Request for Order (RFO) seeking to compel discovery responses. All documents were mail served and electronically served on March 5th. This is a post-judgment request therefore it was required to be personally served on the opposing party pursuant to Family Code Section 215. Respondent has not filed a Responsive Declaration to Request for Order thereby waiving service. As such, this matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #1: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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

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

2. BRANDON REICH V. KRISTEN REICH

PFL20210481

On January 23, 2025, Petitioner filed a Request for Order (RFO) seeking property control orders. All required documents were mail served on January 28th. Respondent filed and served a Responsive Declaration to Request for Order on March 21st.

Petitioner is requesting sole use and possession of the family residence with Respondent ordered to pay the mortgage. The face of the RFO also indicates that he is requesting an order to sell the home, however such a request is not made within the body of the RFO. According to Respondent, the home is his sole and separate property which Respondent has had exclusive use and possession of since January 18, 2024. He states the property has fallen into disrepair and is in danger of being dropped from insurance.

Petitioner is opposing the request. She states she has made the requisite repairs at her expense.

After reviewing the filings as outlined above, the court is in need of additional information. The parties are ordered to appear for the hearing.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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

3. DANIELLE MARIE HASAN V. TALIB AL HASAN

23FL0307

On September 30, 2024, Respondent filed a Request for Order (RFO) seeking child and spousal support orders, as well as monetary sanctions. The court ruled on all other matters in the RFO, however the request for sanctions was continued to February 27th and then again to the present date to join with the pending OSC.

On January 30, 2025, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC was mail served on Petitioner's attorney on February 5th. Service of contempt papers must be done by personal service to the accused. *Albrecht v. Sup. Ct.*, 132 Cal. App. 3d 612, 618-619 (1982); *See also* Cal. Civ. Pro. §§ 1015 & 1016. Service on the accused's attorney is not sufficient. *Id.* As such, this matter is dropped from calendar due to lack of proper service.

On February 18th, Petitioner filed and served a Supplemental Declaration in Support of Request to Deny Respondent's Motion for Sanctions.

On February 21st, Respondent filed a Supplemental Declaration in Support of Granting Monetary Sanctions. The court found this to be late filed for the February 27th hearing therefore, it has not been considered.

Regarding the request for sanctions, the court has reviewed the filings as outlined above, and the court does not find sanctions to be warranted in this matter. An award for attorney's fees and sanctions may be made pursuant to Family Code section 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). Here, the court finds that the parties are both failing to coparent with one another. It does not appear that Petitioner is solely acting to prohibit Respondent from exercising his visits. As such, the request for monetary sanctions is denied.

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

TENTATIVE RULING #3: THE OSC IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE REQUEST FOR MONETARY SANCTIONS IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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4. KENNETH A. MACIAS V. TINA MACIAS

24FL0865

On October 21, 2024, Respondent filed a Request for Order (RFO) seeking support orders, attorney's fees, and sanctions. She filed her Income and Expense Declaration concurrently therewith. She served her Income and Expense Declaration on October 20th.

There is no Proof of Service for the RFO. Nonetheless, Petitioner, by and through his Guardian Ad Litem, filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on January 14th. Both documents were personally served the same day. On January 15th, Petitioner filed and served a Declaration of Brian M. Boone Regarding Income Available for Support.

By filing his Responsive Declaration, the court finds that Petitioner waived any potential defect in service and therefore the court finds good cause to reach the matter on its merits.

This matter was originally set to be heard on January 30, 2025, however the parties stipulated to continue all issues to the present date. In the interim, judgement was entered on February 19, 2025. The court finds the judgment resolved all issues pending in the RFO therefore this matter is moot and dropped from calendar.

TENTATIVE RULING #4: THE COURT FINDS THE REQUESTS MADE IN THE RFO TO HAVE BEEN RENDERED MOOT BY ENTRY OF JUDGMENT ON FEBRUARY 19, 2025. AS SUCH, THIS MATTER IS DROPPED FROM CALENDAR.

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5. KRISTA KLINGENBERG V. DANIEL KERSEY

PFL20120509

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 29, 2025. It was personally served on February 19th. The OSC alleges three counts of contempt.

The parties are ordered to appear for the arraignment.

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT.

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6. LORRAINE SEBREN V. ERNEST SEBREN

PFL20200288

On January 29, 2025, Respondent filed a First Amended Request for Order (RFO) seeking orders regarding the Shell Lane property. The RFO was electronically served the same day and mailed served on the 30th. However, on March 12th, Respondent filed a Declaration of Non-Service and Request to Strike Proof of Service. He filed and served a Second Amended RFO the same day.

Petitioner filed and served a Responsive Declaration to Request for Order on March 21st.

On March 27th, Respondent filed and served his Reply Declaration.

Respondent brings his RFO requesting to vacate the prior order for him to refinance the home on Shell Lane. Or, alternatively, he asks to be given until December 31, 2025 to complete the refinance. He states the court did not previously hear all of his evidence due to an error by counsel and he asks that any sanctions for bringing this motion be against counsel, not himself. He states that he has done what he can to comply with the refinance order and the property is currently listed for sale.

Petitioner asks that the request to vacate be denied. She requests monetary sanctions in the amount of \$2,500 pursuant to Family Code § 271 as the issue has already been heard and there was no hearing date on the RFO that was originally served.

On January 30, 2025, the court issued its order directing Respondent to refinance the Shell Lane property by a date certain. “The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). Generally speaking, “...the discretionary relief provision of Section 473 only permits relief from attorney error ‘fairly imputable to the client, i.e., mistakes anyone could have made.’ [Citations]. ‘Conduct falling below the professional standard of care, such as failure to timely object or to properly advance an argument, is not therefore excusable.’ [Citation].” *Zamora v. Clayborn Contracting Group, Inc.*, 28 Cal. 4th 249 (2002) *citing* *Garcia v. Hejmadi*, 58 Cal. App. 4th 674, 682 (1997).

Here, Respondent is requesting the court issue an order which would allow him to either maintain the current financing on the Shell Lane property, or which extend the court’s previously ordered deadline. Because these issues were recently ruled on, this is effectively a request to vacate the prior orders. Respondent repeatedly states that failure to

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call for a hearing on the January 30th RFO was the result of his attorney. However, given that attorney mistake is generally not grounds for a set aside, and because Respondent has failed to establish any other mistake, inadvertence, or excusable neglect, the request to set aside the court's prior orders regarding the refinance is denied.

Petitioner's request for monetary sanctions is likewise denied as the court does not find that this motion was filed with the intent to frustrate the policy of the law which is to promote settlement.

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

TENTATIVE RULING #6: RESPONDENT'S REQUEST FOR AN ORDER VACATING OR EXTENDING THE COURT'S PRIOR ORDERS TO REFINANCE THE SHELL LANE PROPERTY IS DENIED. PETITIONER'S REQUEST FOR MONETARY SANCTIONS IS DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. MICHAEL J. OSBORNE V. CORTNEY A. OSBORNE

24FL0362

On January 28, 2025, Petitioner filed a Request for Order (RFO) seeking property control orders, attorney's fees, and sanctions. He filed an Income and Expense Declaration concurrently therewith. On January 30th he filed a Declaration of Julie Bachman in Support of Attorney's Fees and a document entitled Exhibits [sic] 4 of Michael Osborne for April 10, 2025 Hearing. All documents were served on January 30th.

Respondent filed and served a Responsive Declaration to Request for Order on February 12th. On February 27th, Respondent filed and served a Memorandum of Points and Authorities in Support of Respondent's Request for Sanctions.

On March 12th, Petitioner filed and served a Reply to Responsive Declaration to Request for Order.

Respondent filed and served an updated Income and Expense Declaration on March 21st. On April 4th, Respondent filed an Objection to Petitioner's Reply Declaration. Respondent objects to the Reply on the basis that it exceeds the page limit established by California Rule of Court rule 5.111(a). She asks that the court not consider the document in ruling on the RFO. The objection is sustained, in part. Given the 5-page limit on reply declarations, the court has read and considered only the first five pages of Petitioner's March 12th declaration.

Petitioner brings his RFO requesting the court order Respondent to immediately deposit \$15,000 back into the Osborne Family Trust account. He asks that the court reserve jurisdiction on the remaining \$55,000 that Respondent withdrew from the trust account, and for the court to reserve jurisdiction over any and all monies plus interest, that Respondent used to pay business expenses which were later reimbursed by her employer. He asks for attorney's fees and sanctions in the amount of \$2,500.

Respondent asks that the court deny all of Petitioner's requests. She asks that Petitioner and his attorney be admonished for failing to meet and confer in good faith. She further requests sanctions pursuant to Family Code Section 271 and Civil Procedure Section 128.5.

The court notes, the parties are set to begin a two-day trial on August 19th on, among other things, the separation of expenses, sanctions, and violations of the ATROS. Generally, the court would set an evidentiary hearing on this issue as it appears to require the taking of evidence to trace the source of the funds and Respondent's use of the funds. However,

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due to the trial on calendar, in the interests of judicial economy, the court continues this matter to join with the August 19th trial. The court reserves jurisdiction over all issues, including each party's request for sanctions.

TENTATIVE RULING #7: THIS MATTER IS CONTINUED TO JOIN WITH THE TRIAL SET FOR AUGUST 19, 2025. THE COURT RESERVES JURISDICTION OVER ALL ISSUES, INCLUDING EACH PARTY'S REQUEST FOR SANCTIONS.

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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10. SHANNON CHANDLER V. STEVEN CHANDLER

PFL20200577

Petitioner filed a Request for Order (RFO) on September 25, 2024 and an amended RFO the same day. The RFO was served by mail on September 30th, the Amended RFO was served on October 1st. Given that this is a post-judgement request for modification of custody orders, Petitioner filed a Declaration Regarding Address Verification as required by Family Code § 215.

The parties attended Child Custody Recommending Counseling (CCRC) on October 23, 2024. A report with recommendations was prepared on February 6th and mailed to the parties on February 7th.

On February 10th, the parties entered into a stipulation which addressed some custody and visitation issues, but did not resolve the issues pending in the RFO. On February 18th, the parties stipulated to continue the hearing on the RFO as Respondent and the minor Ava had just begun therapy.

The Supplemental Declaration of Petitioner, Shannon Christine Chandler in Support of Request for Order was filed and served on April 1, 2025.

On April 7th, Respondent filed a Responsive Declaration to Request for Order. The court finds this to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made March 28th the last day for filing the Responsive Declaration to Request for Order. As such, this document has not been read or considered.

Petitioner brings her RFO requesting joint legal custody of the minor children, with final decision-making authority. She is also requesting temporary sole physical custody of Ava, subject to the progress being made between Respondent and Ava in family therapy. Petitioner also requests a modification to the parenting time for Hadley. She asks that Respondent have visitation with Hadley on alternating weekends from Friday evening to Sunday evening.

Respondent requests the current orders remain in place.

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After reviewing the filings as outlined above the court finds the current orders remain in the best interests of the children. This includes the order for family therapy that was stipulated to by the parties. The parties are further ordered to ensure that each of the minors participate in individual therapy at a frequency and duration as determined by the therapist. When the time comes, Hadley may choose the high school she would like to attend as per the judgment.

The court is of the opinion that the issues raised in Petitioner's moving papers are of the nature that may be worked through in family therapy and sufficient time is needed to do so. However, while the court is maintaining the prior orders for the time being, Respondent is admonished that continued behavior such as that described by Petitioner may result in a change to the custody and visitation orders in the future if progress is not made in family therapy.

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

**TENTATIVE RULING #10: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.
PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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11. TODD STANLEY V. HANNAH COLE

24FL0221

On January 9, 2025, the court set a review hearing to address whether there should be a step-up in Petitioner's parenting time. Parties were directed to file and serve Supplemental Declarations 10 days prior to the hearing.

Respondent filed a Supplemental Declaration on April 1, 2025. Petitioner was served on April 2nd.

Petitioner filed a Supplemental Declaration on April 1, 2025 and a Reply Declaration on April 3, 2025. Respondent was mail served with the Supplemental Declaration on March 31, 2025 and electronically served the Reply Declaration on April 3rd. The court did not grant leave to file a reply to the Supplemental Declaration therefore this document has not been read or considered.

Respondent asks that the current custody schedule remain in place. She also requests an order allowing Respondent to travel to Oregon with the children from April 14th through April 22nd and also from June 2nd to June 26th. She proposes the parties swap custodial weekends prior to the trip such that Petitioner would have the children for the weekend before they leave for Oregon (the weekend of May 30th); this would account for Respondent having the children the weekend of June 6th.

Petitioner is requesting parenting time on the 1st, 2nd, and 4th weekends of the month from Thursday at school pick up to Monday at school drop off. He also requests vacation time with the children twice during the summer break for one week (7 days) each. He asks that Respondent be ordered to provide Petitioner with information regarding the medical and counseling appointments for the children and that she be precluded from discussing with the children the possibility of moving to Oregon. He asks that non-school exchanges be held at Target at 11:00am. Additionally, he would like an order which would allow the children's prior counsel Sergio, to communicate with the 730 evaluator. He is also seeking sanctions in the amount of \$2,500 pursuant to Family Code § 271 for the prior ex parte motion made by Respondent. Finally, he is requesting a review hearing be set to evaluate the status of the 730 evaluation.

The court has reviewed the filings as outlined above and it does not appear that increased visitation is warranted at this time. Petitioner has failed to set forth any evidence of his participation in the services contemplated in Family Code section 3044. Petitioner has failed to establish how the increase in parenting time is in the minors' best interests. AS

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such, Petitioner's request for additional parenting time is denied. Respondent is admonished to abide by the stay away order at all other times, this includes staying away from the children's school. When school is not in session, exchanges are to take place at Target located on Missouri Flat Road at 3:00pm. Respondent is ordered to keep Petitioner informed of the children's medical appointments and counseling appointments.

Petitioner shall have the children for one week of vacation during summer break. The parties are to meet and confer ahead of time to agree upon the week.

Respondent's request to travel to Oregon with the children is granted. Respondent may travel to Oregon with the children from April 14th through April 22nd. Respondent may also travel in June, however, the court finds the requested dates to be excessive. Respondent may travel to Oregon for up to 10 consecutive days. Respondent is to provide Petitioner with all itineraries no later than 72 hours prior to departure for each trip. This includes flight dates, times, and flight numbers, and lodging addresses and phone numbers. While Respondent is being permitted to travel to Oregon with the children, she is not permitted to discuss moving to Oregon with the children. There shall be no discussion with the children regarding a move to Oregon until after the court has ruled on the request. Petitioner shall have the children the weekend of May 30th.

The children's prior counselor Sergio is authorized to communicate with the 730 evaluator. Regarding the request for a review hearing, given the backlog in 730 evaluations, the court is not inclined to continue trailing this matter until the evaluation is complete. Once the parties have received the 730 report, a request for custody orders may be filed.

Petitioner's request for Section 271 sanctions is denied as the court does not find Respondent's filing of her ex parte to be sanctionable conduct.

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

TENTATIVE RULING #11: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND IT DOES NOT APPEAR THAT INCREASED VISITATION IS WARRANTED AT THIS TIME. PETITIONER HAS FAILED TO SET FORTH ANY EVIDENCE OF HIS PARTICIPATION IN THE SERVICES CONTEMPLATED IN FAMILY CODE SECTION 3044. PETITIONER HAS FAILED TO ESTABLISH HOW THE INCREASE IN PARENTING TIME IS IN THE MINORS' BEST INTERESTS. AS SUCH, PETITIONER'S REQUEST FOR ADDITIONAL PARENTING TIME IS DENIED. RESPONDENT IS ADMONISHED TO ABIDE BY THE STAY AWAY ORDER AT ALL OTHER TIMES, THIS INCLUDES STAYING AWAY FROM THE

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CHILDREN'S SCHOOL. WHEN SCHOOL IS NOT IN SESSION, EXCHANGES ARE TO TAKE PLACE AT TARGET LOCATED ON MISSOURI FLAT ROAD AT 3:00PM. RESPONDENT IS ORDERED TO KEEP PETITIONER INFORMED OF THE CHILDREN'S MEDICAL APPOINTMENTS AND COUNSELING APPOINTMENTS.

PETITIONER SHALL HAVE THE CHILDREN FOR ONE WEEK OF VACATION DURING SUMMER BREAK. THE PARTIES ARE TO MEET AND CONFER AHEAD OF TIME TO AGREE UPON THE WEEK.

RESPONDENT'S REQUEST TO TRAVEL TO OREGON WITH THE CHILDREN IS GRANTED. RESPONDENT MAY TRAVEL TO OREGON WITH THE CHILDREN FROM APRIL 14TH THROUGH APRIL 22ND. RESPONDENT MAY ALSO TRAVEL IN JUNE, HOWEVER, THE COURT FINDS THE REQUESTED DATES TO BE EXCESSIVE. RESPONDENT MAY TRAVEL TO OREGON FOR UP TO 10 CONSECUTIVE DAYS. RESPONDENT IS TO PROVIDE PETITIONER WITH ALL ITINERARIES NO LATER THAN 72 HOURS PRIOR TO DEPARTURE FOR EACH TRIP. THIS INCLUDES FLIGHT DATES, TIMES, AND FLIGHT NUMBERS, AND LODGING ADDRESSES AND PHONE NUMBERS. WHILE RESPONDENT IS BEING PERMITTED TO TRAVEL TO OREGON WITH THE CHILDREN, SHE IS NOT PERMITTED TO DISCUSS MOVING TO OREGON WITH THE CHILDREN. THERE SHALL BE NO DISCUSSION WITH THE CHILDREN REGARDING A MOVE TO OREGON UNTIL AFTER THE COURT HAS RULED ON THE REQUEST. PETITIONER SHALL HAVE THE CHILDREN THE WEEKEND OF MAY 30TH.

THE CHILDREN'S PRIOR COUNSELOR SERGIO IS AUTHORIZED TO COMMUNICATE WITH THE 730 EVALUATOR. REGARDING THE REQUEST FOR A REVIEW HEARING, GIVEN THE BACKLOG IN 730 EVALUATIONS, THE COURT IS NOT INCLINED TO CONTINUE TRAILING THIS MATTER UNTIL THE EVALUATION IS COMPLETE. ONCE THE PARTIES HAVE RECEIVED THE 730 REPORT, A REQUEST FOR CUSTODY ORDERS MAY BE FILED.

PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS IS DENIED AS THE COURT DOES NOT FIND RESPONDENT'S FILING OF HER EX PARTE TO BE SANCTIONABLE CONDUCT.

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

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12. WILLIAM WELLS V. AUDIA WELLS

24FL0692

On February 6, 2025, the parties appeared in Department 8 for a hearing on each of their respective requests for Domestic Violence Restraining Order. Both requests were dismissed and the court set a further hearing for April 10, 2025, at 8:30 in Department 5. Both parties were directed to file and serve Income and Expense Declarations prior to the hearing date.

Upon review of the court file, neither party has filed an Income and Expense Declaration. There have been no new filings in this case since February 18, 2025 and there is no pending Request for Order. As such, this matter is dropped from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #12: THE MATTER IS DROPPED FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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

13. CATHERINE GRAVITO V. FRANK GRAVITO

24FL1127

Petitioner filed a Request for Order (RFO) on January 13, 2025, requesting the court make orders as to child custody and parenting time, child and spousal support, property control, and division of assets and debts. Petitioner did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 13, 2025, and a review hearing on April 10, 2025. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO and other necessary documents.

Parties submitted a Stipulation and Order to the court on February 14, 2025, addressing custody and parenting plan orders. The court signed and adopted the parties' Stipulation as its order on February 14th.

The court drops the matter from calendar due to the failure to serve Respondent. All prior orders remain in full force and effect.

TENTATIVE RULING #13: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE FAILURE TO SERVE RESPONDENT. 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

April 10, 2025

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

14. DCSS V. NICHOLAS DAVIS (OTHER PARENT: KIMBERLY PLACEK) PFS20180144

On November 5, 2024, the parties reached a settlement and executed a stipulation on the underlying contempt citation. The stipulation included a provision for a review hearing to determine Respondent's compliance with the stipulation.

Other Parent filed a Declaration on March 18, 2025. Petitioner and Respondent were mail served on March 18, 2025. Other Parent asserts Respondent has failed to comply with the stipulation and has not made any of the agreed upon payments since November 15, 2025.

Neither Petitioner nor Respondent have filed any Declarations.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 10, 2025

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

15. GABRIEL GIAMANCO V. MONIFA GIAMANCO

PFL20210240

Respondent filed an ex parte application for emergency orders as well as a request for an Order Shortening Time (OST) on February 13, 2025. Petitioner filed a Responsive Declaration on February 18, 2025. On February 18, 2025, the court denied the ex parte request as well as the OST. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on March 4, 2025, and set a review hearing for April 10, 2025. The court also appointed Minor's Counsel Kelly Bentley to the minor. The court directed that the minor as well as the parties were to attend the CCRC appointment. The court also authorized the minor to decline parenting time with Petitioner.

Proof of Service shows Petitioner's attorney was served electronically on February 18, 2025. The court notes this is a post-judgment request for modification and as such, Family Code section 215 applies. There is no Proof of Service showing Minor's Counsel was properly served. The court notes, Petitioner and Respondent were both served an ex parte minute order stating Kelly Bentley was appointed as Minor's Counsel on February 18, 2025.

Only Respondent appeared for the CCRC appointment. As such a single parent report was filed with the court on March 5, 2025. It was mailed to the parties the same day.

The court has not received a Statement of Issues and Contentions from Minor's Counsel.

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

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 10, 2025

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

16. JAMIE LUPER V. RICHARD LIMING

PFL20180266

Petitioner filed an ex parte application for emergency orders on January 13, 2025. On January 14, 2025, the court denied the request and directed that the Request for Order (RFO) could be filed and set on the regular law and motion calendar.

Petitioner filed the RFO on January 14, 2025, requesting modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 13, 2025, and a review hearing on April 10, 2025. Proof of Service shows Respondent was personally served on February 18, 2025.

Only Petitioner appeared for the CCRC appointment on February 13, 2025. As such a single parent report was filed with the court on February 13th and mailed to the parties on February 19th.

Given Respondent was not served with the referral to CCRC until after the appointment, the court finds good cause to rerefer the parties to CCRC. Parties are to attend CCRC on May 16, 2025 @ 1:00PM with Rebecca Nelson. The court sets a further review hearing for July 10, 2025 at 1:30 PM in Department 5. The minors are to be made available for interview at the CCRC Counselor's request. Parties are admonished that failure to appear at the CCRC appointment may result in sanctions. Any Supplemental Declarations are to be filed and served at least 10 days prior to the hearing.

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

TENTATIVE RULING #16: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC. PARTIES ARE TO ATTEND CCRC ON May 16, 2025 @ 1:00 PM WITH REBECCA NELSON THE COURT SETS A FURTHER REVIEW HEARING FOR JULY 10, 2025 AT 1:30 PM IN DEPARTMENT 5. THE MINORS ARE TO BE MADE AVAILABLE FOR INTERVIEW AT THE CCRC COUNSELOR'S REQUEST. PARTIES ARE ADMONISHED THAT FAILURE TO APPEAR AT THE CCRC APPOINTMENT, MAY RESULT IN SANCTIONS. ANY SUPPLEMENTAL DECLARATIONS ARE TO BE FILED AND SERVED AT LEAST 10 DAYS PRIOR TO THE HEARING. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 10, 2025

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

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
April 10, 2025
8:30 a.m./1:30 p.m.

17. JASON HARDOUIN V. JANA E NORELL

22FL0188

On November 7, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) alleging 3 counts of contempt. It was personally served on November 17th. The parties are ordered to appear for the arraignment.

Also on calendar for the present date is a review of Respondent's compliance with the court's contempt orders which were made on December 20, 2023. At that time the court found Respondent guilty of five counts of contempt. Respondent was ordered to complete 120 hours of community service in person with a non-profit or government agency for the first count of contempt. The court granted a term of probation and stayed sentencing on the remaining counts. The court set a compliance date of November 21, 2024. The parties appeared before the court on November 7, 2024, to assess Respondent's compliance. At that time, Petitioner requested an evidentiary hearing. The court continued the matter to join with the pending OSC.

Parties appeared for the hearing on February 13, 2025, at which time, Respondent's counsel requested a continuance to file a demurrer. The court granted the request to continue and set a further arraignment and review hearing for April 10, 2025, at 1:30 PM in Department 5.

Upon review of the court file, there have been no new filings since February 13th.

The parties are ordered to appear for the hearing.

TENTATIVE RULING #17: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE OSC. THE PARTIES ARE ORDERED TO APPEAR FOR THE REVIEW HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 10, 2025

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

18. KYLEE CLIFTON V. TRYSTON ALVAREZROSS

23FL1112

Petitioner filed a Request for Order (RFO) on December 10, 2024, requesting modification of the child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 19, 2025, and a review hearing on April 10, 2025. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and other necessary papers.

Neither party appeared at the CCRC appointment on February 10th.

The court drops the matter from calendar due to the lack of proper service as well as Petitioner's failure to appear at the CCRC appointment.

All prior orders remain in full force and effect.

TENTATIVE RULING #18: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE AS WELL AS PETITIONER'S FAILURE TO APPEAR AT THE CCRC APPOINTMENT. 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
April 10, 2025
8:30 a.m./1:30 p.m.

19. REBECCA BURT-ORTIZ V. DAVID J. ORTIZ

23FL0384

Order to Show Cause

On August 16, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC). It was personally served on September 5th. The parties appeared before the court for arraignment on November 7, 2024, at which time the court continued the matter to March 6, 2025.

On March 6, 2025, the court found Respondent qualified for court appointed counsel and appointed the Public Defender's Office to represent Respondent. The court directed Respondent to file an Income and Expense Declaration within 10 days including all necessary attachments.

Respondent filed an Income and Expense Declaration on March 17, 2025. There is no Proof of Service showing Petitioner was served with the document.

The parties are ordered to appear for the arraignment.

Request for Order

On November 4, 2024, Respondent filed a Request for Order (RFO) seeking child custody and visitation orders as well as child support, spousal support, and attorney's fees. He filed his Income and Expense Declaration concurrently therewith. All required documents were mail served on November 5th.

Petitioner has not filed a Responsive Declaration to Request for Order or an Income and Expense Declaration.

According to the caption on the RFO, Respondent states he is seeking custody and visitation orders however, there is no such request made in the body of the document. Additionally, the parties attended Child Custody Recommending Counseling (CCRC) on December 5, 2024 and agreed that they are not seeking any changes to the current custody or visitation schedule. A report containing their agreement was prepared on December 5, 2024, it was mailed to the parties on December 6th. Given that there appears to be no pending request for custody or visitation orders, all prior custody and visitation orders remain in full force and effect.

Regarding support, Respondent is requesting \$1,000 a month in child support and \$3,500 a month for spousal support. In addition to the foregoing, he is requesting Petitioner

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 10, 2025

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

pay half of all taxes owed, half of the SBA loan, and half of the boat payment (\$300) monthly. Respondent is also requesting exclusive temporary use, possession and control of the 2018 NXT 22 Mastercraft boat. He is requesting \$36,000 in attorney's fees and costs. Finally, he asks that the children not be involved in serving documents and he asks that payments between the parties not be made through the children's bank accounts.

Parties appeared on March 6, 2025, Petitioner did not file an Income and Expense Declaration at that time. The court directed Petitioner to file and serve an Income and Expense Declaration within 10 days of the hearing. Upon review of the court file, Petitioner has once again failed to file and serve an Income and Expense Declaration. Petitioner is ordered to appear with a fully completed Income and Expense Declaration.

Regarding involvement of the children in court proceedings, Respondent's request is granted. The parties are ordered not to use the children to serve one another with legal documents, the parties are ordered not to use the children's bank accounts to make payments to one another, and the parties are ordered not to use the children to pass messages to one another.

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

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

THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUES OF SUPPORT, ATTORNEY'S FEES, PROPERTY CONTROL, AND MONTHLY CONTRIBUTIONS TO THE EXPENSES LISTED IN THE RFO. PETITIONER IS ORDERED TO BRING AN UPDATED INCOME AND EXPENSE DECLARATION WITH HER ALONG WITH THE REQUIRED SUPPORTING DOCUMENTS.

ALL PRIOR CUSTODY AND VISITATION ORDERS REMAIN IN FULL FORCE AND EFFECT. THE PARTIES ARE ORDERED NOT TO USE THE CHILDREN TO SERVE ONE ANOTHER WITH LEGAL DOCUMENTS, THE PARTIES ARE ORDERED NOT TO USE THE CHILDREN'S BANK ACCOUNTS TO MAKE PAYMENTS TO ONE ANOTHER, AND THE PARTIES ARE ORDERED NOT TO USE THE CHILDREN TO PASS MESSAGES TO ONE ANOTHER. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 10, 2025

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

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

April 10, 2025

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

20. RUDY PAIVA V. CARLA PEREZ

24FL0031

Petitioner filed a Request for Order (RFO) on February 7, 2025, requesting court assistance in finalizing the parties' dissolution. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO and other necessary papers.

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

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
April 10, 2025
8:30 a.m./1:30 p.m.

21. SHANNON HILL V. JUSTIN HILL

PFL20140663

Petitioner filed an ex parte application for emergency custody orders on January 15, 2025. Respondent filed a Responsive Declaration on January 16, 2025. On January 17, 2025, the court denied the request modification of custody orders on an ex parte basis, however, the parties were rereferred to a Child Custody Recommending Counseling (CCRC) appointment on February 14, 2025, and a review hearing was set for April 10, 2025. Petitioner filed a Request for Order (RFO) on January 17th making the same requests as set forth in the ex parte application.

Proof of Service shows Respondent was mail served with a Notice of Hearing, the Notes and Orders after Ex Parte, and a Referral to Child Custody Recommending Counseling Questionnaire. It is unclear whether Respondent was served with the RFO and the referral to CCRC. It does not appear Respondent was served with the other necessary papers. Further, this is a post-judgment request for modification, which requires compliance with Family Code section 215. There has been no Address Verification Declaration filed.

Petitioner filed a Declaration on February 7th. Proof of Service shows Respondent was mail served on February 6, 2025.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report was filed with the court on February 14, 2025. Copies were mailed to the parties. The court notes, Respondent's copy was returned to the court as undeliverable.

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

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
April 10, 2025
8:30 a.m./1:30 p.m.

22. KIM GISIN V. JOSHUA GISIN

PFL20130642

Petitioner filed a Request for Order (RFO), on January 30, 2025, seeking spousal support orders. Petitioner did not concurrently file an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #22: 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.