

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 13, 2025

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

1. ALEX KRUMWIEDE V. HANNAH KRUMWIEDE

23FL1044

Petitioner filed a Request for Order (RFO), on November 4, 2024, requesting the court modify the current custody and parenting time orders, as well as order the sale of the former family residence pendente lite. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 4, 2024 and a review hearing on February 13, 2025. Proof of Service shows Respondent was mail served on November 5, 2024.

Petitioner is seeking final decision-making authority and primary physical custody of the minors, with Respondent to have parenting time every other weekend and every other Wednesday night. Petitioner asserts Respondent has failed to comply with prior court orders which impacts her ability to safely parent the minors. Petitioner further asserts Respondent leaves the minors unsupervised. Petitioner seeks to sell the former family residence as Respondent failed to make a payment in June 2024. Last, Petitioner is seeking a trial date on all issues.

Respondent filed a Responsive Declaration opposing the requests on December 4, 2024. Petitioner was served by mail on December 3, 2024.

Only Respondent appeared for the CCRC appointment on December 4th. As such a single parent report was filed with the court on December 6, 2024. Copies were mailed to the parties the same day.

Respondent filed an ex parte application seeking emergency orders on January 7, 2024 or, in the alternative, an Order Shortening Time (OST). On January 8th, the court denied the ex parte request but granted the OST. Respondent filed an RFO making the same requests as the ex parte application on January 8th. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO. The court drops Respondent's January 8th filed RFO from calendar due to the failure to properly serve Petitioner.

Petitioner filed a Declaration on February 4, 2025. There is no Proof of Service for this document. It is also late filed. The court has not read or considered it.

After reviewing the filings as outlined above, the court makes the following findings and orders. The court denies Petitioner's request to modify the current custody and parenting plan orders as Petitioner failed to appear at the CCRC appointment that was set at his behest. The court finds the current orders remain in the minors' best interests. The

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court admonishes both parties that failure to abide by the court's orders may result in a change in custody, sanctions, and/or contempt.

The court denies Petitioner's request to sell the former family residence pendente lite. While Family Code section 2108, allows the court to order the sale of the former marital residence pendente lite, Petitioner has failed to sufficiently establish grounds that would necessitate the sale. Petitioner asserts Respondent has missed one payment that was then subsequently paid. It does not appear that the home is in danger of foreclosure and Petitioner has not set forth any risks to the asset.

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

TENTATIVE RULING #1: THE COURT DENIES PETITIONER'S REQUEST TO MODIFY THE CURRENT CUSTODY AND PARENTING PLAN ORDERS. THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE MINORS' BEST INTERESTS. THE COURT ADMONISHES BOTH PARTIES THAT FAILURE TO ABIDE BY THE COURT'S ORDERS MAY RESULT IN A CHANGE IN CUSTODY, SANCTIONS, AND/OR CONTEMPT. THE COURT DENIES PETITIONER'S REQUEST TO SELL THE FORMER FAMILY RESIDENCE PENDENTE LITE. THE COURT DROPS RESPONDENT'S JANUARY 8TH FILED RFO FROM CALENDAR DUE TO THE FAILURE TO PROPERLY SERVE PETITIONER.

ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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2. ERIC WEXELMAN V. JAMAICA WEXELMAN

24FL0838

On December 10, 2024, Petitioner filed a Request for Order (RFO) seeking spousal support, attorney's fees, and an order to sell the community property residence. His Income and Expense Declaration was filed the day prior. The matter was originally filed with an Application for an Order Shortening Time (OST). As such, Respondent filed her Responsive Declaration to Request for Order on December 10th.

Respondent also filed an RFO on December 10th. She is also requesting spousal support and attorney's fees as well as a Family Code § 4331 evaluation of Petitioner. She filed her Income and Expense Declaration concurrently therewith. These documents were served by mail on December 12th. This RFO is set to be heard on March 6th.

On January 28, 2025, Petitioner filed and served his Supplemental Declaration of Eric Wexelman in Support of his Request for Spousal Support.

On February 3rd, Respondent filed and served a Supplemental Declaration of Respondent in Opposition to Petitioner's Request for Orders.

Given the overlapping issues between the two pending RFOs, in the interest of judicial economy the court continues this matter to join with the RFO currently set for March 6th. The court reserves jurisdiction on attorney's fees and jurisdiction to award support back to the date of filing the RFO.

TENTATIVE RULING #2: THIS MATTER IS CONTINUED TO JOIN WITH THE RFO CURRENTLY SET FOR MARCH 6, 2025 AT 8:30AM IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION ON ATTORNEY'S FEES AND JURISDICTION TO AWARD SUPPORT BACK TO THE DATE OF FILING THE RFO.

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

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3. FRANCES D'AGOSTINI V. ROBERT D'AGOSTINI

23FL1070

Petitioner filed a Request for Order (RFO), on November 4, 2024, seeking spousal support, Family Code section 2030 attorney's fees, as well as the appointment of a forensic accountant. Petitioner concurrently filed an Income and Expense Declaration. Respondent was mail served on November 18th.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on January 27, 2025. Petitioner was served by mail on the same day.

Petitioner filed a Reply Declaration in Support of RFO on February 6th. Which was untimely. Civil Procedure section 1005(b) states that all reply papers are to be filed at least five court days before the hearing date. The court is closed on February 12th for the observance of Lincoln's Birthday. Section 12c of the Code of Civil Procedure 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 February 5th the last day for filing the Reply. Additionally, according to the Proof of Service, the Reply was served by mail. Civil Procedure section 1005(c) requires reply papers to be "...served by personal delivery, facsimile transmission, express mail, or other means.... reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day..." Cal. Civ. Pro. § 1005(c). Where service is affected by mail, the required deadline is to be increased by 5 calendar days. Cal. Civ. Pro. § 1005(b). As such, the last day for mail service was January 31st. For the foregoing reasons, the court finds the reply to be late filed and therefore, the court has not read or considered it.

Petitioner is seeking guideline temporary spousal support as well as \$25,000 in need-based attorney's fees. Additionally, Petitioner requests the appointment of a forensic accountant with Respondent to pay the costs. She proposes two accountants and requests the court choose one. She also requests an order for the parties to jointly select and appoint a real estate appraiser.

Respondent opposes an order for spousal support as he continues to make one half of his income available to Petitioner as support and Petitioner has, and continues to utilize, a home equity line of credit for all her living expenses. Respondent requests an order to close the line of credit to avert additional community debt. Respondent is also opposed to Family Code section 2030 attorney's fees and the appointment of a forensic accountant.

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Petitioner's request for attorney's fees 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. Alan S. v. Sup. Ct., 172 Cal. App. 4th 238, 251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Family Code section 2032 works in tandem with Section 2030 to ensure that any award of costs and fees is just and reasonable. Fam. Code § 2032. "In determining what is just and reasonable under the relative circumstances, the court shall take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately." *Id.* at (b). Financial resources are only one factor to be considered though. *Id.*

Here, the disparity in income is inarguable and therefore, there is a disparity in each party's access to legal representation. The court further finds that Respondent does have the ability to pay for legal counsel for both parties. That said, the court does not find \$25,000 to be reasonable at this time. According to Respondent, he has only paid his attorney \$7,000 while Petitioner has only paid \$4,000. As such, the court finds an award of \$7,000 to be just and reasonable at this time. Respondent shall pay directly to Petitioner's attorney \$7,000 as and for Section 2030 attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$1,000 commencing on February 15, 2025 and continuing until paid in full (approximately 7 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

Regarding Petitioner's request for a forensic accountant, real estate appraiser, spousal support, and Respondent's request to close the home equity line of credit, the parties are ordered to appear for the hearing.

TENTATIVE RULING #3: REGARDING PETITIONER'S REQUEST FOR A FORENSIC ACCOUNTANT, REAL ESTATE APPRAISER, SPOUSAL SUPPORT, AND RESPONDENT'S REQUEST TO CLOSE THE HOME EQUITY LINE OF CREDIT, THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. RESPONDENT SHALL PAY DIRECTLY TO PETITIONER'S ATTORNEY \$7,000 AS AND FOR SECTION 2030 ATTORNEY'S FEES. THIS AMOUNT MAY

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BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$1,000 COMMENCING ON FEBRUARY 15, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 7 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

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4. JASON GILLESPIE V. BARBARA GILLESPIE

24FL0722

On September 12, 2024, Respondent filed a Request for Order (RFO) seeking child support. She filed her Income and Expense Declaration concurrently therewith. Both documents, along with all other required documents were mail served on September 12th.

Petitioner filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on December 5th.

Respondent's Reply Declaration Re Child Support was filed and served on December 11th.

A Supplemental Declaration of Petitioner and Response to Respondent's Reply Declaration of 12/11/24 was also filed and served on December 11th.

Respondent brings her RFO seeking guideline child support. She notes deficiencies on Petitioner's Income and Expense Declaration and asks that he be imputed with income at least in the amount of his listed monthly expenses. Petitioner states that Respondent is the higher earning spouse, and he requests that child support be paid by Respondent to Petitioner.

In reviewing Petitioner's Income and Expense Declaration he has not included either the requisite Profit and Loss Statement or Schedule C.

Parties were ordered to appear for the hearing on December 19, 2024. Counsel for Petitioner requested the matter be continued. The court found good cause to continue the hearing to the present date. Parties were ordered to file updated, complete Income and Expense Declarations and Supplemental Declarations at least 10 days prior to the hearing.

Upon review of the court file, neither party has filed an updated Income and Expense Declaration or Supplemental Declarations.

The court drops the matter from calendar. Respondent has failed to file an updated Income and Expense Declaration as required by both the California Rules of Court and the El Dorado County Local Rules.

**TENTATIVE RULING #4: THE COURT DROPS THE MATTER FROM CALENDAR.
RESPONDENT HAS FAILED TO FILE AN UPDATED INCOME AND EXPENSE
DECLARATION AS REQUIRED BY BOTH THE CALIFORNIA RULES OF COURT AND THE EL
DORADO COUNTY LOCAL RULES.**

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5. 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.

The parties are ordered to appear for the hearing.

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE OSC. THE PARTIES ARE ORDERED TO APPEAR FOR THE REVIEW HEARING.

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6. KIP WEBER V. KATHERINE WEBER

PFL20180264

Petitioner filed a Request for Order (RFO) on November 7, 2024, requesting modification of the current parenting plan orders as to the minor Ethan. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 6, 2024, and a review hearing on February 13, 2025. Proof of Service shows Respondent was personally served with the RFO and all the necessary documents on November 13, 2024.

Only Petitioner appeared for CCRC on December 6, 2024. As such, as single parent report was filed with the court on December 6, 2024, and mailed to the parties the same day.

Respondent filed a Responsive Declaration on January 2, 2024. There is no Proof of Service for this document, however, Petitioner has filed a Reply Declaration which addresses the issues raised in the Responsive Declaration therefore, the court finds good cause to consider it. Respondent asserts she was not properly served with the referral to CCRC. Respondent requests the current orders remain in full force and effect.

Petitioner filed a Reply Declaration on February 3, 2025. Respondent was electronically served on February 3rd. According to Petitioner, Respondent was properly served with the referral to CCRC and was in fact in El Dorado County on the day of the appointment. Petitioner requests the parties be re-referred to CCRC and the mediator speak with both minors.

The court has read and considered the filings as outlined above. The court finds good cause to re-rerefer the parties to CCRC. Both parties are admonished that failure to attend may result in the court issuing sanctions against them. The minor Ethan is to be made available to be interviewed by the CCRC counselor. As noted above, the RFO only requests modification of the current orders as to the minor Ethan and the accompanying facts in support on page four of the November 7th filed RFO only address Ethan. Therefore, the court is not ordering Emmett to be interviewed.

Parties and Ethan are to attend CCRC on 3/6/2025 at 9:00 AM with Rebecca Nelson. A further review hearing is set for 5/1/2025 at 8:30 AM in Department 5. 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.

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TENTATIVE RULING #6: THE COURT FINDS GOOD CAUSE TO RE-REFER THE PARTIES TO CCRC. BOTH PARTIES ARE ADMONISHED THAT FAILURE TO ATTEND MAY RESULT IN THE COURT ISSUING SANCTIONS AGAINST THEM. THE MINOR ETHAN IS TO BE MADE AVAILABLE TO BE INTERVIEWED BY THE CCRC COUNSELOR. PARTIES AND ETHAN ARE TO ATTEND CCRC ON 3/6/2025 AT 9:00 AM WITH REBECCA NELSON. A FURTHER REVIEW HEARING IS SET FOR 5/1/2025 AT 8:30 AM IN DEPARTMENT 5. 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.

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8. STEPHANIE MILHOMME V. ELI BURNS

24FL0593

On November 13, 2024, the parties appeared in Department 8, on mutual requests for Domestic Violence Restraining Orders. The parties reached agreements on all issues, including an agreement to dismiss the restraining orders. The only remaining issue to address was where the minors were to attend school. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on November 21, 2024. A review hearing was set for the present date.

Both parties attended CCRC on November 21, 2024, and were unable to reach any agreements. A report with recommendations was filed with the court on December 16, 2024, and mailed to the parties the same day.

There have been no new filings since the November 13, 2024 hearing.

The court has read and considered the December 16th CCRC report. The court finds the recommendation for the minors to remain in their current school to be in their best interests. The court adopts the recommendation as set forth.

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 #8: THE COURT FINDS THE RECOMMENDATION FOR THE MINORS TO REMAIN IN THEIR CURRENT SCHOOL TO BE IN THEIR BEST INTERESTS. THE COURT ADOPTS THE RECOMMENDATION AS SET FORTH. 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.

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9. TIMOTHY NEILL V. CASSANDRA NEILL

PFL20200033

On November 5, 2024, the court signed and adopted the parties' stipulation as its order. The stipulation included a further review hearing to determine compliance with the provisions of the stipulation. The court set a review hearing for the present date. The issues include compliance with the refinance of the Brook Mar home, the sale and reimbursements for the Miners Valley Property, as well as attorney's fees.

Upon review of the court file, there have been no new filings since the parties' stipulation. As such the court reasonably infers the terms of the stipulation have been complied with and the matter is dropped from calendar.

All prior orders remain in full force and effect.

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

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10. ANGELA HURLEY V. IVAN RIVERA

PFL20200615

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 13, 2024, alleging Petitioner had violated the parenting plan orders on five occasions. Proof of Service shows Petitioner was personally served on November 22, 2024.

Parties are ordered to appear for arraignment.

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

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11. BRITTNEY HOUGHTON V. JOSE CARRERO

PFL20200451

Petitioner filed an ex parte application for emergency child custody orders on October 3, 2024. Respondent filed a Responsive Declaration on October 3, 2024. The court denied the ex parte request on October 4th and referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment. Additionally, the court appointed Minor's Counsel, Rebecca Esty-Burke. Petitioner filed a Request for Order (RFO) on October 4, 2024, which was set for a review hearing on November 14th. Upon review of the court file, there is no Proof of Service showing Respondent or Minor's Counsel were served with the RFO.

Nevertheless, both parties appeared for the CCRC appointment, however, Respondent left the appointment prior to its completion. Therefore, a single parent report with no recommendations was filed with the court on October 15, 2024. Copies were mailed to the parties on October 17, 2024.

Minor's Counsel filed a Statement of Issues and Contentions on November 4, 2024. Proof of Service shows Petitioner and Respondent were served on November 4th.

Petitioner filed a Reply Declaration on November 6, 2024. Respondent and Minor's Counsel were served on November 6th.

Respondent also filed a Reply Declaration on November 6, 2024. Petitioner and Minor's Counsel were served on November 6th.

Parties appeared for the hearing on November 14th. The court re-referred the parties to CCRC and admonished them that if they failed to appear, the court could impose sanctions. The court ordered Respondent to abstain from any illicit substances 24 hours prior to and during his parenting time. The court denied Petitioner's and Minor's Counsel's requests for Respondent to complete a substance abuse assessment and/or substance abuse testing. Parties were directed to file Supplemental Declarations at least 10 days prior to the next hearing.

Both parties appeared for the CCRC appointment on November 22, 2024. They were unable to reach any agreements. A report with recommendations was filed with the court on January 17, 2025, and mailed to the parties the same day.

Petitioner filed a Reply Declaration to the CCRC report on January 29, 2025. Respondent and Minor's Counsel were electronically served on January 29th. Petitioner

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requests the court adopt portions of the CCRC recommendations with modifications. Petitioner requests Respondent have parenting time every Tuesday from pick up at school until Wednesday drop off at school and every other weekend from Friday after school until Monday drop off. Petitioner also requests the court order Respondent to participate in a 26-week anger management program. Petitioner requests she be allowed to participate in co-parenting counseling with Respondent remotely.

Neither Respondent nor Minor's Counsel have filed supplemental declarations.

The court has read and considered the filings as outlined above. The court makes the following findings and orders. The court finds the recommendations as set forth in the January 29th CCRC report to be in the best interest of the minor. The court adopts the CCRC recommendations with the following modifications: Respondent shall participate in a 26-week anger management course. It shall be a court approved program. Respondent shall file proof of enrollment in both the anger management program as well as individual counseling by no later than March 14, 2025. The court is delaying the implementation of the coparenting counseling until Respondent has completed five individual counseling sessions. Respondent shall provide Petitioner with a letter showing completion of the five sessions of individual counseling. Petitioner shall participate in coparenting counseling person, unless authorized to participate remotely by the counselor.

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 #11: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JANUARY 29TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE CCRC RECOMMENDATIONS WITH THE FOLLOWING MODIFICATIONS: RESPONDENT SHALL PARTICIPATE IN A 26-WEEK ANGER MANAGEMENT COURSE. IT SHALL BE A COURT APPROVED PROGRAM. RESPONDENT SHALL FILE PROOF OF ENROLLMENT IN BOTH THE ANGER MANAGEMENT COURSE AS WELL AS INDIVIDUAL COUNSELING BY NO LATER THAN MARCH 14, 2025. THE COURT IS DELAYING THE IMPLEMENTATION OF THE COPARENTING COUNSELING UNTIL RESPONDENT HAS COMPLETED FIVE INDIVIDUAL COUNSELING SESSIONS. RESPONDENT SHALL PROVIDE PETITIONER WITH A LETTER SHOWING COMPLETION OF THE FIVE SESSIONS OF INDIVIDUAL COUNSELING. PETITIONER SHALL PARTICIPATE IN COPARENTING COUNSELING PERSON, UNLESS AUTHORIZED TO PARTICIPATE REMOTELY BY THE COUNSELOR.

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

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.

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DEPARTMENT 5

February 13, 2025

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

12. CATHRYN NERWINSKI V. JOHN NERWINSKI

PFL20190281

Respondent filed a Request for Order (RFO) on July 24, 2024, requesting a modification of spousal support. Respondent concurrently filed an Income and Expense Declaration. 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.

Respondent appeared on December 5, 2024, requesting the court continue the matter to allow him time to perfect service. Respondent believed that the court had authorized mail service of the RFO and supporting documents. The court clarified that personal service was required pursuant to Family Code section 215, as this was a post-judgment request for modification. The court granted Respondent's request to continue the matter and confirmed personal service was required.

Upon review of the court file, there is no Proof of Service showing Petitioner was served in accordance with Family Code section 215.

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 #12: THIS MATTER IS DROPPED FROM CALENDAR DUE TO 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

February 13, 2025

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

13. ROB GRONEWOLD V. KATHERINE GRONEWOLD

PFL20190313

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 30, 2024, asserting Respondent has violated the December 1, 2021 orders regarding the parental exchange location, providing a list of counselors within 10 days of the order, completion of a co-parenting class, and refinancing the mortgage into her name by November 1, 2023. Proof of Service shows Respondent was personally served on February 9, 2024.

Petitioner filed a second OSC on May 21, 2024, alleged three additional counts of contempt for violations of court orders made on January 18, 2024. Proof of Service shows Respondent was personally served on May 30, 2024.

Petitioner filed a Request for Order (RFO) on May 22, 2024, requesting enforcement of the judgement that the property at 5957 Pony Express Trail in Pollock Pines California be sold if it was not placed in Respondent's name solely on or before November 2023. Proof of Service shows Respondent was personally served with the RFO on May 30, 2024.

Parties appeared on the RFO and OSCs on August 8, 2024. The court appointed the Public Defender's office to represent Respondent and continued the matter to September 26, 2024 for further arraignment.

Parties appeared on September 26, 2024 for further arraignment. The Public Defender requested a continuance to have an opportunity to file a demurrer. The court granted the continuance request and directed that any demurrer would need to be filed at least 16 court days prior to the hearing and any response would be due at least nine court days prior.

On January 2, 2025, parties once again appeared for the hearing. Once again, the Public Defender requested the matter be continued to allow them to file a demurrer. Further, Mr. Porter, who had previously been handling the matter, was no longer with the Public Defender's office.

The court granted the request for the continuance and directed the parties to meet and confer to attempt to reach a resolution.

Upon review of the court file, there have been no new filings since the September 26th hearing.

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The court orders parties to appear for hearing on the RFO and for arraignment on the OSCs.

TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

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February 13, 2025

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

14. RYAN RICHARDS V. JENNIFER RICHARDS

23FL0665

Petitioner filed an ex parte application for emergency custody orders on November 14, 2024. On November 25, 2024, the court granted the ex parte request granting Petitioner temporary sole physical custody. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on December 17, 2024 and a review hearing on January 2, 2025. Petitioner filed a Request for Order (RFO) on November 25, 2024 making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was served by overnight delivery on December 4, 2024.

Parties attended the CCRC appointment on December 17, 2024 and were unable to reach any agreements. A report with recommendations was filed with the court and mailed to the parties on December 31, 2024.

Respondent has not filed a Responsive Declaration.

Parties appeared for the hearing on January 2, 2025. Petitioner requested a continuance. The court granted the continuance and set a further hearing on the present date. The court vacated the ex parte orders and reinstated the prior custody and parenting plan orders. The court directed the parenting plan to commence upon the minor's return to California from vacation in Hawaii.

There have been no new filings since the January 2nd hearing.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the December 31, 2024 CCRC report to be in the best interest of the minor. The court vacates the ex parte orders made on November 25, 2024. The court reinstates the prior orders of September 7, 2023.

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 #16: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 31, 2024 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT VACATES THE EX PARTE ORDERS MADE ON NOVEMBER 25, 2024. THE COURT REINSTATES THE PRIOR ORDERS OF SEPTEMBER 7, 2023. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 13, 2025

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

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DEPARTMENT 5

February 13, 2025

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

15. SOPHIE HURST V. DANIEL DURBIN

23FL0080

Respondent filed an ex parte application for emergency custody orders on November 8, 2024. On November 12, 2024, the court denied the ex parte request. Respondent filed a Request for Order (RFO) on November 12, 2024, making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 12, 2024 and a review hearing on February 13, 2025. Petitioner was mail served on November 12, 2024.

Respondent filed several Declarations on December 4, 2024. There is no Proof of Service for these documents, therefore, the court has not considered them.

Petitioner filed a Declaration on December 24, 2024. There is no Proof of Service for this document, therefore, the court has not considered it.

Both parties attended CCRC on December 12th and were unable to reach any agreements. A report with recommendations was filed with the court on January 24, 2025, and mailed to the parties the same day.

Petitioner filed a Responsive Declaration on January 31, 2025. Respondent was mail served on January 30th. 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 January 30th 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 has read and considered the filings as outlined above. The court finds the recommendations as set forth in the January 24th CCRC report to be in the best interest of the minor. The court adopts the recommendations as set forth.

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 #15: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JANUARY 24TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. ALL PRIOR ORDERS NOT IN

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February 13, 2025

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

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.

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DEPARTMENT 5

February 13, 2025

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

16. TAMARA MOORE V. STEVEN BUTRICK, JR.

24FL0458

Petitioner filed a Petition to Establish a Parental Relationship and Request for Order (RFO) requesting child custody and parenting plan orders on May 8, 2024. A summons was issued the same day. The parties were not referred to Child Custody Recommending Counseling (CCRC) as the child was not born. Respondent was personally served on May 16, 2024.

Respondent has not filed a Response or a Responsive Declaration.

Parties appeared for the hearing on November 14, 2025, and requested the matter be continued until after the birth of the minor. The court found good cause to continue the matter to February 13, 2025.

There have been no new filings since the initial filings.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.