

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

1. AMELIA VERDUGO V. ANTHONY RODRIGUEZ

PFL20180504

On September 30, 2024, the parties came before the court for hearing on an ex parte request filed by Petitioner. At that time the court made custody and visitation orders, ordered the parties to complete a coparenting class, participate in conjoint therapy and individual therapy. The parties were also ordered to undergo an Evidence Code § 730 evaluation. A review hearing was set for the present date.

Neither party has filed a Supplemental Declaration with the court and the court is not yet in receipt of the 730 report, though the court did receive a letter from Dr. Bruce W. Ebert regarding the evaluation. The parties are ordered to appear.

TENTATIVE RULING #1: THE PARTIES ARE ORDERED TO APPEAR.

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2. BRIAN KELLY HUNT V. MARINELL HUNT

PFL20150770

Based on correspondence received by the court regarding the parties' mutual request to continue, this matter is continued to April 24, 2025, at 8:30am in Department 5. The court reserves jurisdiction on attorney's fees and sanctions.

TENTATIVE RULING #2: THIS MATTER IS CONTINUED TO APRIL 24, 2025 AT 8:30AM IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION ON THE REQUEST FOR ATTORNEY'S FEES.

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. DCSS V. CHAD MCCRACKEN (OTHER PARTY: YULIYA PALSSON) PFS20200179

Respondent filed a Request for Order (RFO) on August 13, 2024, seeking custody and visitation orders. The parties appeared before the court on October 31st for hearing on the RFO at which time the court made orders as to custody and visitation which included an order for Other Party to undergo an AOD assessment. A review hearing was set for the present date for receipt of the AOD assessment and to address the status of visits.

The Supplemental Declaration of Respondent was filed on January 23, 2025. It was served on Other Party and on DCSS on January 22nd.

Respondent is requesting permanent sole legal and sole physical custody of the minor with Other Party to have professionally supervised visits on a set schedule. He asks that the court enforce its prior ETG testing order and to prohibit Petitioner from using Sutter Labs or any other sister company for ETG testing. Finally, he asks that the court enforce its Talking-Parents order and order that Other Parent's partner Harrold shall not interfere or communicate with Respondent.

Other Parent filed a late Reply on February 3, 2025. Only Respondent was served. Other Parent requests the court consider the late Reply in the interest of justice, as Other Parent's counsel was ill the week of January 27th and unable to prepare the Reply timely. The court does find good cause to consider the Reply Declaration despite its lateness and the failure to serve DCSS.

The court has reviewed the filings as stated above and finds the following to be in the best interests of the minor. The parties are ordered to continue sharing joint legal custody. Respondent shall continue to have temporary sole physical custody of the minor. Other Parent shall continue to have non-professionally supervised visits twice per week. Visits shall be on Tuesdays and Thursdays from 3:30-5:30. The non-professional supervisor is not authorized to end a visit early. Other Parent may also propose non-professional supervisors. Any selected non-professional supervisors must complete and file the FL-324-NP form with the court. Other Parent shall test via SoberLink under the same provisions that were previously ordered for the instant tests. Other Parent shall be responsible for the costs of the SoberLink testing. If Other Parent fails to timely test or if the test is positive, the visit shall be cancelled and there will be no make-up visit. The court is reiterating its prior order regarding Talking Parents. Communication regarding the minor shall take place between the parties only. Other Parent shall not allow her partner Harrold to use Talking Parents to contact Respondent.

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

TENTATIVE RULING #3: THE COURT FINDS THE FOLLOWING TO BE IN THE BEST INTERESTS OF THE MINOR. THE PARTIES ARE ORDERED TO CONTINUE SHARING JOINT LEGAL CUSTODY. RESPONDENT SHALL CONTINUE TO HAVE TEMPORARY SOLE PHYSICAL CUSTODY OF THE MINOR. OTHER PARENT SHALL CONTINUE TO HAVE NON-PROFESSIONALLY SUPERVISED VISITS TWICE PER WEEK. VISITS SHALL BE ON TUESDAYS AND THURSDAYS FROM 3:30-5:30. THE NON-PROFESSIONAL SUPERVISOR IS NOT AUTHORIZED TO END A VISIT EARLY. OTHER PARENT MAY ALSO PROPOSE NON-PROFESSIONAL SUPERVISORS. ANY SELECTED NON-PROFESSIONAL SUPERVISORS MUST COMPLETE AND FILE THE FL-324-NP FORM WITH THE COURT. OTHER PARENT SHALL TEST VIA SOBERLINK UNDER THE SAME PROVISIONS THAT WERE PREVIOUSLY ORDERED FOR THE INSTANT TESTS. OTHER PARENT SHALL BE RESPONSIBLE FOR THE COSTS OF THE SOBERLINK TESTING. IF OTHER PARENT FAILS TO TIMELY TEST OR IF THE TEST IS POSITIVE, THE VISIT SHALL BE CANCELLED AND THERE WILL BE NO MAKE-UP VISIT. THE COURT IS REITERATING ITS PRIOR ORDER REGARDING TALKING PARENTS. COMMUNICATION REGARDING THE MINOR SHALL TAKE PLACE BETWEEN THE PARTIES ONLY. OTHER PARENT SHALL NOT ALLOW HER PARTNER HARROLD TO USE TALKING PARENTS TO CONTACT RESPONDENT.

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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4. JEAN GASTALDI V. MICHAEL GASTALDI

23FL0159

On August 1, 2024, Petitioner filed a Request for Order (RFO) seeking an order compelling discovery responses. She filed a Memorandum of Points and Authorities and Petitioner's Separate Statement Regarding Discovery Responses; all of the aforementioned were mail served on August 2nd.

Respondent filed an RFO on August 6th seeking spousal support, property control and various additional orders. He filed a Declaration of Respondent, a Memorandum of Points and Authorities, and a Declaration of Lilka B. Martinez. All documents were electronically served on August 10th.

Petitioner filed and served her Responsive Declaration to Request for Order on October 18th. Respondent has not filed a Responsive Declaration to Request for Order.

On December 13, 2025, the parties filed, and the court signed, a Judgment of Dissolution. Given that it appears the judgment resolves all issues, the court finds the pending RFOs to be moot therefore this matter is dropped from calendar.

TENTATIVE RULING #4: THE COURT FINDS THE PENDING RFOS TO BE MOOT AND THEREFORE THIS MATTER IS DROPPED FROM CALENDAR.

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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5. JILL LEANNE ALIOTO V. JOSEPH ALDO ALIOTO

23FL1060

Petitioner filed a Request for Order (RFO) on October 21, 2024, along with several supporting declarations. There is no Proof of Service for these documents in the court's file. However, on January 23, 2025, Respondent filed his Responsive Declaration to Request for Order thereby waiving any objection based on service. The Responsive Declaration was served on January 22nd. Petitioner has not filed a Reply.

Petitioner is requesting the following orders: (1) A status only judgment; (2) Sever the issue of retirement plan division; (3) Division of the retirement plans per the Time Rule; (4) Arrears determination as to unreimbursed childcare expenses; (5) Arrears determination as to unreimbursed child medical expenses; (6) Attorney's fees and costs in the amount of \$4,060; and (7) Sanctions pursuant to Family Code § 271 in the amount of \$4,000.

Respondent agrees to a status only judgment, however he is not in agreement with the requests made in Petitioner's FL-315. He agrees to bifurcate and divide the retirement plans pursuant to the Time Rule and use Moon, Schwartz, and Madden to do so. He asks that each party bear their own attorney's fees and costs. Additionally, he requests \$2,500 in sanctions pursuant to Family Code § 271 for having to defend this motion as Petitioner did not make any efforts to meet and confer prior to filing. Respondent further argues that the childcare and medical expense reimbursements have already been paid.

The RFO is denied in its entirety as the above referenced case number 23FL1060 is a domestic violence matter. The RFO should have been filed under the dissolution matter with case number 23FL1208.

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

TENTATIVE RULING #5: THE RFO IS DENIED IN ITS ENTIRETY AS THE ABOVE REFERENCED CASE NUMBER 23FL1060 IS A DOMESTIC VIOLENCE MATTER. THE RFO SHOULD HAVE BEEN FILED UNDER THE DISSOLUTION MATTER WITH CASE NUMBER 23FL1208. 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

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6. LETICIA BROWN V. JEFFREY BROWN

PFL20170091

On October 30, 2024, Respondent filed a Request for Order (RFO) seeking to set aside the judgment entered on October 31, 2023 and the Marital Settlement Agreement (MSA) on which the judgment was based. The RFO was served along with all other required documents on November 4th.

Petitioner filed her Responsive Declaration to Request for Order on January 24, 2025. It was served the day prior on January 23rd. Respondent has not filed a Reply Declaration.

Respondent brings his RFO requesting the court set aside the judgment entered on October 31, 2023 and the corresponding MSA or, in the alternative set aside only the portion thereof regarding the equalization payment which Respondent agreed to pay Petitioner. He also requests attorney's fees in the amount of \$5,000 and translator fees in the amount of \$1,180. This request is brought on the basis that Petitioner failed to disclose the value of the Mexico properties prior to the signing of the MSA.

Petitioner opposes and objects to the motion. She notes that the motion does not provide any newly discovered issues since judgment and the signing of the MSA. She states that the value of the Mexico properties was taken into consideration when the parties reached their final agreement.

The parties are ordered to appear to present argument.

TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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7. MONICA MCGOWAN V. SHANE MCGOWAN

PFL20100421

Petitioner filed a Request for Order (RFO) and Order Shortening Time (OST) on August 28, 2024 seeking modification of the current custody and parenting plan orders, for two of the minors. Respondent filed his own RFO on September 3, 2024, likewise, seeking modification of child custody and parenting plan orders, for the eldest minor. The parties appeared before the court for hearing on both RFOs on October 31, 2024, at which time the court made a variety of orders regarding custody and visitation. A review hearing was set for the present date.

Petitioner's Supplemental Declaration Re Parenting and Counseling was filed and served on January 27, 2025. Respondent filed a Reply Declaration on January 30th.

Petitioner is requesting the court modify the current parenting schedule to Saturday and Sunday on alternating weekends with no overnights. She also requests the ability to unilaterally enroll the children in events at times when Respondent does not respond within 48 hours.

Respondent is requesting more time to secure an individual therapist with greater availability for Joel. He is also requesting that Noelle be allowed to do individual counseling with her previous therapist Stephanie Christle.

The court has reviewed the filings as outlined above and finds the following orders to be in the best interests of the minors. All prior orders regarding custody and visitation remain in the best interests of the minors.

Regarding legal custody, the parties are to continue sharing in legal custody of the minors. The parties are ordered to respond to messages regarding issues of legal custody within 72 hours of the time the message is sent. Failure to respond shall give the requesting party final decision-making authority on the request.

The minor Noelle shall commence individual counseling with Stephanie Christle forthwith. Therapy shall be at a frequency and duration as recommended by Ms. Christle.

Regarding the minor Joel, the parties are to continue using the lists previously exchanged to mutually agree upon a therapist for Joel no later than March 6, 2025.

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.

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TENTATIVE RULING #7: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE FOLLOWING ORDERS TO BE IN THE BEST INTERESTS OF THE MINORS. ALL PRIOR ORDERS REGARDING CUSTODY AND VISITATION REMAIN IN THE BEST INTERESTS OF THE MINORS.

REGARDING LEGAL CUSTODY, THE PARTIES ARE TO CONTINUE SHARING IN LEGAL CUSTODY OF THE MINORS. THE PARTIES ARE ORDERED TO RESPOND TO MESSAGES REGARDING ISSUES OF LEGAL CUSTODY WITHIN 72 HOURS OF THE TIME THE MESSAGE IS SENT. FAILURE TO RESPOND SHALL GIVE THE REQUESTING PARTY FINAL DECISION-MAKING AUTHORITY ON THE REQUEST.

THE MINOR NOELLE SHALL COMMENCE INDIVIDUAL COUNSELING WITH STEPHANIE CHRISTLE FORTHWITH. THERAPY SHALL BE AT A FREQUENCY AND DURATION AS RECOMMENDED BY MS. CHRISTLE.

REGARDING THE MINOR JOEL, THE PARTIES ARE TO CONTINUE USING THE LISTS PREVIOUSLY EXCHANGED TO MUTUALLY AGREE UPON A THERAPIST FOR JOEL NO LATER THAN MARCH 6, 2025.

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.

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8. N. TRUXLER V. C. TRUXLER

23FL0639

Petitioner filed a Request for Order (RFO) on November 1, 2024. The RFO and all supporting and required documents were served the same day. Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on January 23, 2025. They were both served on the 22nd.

Petitioner is requesting an order directing Respondent to comply with the stipulation dated May 7, 2024 and sanctions pursuant to Family Code § 271. She also asks for \$7,500 in Section 2030 attorney's fees and a modification of child support. She asks that the court impute fair rental income to Respondent in the amount of \$6,022.

Respondent is requesting guideline child support to be paid from Petitioner to Respondent. He asks that the court deny Petitioner's request for attorney's fees and her request for sanctions. Instead, he asks that Petitioner be sanctioned in the amount of \$3,500 pursuant to Civil Procedure § 128.5. Finally, he requests an order directing Petitioner to comply with the May 7, 2024 orders and hire Moon, Schwartz, and Madden to divide the retirement accounts and meet with Neil Forester to mediate the holiday schedule.

Each party's request to modify child support is denied. The court finds that the prior imputation of income to Petitioner was proper. Even though Respondent claims that he no longer has income, the court sees no reason that Respondent should not be imputed with income in the amount commensurate with his prior income. As such, the support orders as previously calculated remain in full force and effect.

Both parties are admonished to comply with the court's prior orders. Failure to do so may result in monetary sanctions or an order to show cause. That said, the court finds both parties' actions to be sanctionable therefore, neither request for sanctions is being granted as the awards would effectively cancel each other out.

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

TENTATIVE RULING #8: THE SUPPORT ORDERS AS PREVIOUSLY CALCULATED REMAIN IN FULL FORCE AND EFFECT. BOTH PARTIES ARE ADMONISHED TO COMPLY WITH THE COURT'S PRIOR ORDERS. FAILURE TO DO SO MAY RESULT IN MONETARY SANCTIONS OR AN ORDER TO SHOW CAUSE. THE COURT FINDS BOTH PARTIES' ACTIONS TO BE SANCTIONABLE THEREFORE, NEITHER REQUEST FOR SANCTIONS IS BEING GRANTED

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AS THE AWARDS WOULD EFFECTIVELY CANCEL EACH OTHER OUT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

9. RICHARD FRIEND V. MELISSA COSENS

PFL20180670

On October 24, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. This is a post-judgment request, therefore the RFO and all other required documents were personally served on November 24th.

Petitioner filed and served a Responsive Declaration to Request for Order on January 16, 2025.

Respondent is requesting the following custody and visitation orders: (1) One week notice given to the non-custodial parent when the child travels outside of the tri-county area; (2) If the child is left in the custody of a third-party, custodial parent must notify them of the joint legal custody orders and how the non-custodial parent must be consulted prior to legal decisions being made; (3) If Petitioner works nights during his custodial time, he must offer Respondent the right to have custody of the child overnight; (4) Custodial parent shall get consent from the non-custodial parent to take the child out of school for any unexcused purposes; (5) The parties shall place parental controls on any cell phone which the minor has access to/unsupervised use of; (6) Petitioner may not make medical decisions for the child without Respondent's prior consent pursuant to the joint legal custody orders; and (7) the child is to resume therapy with her former therapist, Gail. She also asks that the parties be ordered to continue participating in individual therapy and that Petitioner be admonished for failing to abide but the current right of first refusal orders.

Petitioner agrees that the parties are to each continue in individual therapy as deemed necessary. He further agrees with the request regarding unexcused absences from school and he agrees to the minor attending therapy with her prior therapist. He states that he no longer works overnights and therefore any order regarding overnights is not necessary. He is opposing all other requests being made by Respondent. Additionally, he is requesting the visitation schedule be changed from a 3-3-4-4 to a 2-2-5-5 or a week-on/week-off schedule. He asks that the minor be allowed to have access to her cell phone and to contact Petitioner at her discretion during Respondent's parenting time. Petitioner agrees to do the same for Respondent. Petitioner requests the court remind Respondent of the non-disparagement orders. Finally, Petitioner is requesting to be referred to Child Custody Recommending Counseling (CCRC).

The parties were referred to CCRC when the RFO was filed, however Respondent did not serve Petitioner with the RFO and the CCRC referral until after the date of the CCRC appointment. As such, the parties are referred to CCRC with an appointment on 2/27/25 at

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9:00 AM with Norman Labat. A review hearing is set for 4/24/25 at 1:30 PM in department 5. This matter is continued to join with the CCRC review hearing. The parties are ordered to file Supplemental Declarations, if any, no later than 10 days prior to the next hearing date.

TENTATIVE RULING #9: THE PARTIES ARE REFERRED TO CCRC WITH AN APPOINTMENT ON 2/27/25 AT 9:00 WITH NORMAN LABAT. A REVIEW HEARING IS SET FOR 4/24/25 AT 1:30 PM IN DEPARTMENT 5. THIS MATTER IS CONTINUED TO JOIN WITH THE CCRC REVIEW HEARING. THE PARTIES ARE ORDERED TO FILE SUPPLEMENTAL DECLARATIONS, IF ANY, NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE.

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. SHAWNTE FLEMING V. ANDRE FLEMING

22FL0216

Petitioner filed a Request for Order (RFO) on October 30, 2024. There is no Proof of Service for this document or any of the other required documents. Nevertheless, Respondent filed and served a Responsive Declaration to Request for Order on January 21, 2025, thereby waiving any defect in service. On January 23rd, Respondent filed a Supplemental Declaration. Petitioner has not filed a Reply.

Petitioner filed an RFO seeking to have the marital residence listed for sale forthwith. She requests an order that the parties equally split the proceeds. She also asks that Respondent be ordered to pay his share of the QDRO fees within 7 days and for Respondent to be ordered to pay \$4,060 in sanctions pursuant to Family Code § 271. She is requesting an additional \$5,000 in attorney's fees pursuant to Family Code § 2030.

Respondent opposes all of the requests. He indicates that he was not served with an FL-150, FL-319 or an FL-158. He also states that he has already paid his half of the QDRO fees and the Marital Settlement Agreement (MSA) does not require the refinance of the home.

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).

Here, Petitioner has not submitted an Income and Expense Declaration with her RFO, nor did she serve Respondent with one. As such, she has not made the requisite showing for Section 2030 attorney's fees and her request is denied.

The request for an order directing Respondent to pay his half of the QDRO fees is denied as moot since Respondent has established that he has already made the requested payment.

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Marital settlement agreements are “governed by the legal principles applicable to contracts generally.” In Re Marriage of Egedi, 88 Cal. App. 4th 17 (2001); Cal. Civ. Code §1638. “When interpreting contracts, the language used controls if it is clear and explicit.” Segal v. Silberstein, 156 Cal. App. 4th 627, 633 (2007).

Here, the MSA expressly states “Husband shall keep the marital home, 5 Bueno Court, Sacramento, CA *along with the mortgage and any liens on the home.*” MSA, pg. 11:13-16. To effectuate the agreement of the parties that Respondent is the only party “keeping” the mortgage, Petitioner’s name must be removed therefrom. As such, the only logical interpretation of this sentence is that the mortgage is to be refinanced. This interpretation is further bolstered as being the intent of the parties given Respondent’s repeated initial assertions that he was working on refinancing the home. In accordance with the terms of the MSA, Respondent is ordered to refinance the home no later than March 10, 2025. If he fails to do so, the home shall be sold forthwith.

Regarding splitting the proceeds of the home, the court is denying this request. The MSA awards the home entirely to Respondent. It also assigns him the entirety of the mortgage debt. If Respondent fails to assume that debt by removing Petitioner therefrom, then the remedy is to sell the home and pay off the mortgage. The court cannot, and will not, reassign ownership of the home where the parties have already agreed that Respondent is awarded the entirety of the home, especially when Petitioner has already been paid the agreed upon equalizing payment. As such, proceeds from the sale of the home (if any) are to go entirely to Respondent.

Petitioner has made a request for sanctions 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...” Fam. Code § 271(a). While the purpose of Section 271 is to impose a punitive sanction, the court is not to impose a sanction that would create an “unreasonable financial burden on the party against whom the sanction is imposed.” *Id.* The court does not find that Respondent’s actions were sufficiently egregious to rise to the level of sanctionable conduct at this time. However, continued refusal to comply with court orders may result in sanctions in the future should another motion be required. At this time however, the request for sanctions is denied.

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

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February 6, 2025

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

TENTATIVE RULING #10: PETITIONER'S REQUESTS FOR ATTORNEY'S FEES AND SANCTIONS ARE DENIED. RESPONDENT IS ORDERED TO REFINANCE THE HOME NO LATER THAN MARCH 10, 2025. IF HE FAILS TO DO SO, THE HOME SHALL BE SOLD FORTHWITH. PROCEEDS FROM THE SALE OF THE HOME, IF ANY, ARE TO GO ENTIRELY TO RESPONDENT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

11. BREANDEN KIMBRIEL V. CHELSEA CISCOE

24FL1124

Petitioner filed a Petition for Custody and Support on October 21, 2024. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make custody orders, as well as what appears to be a request for parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 2, 2024, and a review hearing on February 6, 2024. Upon review of the court file, it appears the Petition and Summons were properly served, along with the accompanying documents. There is no Proof of Service showing the RFO, referral to CCRC, or other necessary documents were properly served.

On January 9, 2025, Petitioner filed an ex parte application for emergency custody orders. Respondent filed a Responsive Declaration the same day. On January 10, 2025, the court denied Petitioner's request for emergency orders, as there were no exigent circumstances, and the parties were scheduled to appear on Petitioner's RFO on February 6th.

Both parties appeared for the CCRC appointment on December 2, 2024. The parties were unable to reach an agreement. Therefore, a report with recommendations was filed with the court on January 29, 2025. Copies were mailed to the parties on January 30th.

The court finds good cause to proceed with the RFO as Respondent appeared for CCRC and fully participated. Additionally, Respondent was notified of the hearing date, time, and location by way of the ex parte notes after hearing. The court has read and considered the filings as set forth above. The court finds the recommendations as set forth in the January 29th CCRC report to be in the best interest of the minors. The court adopts the recommendations as its orders.

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

TENTATIVE RULING #11: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE RFO AS RESPONDENT APPEARED FOR CCRC AND FULLY PARTICIPATED. ADDITIONALLY, RESPONDENT WAS NOTIFIED OF THE HEARING DATE, TIME, AND LOCATION BY WAY OF THE EX PARTE NOTES AFTER HEARING. THE COURT HAS READ AND CONSIDERED THE FILINGS AS SET FORTH ABOVE. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JANUARY 29TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

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 6, 2025

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

12. DANIEL TRUDEAU V. JOCELYN SAALMAN

PFL20130205

Petitioner filed a Request for Order (RFO) on November 14, 2024, requesting modification of the child custody orders. Parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 5, 2024, and a review hearing on February 6, 2025. Proof of Service shows Respondent was personally served with the RFO and referral to CCRC, along with the Remote Appearance forms, however, she was not served with a blank FL-320 or the Notice of Tentative Ruling. Service was effectuated on November 25, 2024.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report was filed with the court on December 6, 2024. Copies were mailed to the parties the same day. The court notes Respondent's copy of the CCRC report was returned as undeliverable.

The court orders parties to appear for the hearing.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

13. DCSS V. KEVIN CONNER (OTHER PARENT: BROOKE ROSEN) PFS20140211

Other Parent filed a Request for Order (RFO) on August 14, 2024, requesting modification of child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on October 2, 2024, and a review hearing on November 21st. Proof of Service shows Respondent was personally served on August 24, 2024. The Proof of Service does not show Respondent was served with a blank FL-320 as required. There is no Proof of Service showing Petitioner was served.

Only Other Parent appeared for the CCRC appointment. As such a single parent report without recommendations was filed with the court on October 15, 2024 and mailed to the parties on October 17, 2024.

On November 21, 2024, both Respondent and Other Parent appeared for the hearing. The court found good cause to rerefer the parties to CCRC with an appointment on December 16, 2024 and a further review hearing. The court directed Other Parent to effectuate service on DCSS. The court also advised parties that Supplemental Declarations are to be filed and served at least 10 days prior to the review hearing.

Upon review of the court file, there is a Proof of Service showing DCSS was personally served with all the required documents on December 16, 2024.

DCSS has not filed a Responsive Declaration.

Neither party has filed a Supplemental Declaration.

Parties participated in the CCRC appointment on December 16, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on January 30, 2024. The report was mailed to the parties on January 31st.

The court has read and considered the January 30th CCRC report and finds the recommendations 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. Other Parent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #13: THE COURT HAS READ AND CONSIDERED THE JANUARY 30TH CCRC REPORT AND FINDS THE RECOMMENDATIONS TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. ALL PRIOR

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

14. ERICA FERNANDEZ V. ROJELIO MARTINEZ

24FL0566

Respondent filed a Request for Order (RFO) seeking child and spousal support as well as attorney's fees, on October 23, 2024. Respondent concurrently filed a Declaration of Counsel in support of attorney's fees and an Income and Expense Declaration. Petitioner was electronically served on October 24, 2024.

On December 24, 2024, the parties submitted a stipulation to continue the hearing to February 6, 2025.

Petitioner filed a Responsive Declaration along with an Income and Expense Declaration on January 21, 2025. Respondent was electronically served on the same day.

Respondent is seeking guideline child and spousal support. Respondent is also seeking attorney's fees in the amount of \$10,000. Petitioner consents to the request for guideline child support, however, requests the court deny the request for spousal support as well as for attorney's fees, as there is currently a temporary domestic violence restraining order in place, protecting Petitioner from Respondent.

The court has read and considered the filings as outlined above. The court makes the following findings and orders. The court finds Respondent's Income and Expense Declaration to be out of date, as it was filed more than 90 days ago. The court notes the results of the domestic violence restraining order will impact the orders that can be made on Respondent's RFO. Given the outcome of the domestic violence restraining order is still pending, the court finds good cause to continue this matter to join with the hearing set for the restraining order on March 13, 2025, at 1:30 PM in Department 8. Respondent is directed to file an updated Income and Expense Declaration. The court reserves jurisdiction to retroactively modify both child and spousal support to the date of the filing of the RFO, October 23, 2024.

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 #14: THE COURT FINDS GOOD CAUSE TO CONTINUE THIS MATTER TO JOIN WITH THE HEARING SET FOR THE RESTRAINING ORDER ON MARCH 13, 2025 AT 1:30 PM IN DEPARTMENT 8. RESPONDENT IS DIRECTED TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION. THE COURT RESERVES JURISDICTION TO RETROACTIVELY MODIFY BOTH CHILD AND SPOUSAL SUPPORT TO THE DATE OF THE FILING OF THE RFO, OCTOBER 23, 2024. ALL PRIOR ORDERS NOT IN CONFLICT WITH

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

15. JUSTIN REEDY V. KAYLA MCKINNEY

PFL20180289

Despite the court ordering the case transferred to Placer County on October 30, 2024, on November 12, 2024, Respondent filed a Request for Order (RFO) seeking clarification of the October 30, 2024 orders. Petitioner was served on January 3, 2025. Respondent is seeking clarification of the non-school day exchange times.

Petitioner filed a Responsive Declaration on January 15, 2025. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

The court declines to hear this matter. The court ordered the case be transferred to Placer County on October 30, 2024. All exchange times are as set forth in the October 30th orders. All prior orders remain in full force and effect. Should Respondent seek a modification of the current orders, she should seek redress with the court in Placer County.

All prior orders remain in full force and effect.

TENTATIVE RULING #15: THE COURT DECLINES TO HEAR THIS MATTER. THE COURT ORDERED THE CASE BE TRANSFERRED TO PLACER COUNTY ON OCTOBER 30, 2024. ALL EXCHANGE TIMES ARE AS SET FORTH IN THE OCTOBER 30TH ORDERS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. SHOULD RESPONDENT SEEK A MODIFICATION OF THE CURRENT ORDERS, SHE SHOULD SEEK REDRESS WITH THE COURT IN PLACER COUNTY. 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 6, 2025

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

16. JUSTIN NEFF V. KAYLA LATIMER

22FL0990

Respondent filed a Request for Order (RFO) on November 8, 2024, requesting a modification of the child custody orders. Parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on December 5, 2024, and a review hearing on February 6, 2025. There is no Proof of Service showing Petitioner was properly served with the RFO.

Only Respondent appeared for the CCRC appointment. As such a single parent report with no recommendations was filed with the court on January 31, 2025. Copies were mailed to the parties the same day.

The matter is dropped from calendar due to the lack of proper service.

TENTATIVE RULING #16: 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

February 6, 2025

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

17. KATHY DITRICH V. DANIEL DITRICH

PFL20210547

Petitioner filed a Request for Order (RFO) on November 7, 2024, seeking adjudication of unadjudicated property, as well as enforcement of the judgment. Respondent was personally served on December 19, 2024.

Respondent filed a Responsive Declaration on January 7, 2025. Petitioner was mail and electronically served on January 7th.

The court notes there is currently a hearing pending on the enforcement of the judgment on March 20, 2025. On its own motion, for judicial economy, the court finds good cause to continue Petitioner's RFO to join with the hearing currently set for March 20, 2025, at 8:30 AM in Department 5.

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

TENTATIVE RULING #17: ON ITS OWN MOTION, FOR JUDICIAL ECONOMY, THE COURT FINDS GOOD CAUSE TO CONTINUE PETITIONER'S RFO TO JOIN WITH THE HEARING CURRENTLY SET FOR MARCH 20, 2025, AT 8:30 AM IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 6, 2025

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

19. YEVAENIY ROKHIN V. JUNGHYUN CHO

22FL0202

On October 31, 2024, parties appeared for a hearing on Respondent's and Petitioner's Requests for Orders (RFOs). The parties reached several agreements, including that the court adopt the agreements reached at Child Custody Recommending Counseling (CCRC), with the exception of the parenting plan. The court agreed that Ekaterina shall continue with counseling services at UC Davis. Further they agreed that the minors would be interviewed by the CCRC counselor. In addition to other agreements, the parties agreed to a review hearing in early 2025.

The court adopted the parties' agreement, with the additional order that the parties utilize a week on/week off parenting plan. The court referred the minors to be interviewed by the CCRC counselor. The court set a review hearing the present date. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the hearing.

All three minors were interviewed by the CCRC counselor. A report with her observations was filed with the court on January 14, 2025 and mailed to the parties the same day.

Upon review of the court file, neither party has filed a Supplemental Declaration.

The court has reviewed and considered the CCRC update. The court finds the current orders remain in the minors' best interests. The court maintains the current orders in full force and effect.

All prior orders remain in full force and effect.

TENTATIVE RULING #19: 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.