

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

1. ADAM MINOR V. MELINA SCHIFF

23FL0434

On December 27, 2024, Respondent filed a Request for Order (RFO) seeking orders regarding enrollment of the minor in daycare and a request for an order shortening time to be heard (OST). Petitioner filed his Responsive Declaration to Request for Order on December 26, 2024. The RFO and all other required documents were mail served on December 30th.

The OST was granted, and the minor was allowed to be enrolled in a daycare of Respondent's choosing on a temporary basis pending further hearing. A regularly set hearing was scheduled for the present date.

Respondent's Supplemental Declaration was filed and served on March 4, 2025. Petitioner filed a Declaration on March 14th, however there is no Proof of Service for this document therefore the court cannot consider it.

Respondent is requesting to enroll the minor or allow the minor to continue her enrollment in Apples & Berries daycare. Petitioner opposes the request and asks that the court order Respondent to look at additional options or, to switch the visitation schedule.

After reviewing the filings as outlined above, the court does find it to be in the minor's best interest for her to continue her attendance at Apples & Berries.

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

TENTATIVE RULING #1: THE MINOR SHALL CONTINUE TO BE ENROLLED IN APPLES & BERRIES DAYCARE. 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

March 20, 2025

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

2. CARRIE BRASS V. BRIAN BRASS

23FL0652

On December 27, 2024, Respondent filed a Request for Order (RFO) seeking to set aside the court's December 5th orders. It was mail served on January 3, 2025. Petitioner filed and served a Responsive Declaration to Request for Order on March 7th.

Respondent requests the court set aside its ruling of December 5, 2024 on the basis that the court misfiled his Responsive Declaration to Request for Order under the wrong matter and he inadvertently did not know the court issued two separate tentative rulings therefore, he did not catch the mistake prior to the tentative ruling becoming final.

Petitioner asks that the request be denied. She argues that Respondent was aware of the tentative rulings when counsel called and spoke with him. He was also made aware upon signing the FOAHs. She argues that Respondent cannot establish any different facts, circumstances, or law that would support reconsideration of the order. She notes that even if the Responsive Declaration had been filed in the correct case number, the Proof of Service actually had the incorrect case number on it. As such there would have been no Proof of Service in the correct case and the court would not have considered the declaration anyway.

Civil Procedure Section 473(b) governs the circumstances in which a party may be relieved of the terms of a judgment, dismissal, order or other proceeding in instances of mistake, inadvertence or excusable neglect. Cal. Civ. Pro. § 473(b). With the exception of default set asides, setting aside a court order under Section 473(b) is discretionary. See Garcia v. Hejmadi, 58 Cal. App. 4th 674 (1997). Here, the court finds no grounds to set aside its December 5th order as doing so would not further the interests of justice. First and foremost, Petitioner is correct, there is no Proof of Service for the Responsive Declaration that contains the lead case number 23FL0652. As such, even if the Responsive Declaration had been filed in the correct case, it would not have been considered by the court without a corresponding Proof of Service. Second, Respondent did not file an Income and Expense Declaration in either case number. As such, the court would have utilized the estimated income given by Petitioner to calculate support and attorney's fees regardless of whether or not the Responsive Declaration had been filed and considered. For the foregoing reasons, the court finds the mistake cited by Respondent to be non-material and therefore, the request to set aside is denied.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

TENTATIVE RULING #2: THE MOTION TO SET ASIDE THE COURT'S DECEMBER 5, 2024 ORDER IS DENIED. 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

March 20, 2025

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

3. CHERYL BENTON V. RANDALL BENTON

24FL1158

On December 19, 2024, Petitioner filed a Request for Order (RFO) seeking spousal support and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. Both documents were mail served on January 14, 2025.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on March 4th.

Petitioner's Reply Declaration to Request for Order was filed and served on March 17th.

Petitioner brings her RFO requesting guideline spousal support. She also requests attorney's fees in the amount of \$25,000. Respondent opposes both requests, however he does agree to a below guideline support payment. He states that he has been paying \$1,000 a month for support and asks that that amount be credited against arrears.

Utilizing the figures as outlined in the attached DissoMaster Report, the court finds that spousal support per the Alameda formula is \$1,134 per month. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$1,134 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of January 1, 2025.

The court finds the above order results in arrears in the amount of \$3,402 through and including March 1, 2025. Subtracting therefrom \$3,000 as a credit for the amount of voluntary support paid during that time (\$1,000 per month for three months), the remaining arrears amount is \$402. The court orders Respondent pay Petitioner \$402 no later than April 15, 2025. If the payment is late or missed it will begin to accrue legal interest.

Regarding the request for attorney's fees, the request is granted in part. 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. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *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).

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

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. Here, while the court does find there to be a disparity in income and the court finds that Respondent does have an ability to pay the attorney's fees of both parties, the court does not find the request for \$25,000 to be reasonable at this juncture. Given that this matter is admittedly not extremely complex and given that as of her filing Petitioner has only paid her attorney \$5,627, the court is awarding only \$10,000 as and for attorney's fees. Respondent is ordered to pay \$10,000 as and for attorney's fees and costs. Payments are to be made directly to Petitioner's attorney and shall be made in monthly increments of \$500 commencing on April 15th and continuing until paid in full (approximately 20 months). If any payment is late or missed, the entire amount shall become immediately due and payable.

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

TENTATIVE RULING #3: UTILIZING THE FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,134 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,134 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF JANUARY 1, 2025.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$3,402 THROUGH AND INCLUDING MARCH 1, 2025. SUBTRACTING THEREFROM \$3,000 AS A CREDIT FOR THE AMOUNT OF VOLUNTARY SUPPORT PAID DURING THAT TIME (\$1,000 PER MONTH FOR THREE MONTHS), THE REMAINING ARREARS AMOUNT IS \$402. THE COURT ORDERS RESPONDENT PAY PETITIONER \$402 NO LATER THAN APRIL 15, 2025. IF THE PAYMENT IS LATE OR MISSED IT WILL BEGIN TO ACCRUE LEGAL INTEREST.

REGARDING THE REQUEST FOR ATTORNEY'S FEES, THE REQUEST IS GRANTED IN PART. RESPONDENT IS ORDERED TO PAY \$10,000 AS AND FOR ATTORNEY'S FEES AND COSTS. PAYMENTS ARE TO BE MADE DIRECTLY TO PETITIONER'S ATTORNEY AND MAY BE MADE IN MONTHLY INCREMENTS OF \$500 COMMENCING ON APRIL 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 20 MONTHS). IF ANY PAYMENT IS LATE OR MISSED, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

PETITIONER SHALL PREPARE AND FILE THE FININGS 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.

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Father	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2025, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2025)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with Second Parent	20%	0%	Father	5,362 Payment (cost)/benefit	(1,043)	1,134
Filing status	Single	HH/MLA	Mother	2,026 Net spendable income	4,227	3,160
# Federal exemptions	1*	2*	Total	7,388 % combined spendable	57.2%	42.8%
Wages + salary	0	0	Support (Nondeductible)	Total taxes	850	0
401(k) employee contrib	0	0	Presumed	blocked Comb. net spendable	7,388	
Self-employment income	0	0	Basic CS	blocked Proposed		
Other taxable income	6,388	2,026	Add-ons	blocked Payment (cost)/benefit	(1,131)	1,223
Short-term cap. gains	0	0	SS Payor	Father Net spendable income	4,346	3,237
Long-term cap. gains	0	0	Alameda	1,134 NSI change from gdl	119	77
Other gains (and losses)	0	0	Total	1,134 % combined spendable	57.3%	42.7%
Ordinary dividends	0	0	Proposed, tactic 9	% of saving over gdl	60.7%	39.3%
Tax. interest received	0	0	Presumed	blocked Total taxes	638	17
Social Security received	0	0	Basic CS	blocked Comb. net spendable	7,582	
Unemployment compensation	0	0	Add-ons	blocked Percent change	2.6%	
Operating losses	0	0	SS Payor	Father Default Case Settings		
Ca. operating loss adj.	0	0	Alameda	1,228		
Roy, partnerships, S corp, trusts	0	0	Total	1,228		
Rental income	0	0	Savings	195		
Misc ordinary tax. inc.	6,388	2,026	Mother	118		
Other nontaxable income	0	0	Father	77		
New-spouse income	0	0	Total releases to Father	1		
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	176	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

4. DAVID KNIGHT V. AUBREY KNIGHT

23FL0654

On December 19, 2024, Respondent filed a Request for Order (RFO) seeking support orders, attorney's fees, property control, and a trial on the issue of separation date. She filed her Income and Expense Declaration concurrently therewith. The RFO and all other required documents were mail served on January 14, 2025. Petitioner has not filed a Responsive Declaration to Request for Order or an Income and Expense Declaration.

Where a party fails to timely file opposition papers, the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO was timely and properly served on Petitioner. He had notice of the pending request and chose not to file an opposition to the RFO. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

The court has reviewed Petitioner's filings and makes the following orders. Utilizing the same figures as outlined in Exhibit B attached to the Declaration of Respondent, Aubrey Knight, in Support of Her Request for Orders, the court finds that child support is \$3,528 per month and spousal support per the Alameda formula is \$1,996 per month. The court adopts the DissoMaster report attached as Exhibit B attached to the Declaration of Respondent and orders Petitioner to pay Respondent \$5,524 per month as and for child support and temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This order is effective as of January 1, 2025.

The court finds the above order results in arrears in the amount of \$16,572 through and including March 1, 2025. The court orders Petitioner to pay Respondent \$920.67 on the 15th of each month commencing on April 15th and continuing until paid in full (approximately 18 months). If any payment is late or missed the remaining balance shall become immediately due and payable with legal interest.

The court further finds Respondent routinely earns bonus pay and therefore is adopting the bonus table attached as Exhibit B to the Declaration of Respondent, Aubrey Knight, in Support of Her Request for Orders. Respondent is to pay Petitioner a true up of any amounts earned above Petitioner's base monthly pay of \$16,773, no later than fourteen days from the date the payment is received. Petitioner shall provide Respondent with copies of his paystubs each month to account for all income earned.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

In addition to Petitioner's support obligations as ordered herein, the parties are ordered to split equally the costs of all childcare expenses related to employment or reasonably necessary for education or training for employment skills, and reasonable uninsured health care costs for the children. Payments for the foregoing child support additions shall be in accordance with the attached FL-192.

Respondent is granted sole and exclusive possession and property control of the real property located at 1354 Hamblin Way in Cool, CA as well as sole and exclusive use and possession of the 2016 Acura ILX. Respondent shall pay the mortgage on the home and the automobile loan contingent on Petitioner's timely payment of support. Should Petitioner wish to timely pay these debts directly, he may do so and deduct the amounts from his monthly support obligation. Additionally, Petitioner is ordered to obtain insurance on the 2016 Acura ILX forthwith, if it is not already insured. Petitioner is ordered to timely pay and maintain insurance coverage on the vehicle. Such insurance payments are subject to reallocation.

The request to bifurcate the issue of the date of separation is granted. The parties are ordered to appear to select trial and MSC dates.

Regarding attorney's fees, the court is awarding \$15,000 as and for attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$1,250 commencing on April 1, 2025 and continuing until paid in full. If any payment is missed or late, the entire amount shall become immediately due and payable with legal interest.

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

TENTATIVE RULING #4: UTILIZING THE SAME FIGURES AS OUTLINED IN EXHIBIT B ATTACHED TO THE DECLARATION OF RESPONDENT, AUBREY KNIGHT, IN SUPPORT OF HER REQUEST FOR ORDERS, THE COURT FINDS THAT CHILD SUPPORT IS \$3,528 PER MONTH AND SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,996 PER MONTH. THE COURT ADOPTS THE DISSOMASTER REPORT ATTACHED AS EXHIBIT B ATTACHED TO THE DECLARATION OF RESPONDENT AND ORDERS PETITIONER TO PAY RESPONDENT \$5,524 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF JANUARY 1, 2025.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$16,572 THROUGH AND INCLUDING MARCH 1, 2025. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$920.67 ON THE 15TH OF EACH MONTH COMMENCING ON APRIL 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 18 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS BONUS PAY AND THEREFORE IS ADOPTING THE BONUS TABLE ATTACHED AS EXHIBIT B ATTACHED TO THE DECLARATION OF RESPONDENT, AUBREY KNIGHT, IN SUPPORT OF HER REQUEST FOR ORDERS. RESPONDENT IS TO PAY PETITIONER A TRUE UP OF ANY AMOUNTS EARNED ABOVE PETITIONER'S BASE MONTHLY PAY OF \$16,773, NO LATER THAN FOURTEEN DAYS FROM THE DATE THE PAYMENT IS RECEIVED. PETITIONER SHALL PROVIDE RESPONDENT WITH COPIES OF HIS PAYSTUBS EACH MONTH TO ACCOUNT FOR ALL INCOME EARNED.

IN ADDITION TO PETITIONER'S SUPPORT OBLIGATIONS AS ORDERED HEREIN, THE PARTIES ARE ORDERED TO SPLIT EQUALLY THE COSTS OF ALL CHILDCARE EXPENSES RELATED TO EMPLOYMENT OR REASONABLY NECESSARY FOR EDUCATION OR TRAINING FOR EMPLOYMENT SKILLS, AND REASONABLE UNINSURED HEALTH CARE COSTS FOR THE CHILDREN. PAYMENTS FOR THE FOREGOING CHILD SUPPORT ADD ONS SHALL BE IN ACCORDANCE WITH THE ATTACHED FL-192.

RESPONDENT IS GRANTED SOLE AND EXCLUSIVE POSSESSION AND PROPERTY CONTROL OF THE REAL PROPERTY LOCATED AT 1354 HAMBLIN WAY IN COOL, CA AS WELL AS SOLE AND EXCLUSIVE USE AND POSSESSION OF THE 2016 ACURA ILX. RESPONDENT SHALL PAY THE MORTGAGE ON THE HOME AND THE AUTOMOBILE LOAN CONTINGENT ON PETITIONER'S TIMELY PAYMENT OF SUPPORT. SHOULD PETITIONER WISH TO TIMELY PAY THESE DEBTS DIRECTLY, HE MAY DO SO AND DEDUCT THE AMOUNTS FROM HIS MONTHLY SUPPORT OBLIGATION. ADDITIONALLY, PETITIONER IS ORDERED TO OBTAIN INSURANCE ON THE 2016 ACURA ILX FORTHWITH, IF IT IS NOT ALREADY INSURED. PETITIONER IS ORDERED TO TIMELY PAY AND MAINTAIN INSURANCE COVERAGE ON THE VEHICLE. SUCH INSURANCE PAYMENTS ARE SUBJECT TO REALLOCATION.

THE REQUEST TO BIFURCATE THE ISSUE OF THE DATE OF SEPARATION IS GRANTED. THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MSC DATES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

REGARDING ATTORNEY'S FEES, THE COURT IS AWARDING \$15,000 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$1,250 COMMENCING ON APRIL 1, 2025 AND CONTINUING UNTIL PAID IN FULL. IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

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.

ATTORNEY (NAME AND ADDRESS): Jason P. Hopper, C.F.L.S. Hopper Hopper Strebe LLP 555 Capitol Mall, Suite 480 Sacramento, California 95814	TELEPHONE NO: 916-839-7135	Superior Court Of The State of California, County of El Dorado COURT NAME: El Dorado Superior Court STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Aubrey N. Knight		
DISSOMASTER REPORT 2025, Monthly		CASE NUMBER: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">23FL0645</div>

Input Data	David C.	Aubrey N.	Guideline (2025)	Cash Flow Analysis	David C.	Aubrey N.
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	25%	0%	David C. Knight	11,981	Payment (cost)/benefit	(5,524) 5,524
Filing status	MFJ->	<-MFJ	Aubrey N. Knight	1,951	Net spendable income	6,457 7,475
# Federal exemptions	1*	3*	Total	13,932	% combined spendable	46.3% 53.7%
Wages + salary	16,773	2,600	Support (Nondeductible)		Total taxes	4,035 649
401(k) employee contrib	0	0	CS Payor	David C.	Comb. net spendable	13,932
Self-employment income	0	0		Knight	Proposed	
Other taxable income	0	0	Presumed	3,528	Payment (cost)/benefit	(5,524) 5,524
Short-term cap. gains	0	0	Basic CS	3,528	Net spendable income	6,457 7,475
Long-term cap. gains	0	0	Add-ons	0	NSI change from gdl	0 0
Other gains (and losses)	0	0	Presumed Per Kid		% combined spendable	46.3% 53.7%
Ordinary dividends	0	0	Devin	1,339	% of saving over gdl	0% 0%
Tax. interest received	0	0	Jayde	2,189	Total taxes	4,035 649
Social Security received	0	0	SS Payor	David C.	Comb. net spendable	13,932
Unemployment compensation	0	0	El Dorado	Knight	Percent change	0.0%
Operating losses	0	0	Total	1,996		
Ca. operating loss adj.	0	0		5,524	1 Setting Changed	
Roy, partnerships, S corp, trusts	0	0	Proposed, tactic 9		Addons Calculation Method: Allocated Per	
Rental income	0	0	CS Payor	David C.	FC 4061(b)	
Misc ordinary tax. inc.	0	0	Presumed	Knight		
Other nontaxable income	0	0	Basic CS	3,528		
New-spouse income	0	0	Add-ons	0		
SS paid other marriage	0	0	Presumed Per Kid			
CS paid other relationship	0	0	Devin	1,339		
Adj. to income (ATI)	0	0	Jayde	2,189		
9.3% elective PTE payment	0	0	SS Payor	David C.		
Ptr Support Pd. other P'ships	0	0	El Dorado	Knight		
Health insurance	757	0	Total	1,996		
Qual. Bus. Inc. Ded.	0	0		5,524		
Itemized deductions	2,631	0	Savings	0		
Other medical expenses	0	0	Mother	0		
Property tax expenses	966	0	Father	0		
Ded. interest expense	1,665	0	No releases			
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
 - a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
 - b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
 - c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
 - d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
 - e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a parent's earning ability.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* or
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* or
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form. The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees* and
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your proof of income for the past two months (like your paycheck stubs). The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing* and
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

1. Child support. As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

2. Past confinement. Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

3. Timing. The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

a. If released before January 1, 2024, child support automatically restarts the first day of the first full month after the parent is released.

b. If released after January 1, 2024, child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

4. More info. For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>.

You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

Print this form

Save this form

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

5. KATHY DITRICH V. DANIEL DITRICH

PFL20210547

On September 26, 2024, Respondent filed and served a Request for Order (RFO) seeking to enforce the judgment and recover attorney's fees. He filed an Income and Expense Declaration concurrently therewith.

Petitioner filed an 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 and served a Responsive Declaration to Request for Order on January 7, 2025. He filed an Income and Expense Declaration on January 22nd. The Income and Expense Declaration indicates that it was served on January 22nd along with a Responsive Declaration to Request for Order. It is unclear if the responsive declaration is the same one that was already filed and served on January 7th or if there is a second responsive declaration of Respondent.

Petitioner filed a Responsive Declaration to Request for Order on February 26th. It was mail served on March 1st however the Proof of Service was signed on February 28th therefore, the court is concerned with the veracity of this document.

Judgment was entered on June 13, 2024, which, in pertinent part, requires Petitioner's retirement accounts to be divided by QDRO. According to Respondent, Moon, Schwartz, and Madden (MSM) has been retained to do the QDRO but Petitioner is refusing to comply. He asks for \$3,450 in attorney's fees and costs, and a payment of \$1,750 directly to MSM.

Petitioner also apparently seeks to enforce the June 13, 2024 judgment stating that deadlines need to be set. She also asks the court to adjudicate unadjudicated property issues, specifically property abandoned by Respondent, and an award to her for reimbursement, removal and repair costs in the amount of \$15,850.

Regarding Petitioner's request to adjudicate unadjudicated property, the request is denied. The court has reviewed the June 13, 2024, judgment and it does encompass all personal property of each of the parties. Respondent is ordered to retrieve his personal property from the marital residence no later than April 3, 2025. Respondent shall bear the cost of removal. The parties may arrange a civil standby to conduct the property removal. Any items of personal property remaining on the premises after April 3, 2025, may be sold or otherwise disposed of by Petitioner.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

Turning to the QDROs, the judgment is clear in that regard as well. Petitioner is ordered to comply with MSM and provide them any documents and signatures as necessary to complete the QDROs. In accordance with the judgment, the parties shall split the cost of MSM equally and Petitioner is ordered to pay MSM her half of the retainer fee forthwith. Parties are to respond to, and comply with, any requests made by MSM as soon as reasonably possible after receiving such a request.

Respondent's request for attorney's fees is denied as it appears neither party is cooperating with the other in resolving this matter completely. Continued failure to do so may result in sanctions against either party.

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

TENTATIVE RULING #5: REGARDING PETITIONER'S REQUEST TO ADJUDICATE UNADJUDICATED PROPERTY, THE REQUEST IS DENIED. RESPONDENT IS ORDERED TO RETRIEVE HIS PERSONAL PROPERTY FROM THE MARITAL RESIDENCE NO LATER THAN APRIL 3, 2025. RESPONDENT SHALL BEAR THE COST OF REMOVAL. THE PARTIES MAY ARRANGE A CIVIL STANDBY TO CONDUCT THE PROPERTY REMOVAL. ANY ITEMS OF PERSONAL PROPERTY REMAINING ON THE PREMISES AFTER APRIL 3, 2025 MAY BE SOLD OR OTHERWISE DISPOSED OF BY PETITIONER.

PETITIONER IS ORDERED TO COMPLY WITH MSM AND PROVIDE THEM ANY DOCUMENTS AND SIGNATURES AS NECESSARY TO COMPLETE THE QDROS. IN ACCORDANCE WITH THE JUDGMENT, THE PARTIES SHALL SPLIT THE COST OF MSM EQUALLY AND PETITIONER IS ORDERED TO PAY MSM HER HALF OF THE RETAINER FEE FORTHWITH. PARTIES ARE TO RESPOND TO, AND COMPLY WITH, ANY REQUESTS MADE BY MSM AS SOON AS REASONABLY POSSIBLE AFTER RECEIVING SUCH A REQUEST.

RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED AS IT APPEARS NEITHER PARTY IS COOPERATING WITH THE OTHER IN RESOLVING THIS MATTER COMPLETELY. CONTINUED FAILURE TO DO SO MAY RESULT IN SANCTIONS AGAINST EITHER PARTY.

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

March 20, 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

March 20, 2025

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

6. NEILA LORENZI V. CRAIG LORENZI

24FL1112

On December 19, 2024, the parties appeared before the court for hearing on a request for a Domestic Violence Restraining Order (DVRO) filed by Petitioner. The DVRO was granted, and the parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 2, 2025, and a review hearing was set for the present date.

Petitioner filed a series of declarations on January 8, 2025, at the request of the CCRC counselor. All such declarations were mail served on January 6th.

The parties attended CCRC as scheduled. A report with recommendations was prepared on February 26, 2025. It was mailed to the parties on February 27th.

A Supplemental Declaration of Respondent was filed and served on March 6th. Petitioner's Reply Declaration to Child Custody Recommending Counseling Report was filed and served on March 11th along with an Objection to Respondent's Supplemental Declaration Served 3/6/25 and Motion to Strike.

Petitioner objects to the six "character letters" attached to Respondent's Supplemental Declaration as statements which were not given under the penalty of perjury in violation of Civil Procedure § 2015.5. She also objects on the basis that the letters are impermissible character evidence under Evidence Code § 1101. Finally, she objects to the letters as hearsay. Petitioner's objection is sustained, and the court has not read or considered the aforementioned letters.

Respondent asks that the court adopt the CCRC recommendations pertaining to parenting time, holiday schedule, transportation for parenting time, travel with the children, and additional provisions except he asks that the parents continue to use text messages instead of being ordered to use a parenting application. He also asks that the parties be ordered not to delete any text messages. Finally, he asks that both parties attend a co-parenting class.

Petitioner asks that Respondent be ordered to test with Soberlink Level II for 90 days, at his cost, prior to any unsupervised parenting time taking place. She asks that the results of each test be sent to her counsel. She also requests several modifications to the CCRC recommendations.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

After reviewing the filings as outlined above, the court is adopting the CCRC recommendations in part. The following sections are not being adopted: Holiday Schedule, Parenting Time, and Phone Contact Between Parties and Children. The remainder of the recommendations contained in the February 26, 2025 CCRC report are found to be in the best interests of the minors and are hereby adopted as the orders of the court.

Regarding phone contact between the Respondent and the children, the terms of the DVRO remain in full force and effect. Additionally, the parties are being ordered to utilize Talking Parents. Communication between the parties shall be regarding visitation matters only.

Petitioner shall continue to have primary physical custody of the children. Visits between Respondent and Marley shall be at Marley's sole discretion. Respondent shall have non-professional supervised visitation twice per week for a total of 4 hours per visit unless otherwise agreed upon by the parties. Visits are to be supervised by either the Funks or the Gobels. However, prior to conducting any visits, the non-professional supervisor must complete and file an FL-324(NP). Parties are to arrange dates, times, and exchange locations at least one week in advance of the visit. If the parties are unable to agree to an exchange location, exchanges are to occur at the El Dorado County Sheriff's Office on Industrial Drive in Placerville. Sage is to attend at least one of the visits per week. She may attend the second visit at her discretion.

Respondent is ordered to sign up for Soberlink Level II program, at his sole cost. Respondent is to test prior to commencing each visit with the children for a period of 90 days. Results are to be sent directly to Petitioner's counsel. In the event of a positive test, the visit with the children will be cancelled and no make up visit will be held. After 90 days of negative tests, Respondent may discontinue testing.

Regarding a holiday schedule Petitioner shall have the children on Mother's Day from 9:00 am to 7:00 pm. Respondent shall have the children on Father's Day from 9:00 am to 7:00 pm. The court is not ruling on any of the remaining holidays as it appears the parties were not given the opportunity to be heard on this issue at CCRC.

Respondent shall begin conjoint therapy with Marley at the recommendation of Marley's therapist. Conjoint therapy shall be for at a duration and frequency as chosen by the therapist.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

A review hearing is set for 7/10/25 at 8:30 AM in department 5 to address the progress of visits between Respondent and the minors and to determine whether additional or unsupervised time is warranted.

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

TENTATIVE RULING #6: PETITIONER'S OBJECTION IS SUSTAINED, AND THE COURT HAS NOT READ OR CONSIDERED THE CHARACTER LETTERS ATTACHED TO RESPONDENT'S DECLARATION. AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT IS ADOPTING THE CCRC RECOMMENDATIONS IN PART. THE FOLLOWING SECTIONS ARE NOT BEING ADOPTED: HOLIDAY SCHEDULE, PARENTING TIME AND PHONE CONTACT BETWEEN PARTIES AND CHILDREN. THE REMAINDER OF THE RECOMMENDATIONS CONTAINED IN THE FEBRUARY 26, 2025 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE MINORS AND ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

REGARDING PHONE CONTACT BETWEEN THE RESPONDENT AND THE CHILDREN, THE TERMS OF THE DVRO REMAIN IN FULL FORCE AND EFFECT. ADDITIONALLY, THE PARTIES ARE BEING ORDERED TO UTILIZE TALKING PARENTS. COMMUNICATION BETWEEN THE PARTIES SHALL BE REGARDING VISITATION MATTERS ONLY.

PETITIONER SHALL CONTINUE TO HAVE PRIMARY PHYSICAL CUSTODY OF THE CHILDREN. VISITS BETWEEN RESPONDENT AND MARLEY SHALL BE AT MARLEY'S SOLE DISCRETION. RESPONDENT SHALL HAVE NON-PROFESSIONAL SUPERVISED VISITATION TWICE PER WEEK FOR A TOTAL OF 4 HOURS PER VISIT UNLESS OTHERWISE AGREED UPON BY THE PARTIES. VISITS ARE TO BE SUPERVISED BY EITHER THE FUNKS OR THE GOBELS. HOWEVER, PRIOR TO CONDUCTING ANY VISITS, THE NON-PROFESSIONAL SUPERVISOR MUST COMPLETE AND FILE AN FL-324(NP). PARTIES ARE TO ARRANGE DATES, TIMES, AND EXCHANGE LOCATIONS AT LEAST ONE WEEK IN ADVANCE OF THE VISIT. IF THE PARTIES ARE UNABLE TO AGREE TO AN EXCHANGE LOCATION, EXCHANGES ARE TO OCCUR AT THE EL DORADO COUNTY SHERIFF'S OFFICE ON INDUSTRIAL DRIVE IN PLACERVILLE. SAGE IS TO ATTEND AT LEAST ONE OF THE VISITS PER WEEK. SHE MAY ATTEND THE SECOND VISIT AT HER DISCRETION.

RESPONDENT IS ORDERED TO SIGN UP FOR SOBERLINK LEVEL II PROGRAM, AT HIS SOLE COST. RESPONDENT IS TO TEST PRIOR TO COMMENCING EACH VISIT WITH

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

THE CHILDREN FOR A PERIOD OF 90 DAYS. RESULTS ARE TO BE SENT DIRECTLY TO PETITIONER'S COUNSEL. IN THE EVENT OF A POSITIVE TEST, THE VISIT WITH THE CHILDREN WILL BE CANCELLED AND NO MAKE UP VISIT WILL BE HELD. AFTER 90 DAYS OF NEGATIVE TESTS, RESPONDENT MAY DISCONTINUE TESTING.

REGARDING A HOLIDAY SCHEDULE PETITIONER SHALL HAVE THE CHILDREN ON MOTHER'S DAY FROM 9:00 AM TO 7:00 PM. RESPONDENT SHALL HAVE THE CHILDREN ON FATHER'S DAY FROM 9:00 AM TO 7:00 PM. THE COURT IS NOT RULING ON ANY OF THE REMAINING HOLIDAYS AS IT APPEARS THE PARTIES WERE NOT GIVEN THE OPPORTUNITY TO BE HEARD ON THIS ISSUE AT CCRC.

RESPONDENT SHALL BEGIN CONJOINT THERAPY WITH MARLEY AT THE RECOMMENDATION OF MARLEY'S THERAPIST. CONJOINT THERAPY SHALL BE FOR AT A DURATION AND FREQUENCY AS CHOSEN BY THE THERAPIST.

A REVIEW HEARING IS SET FOR 7/10/2025 AT 8:30 AM IN DEPARTMENT 5 TO ADDRESS THE PROGRESS OF VISITS BETWEEN RESPONDENT AND THE MINORS AND TO DETERMINE WHETHER ADDITIONAL OR UNSUPERVISED TIME IS WARRANTED.

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

March 20, 2025

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

7. NICHOLAS WILLIAMS V. JENNIFER WILLIAMS

23FL0197

Roger Kosla, counsel for Respondent, filed his Notice of Motion and Motion to be Relieved as Counsel and his supporting declaration on December 30, 2024. The motion was electronically served on Petitioner on October 11th, but it is unclear what day it was served on Respondent. While Section 3 of the MC-052 does indicate that the motion was served on Respondent, there is no Proof of Service for the motion, and it is unclear the date on which the motion was served. This matter is continued to 5/1/2025 at 1:30 PM in department 5. Counsel is ordered to complete and file a Proof of Service evidencing service of the motion on Respondent.

TENTATIVE RULING #7: THIS MATTER IS CONTINUED TO 5/1/2025 1:30 PM IN DEPARTMENT 5. COUNSEL IS ORDERED TO COMPLETE AND FILE A PROOF OF SERVICE EVIDENCING SERVICE OF THE MOTION ON RESPONDENT.

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

March 20, 2025

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

8. NIKOLAS PAECH V. CAROLINE GIROUX

PFL20210276

On October 17, 2024, the court referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on October 31, 2024. The court set a further review hearing for December 19th.

Both parties attended CCRC on October 31, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on December 6, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on December 9, 2024, stating he had not yet received the CCRC report. Respondent and Minors' Counsel were served on the same day.

Respondent filed a Declaration on December 9, 2024. It was served on Petitioner and Minors' Counsel the same day.

Respondent filed a further Declaration on December 13, 2024, requesting the review hearing be continued due to not receiving the CCRC report until December 12, 2024, which is less than 10 days prior to the hearing and did not allow sufficient time to review the report and formulate a Reply. Petitioner objected to Respondent's request for a continuance on December 16th. Nonetheless, the continuance was granted, and the matter was set for hearing on the present date.

A Status Declaration of Nikolas Paech was filed and served on March 10, 2025. A Declaration of Respondent, Caroline Giroux was also filed and served on March 10th along with a Declaration of Christina Bourne and a Declaration of Gabriel Nadeau.

Minor's Counsel has not filed a declaration.

The parties are ordered to appear for the hearing.

TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

9. SARAH LEAHY V. ALEXANDER LEAHY

PFL20190491

On December 11, 2024, Respondent filed an Application for Order Shortening Time (OST) and a Request for Order (RFO) seeking custody and visitation orders. Hearing on the RFO was originally set for December 20th. The court made several orders at the December 20th hearing date. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date.

Petitioner filed and served a Declaration on December 30, 2024.

The parties attended Child Custody Recommending Counseling (CCRC) on January 10, 2025. A report with recommendations was prepared on March 6th and mailed to the parties on March 10th.

Respondent's Supplemental Declaration Re: CCRC Mediation and RFO Re Parenting was filed and served on March 12th.

After reviewing the recommendations contained in the March 6, 2025 CCRC report, the court finds those recommendations to be in the best interests of the minor, they are therefore hereby adopted as the orders of the court with the following modifications. Item 2.c. under Parenting Time shall be amended to read "During summer break, Father shall get the two weeks after the last day of instruction and the last week prior to the first day of instruction for Fall. Mother shall have the remainder of summer break." Parenting Time section 2.d. shall be amended to read as follows: "Winter break shall be alternated annually. Mother shall have winter break on even years and Father shall have winter break on odd years." Regarding Parenting Time section 3, in the event that Mother is in California the 3rd week of the month, but that week falls on the same week as the child's school vacation (i.e. winter break, spring break, Thanksgiving break) then the regularly scheduled visit for the applicable school break shall take precedence over Mother's 3rd week of the month visit.

Additional Provisions – Phone/Video Contact item 2 shall be amended to state that telephone communications on non-school days shall take place at 9:00 am (not 7:00 am). The court is not adopting the recommendation that the parties utilize talkingparents.com.

Regarding co-parenting counseling, Petitioner shall choose three co-parenting counselors and provide Respondent with the names and contact information for each no later than March 28, 2025. Respondent shall have until April 4, 2025 to choose one of the three and inform Petitioner of his choice. Each of the proposed counselors shall be

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

licensed in California, offer remote attendance (i.e. videoconference), and shall provide a non-secular approach. In the event Petitioner fails to propose three counselors by March 28th then Respondent may choose a counselor at his discretion. The parties shall split equally the cost of co-parenting counseling.

The minor is ordered to participate in individual therapy at a frequency and duration as determined by the chosen therapist. Respondent shall propose the names of three therapists to Petitioner no later than March 28, 2025. Petitioner shall choose one of the three names no later than April 4, 2025. All of the proposed therapists shall be licensed in the state of California, shall offer remote attendance, and a secular approach to therapy. Preference shall be given to therapists who accept the minor's insurance.

The orders contained herein are effective immediately. Therefore, Respondent shall have parenting time the week of March 23rd. Pursuant to the court's orders made herein, Petitioner may have her California parenting time the third week of the month (the 15th through the 21st).

Finally, regarding Respondent's request to correct the FOAH from December 20th, the court does not find this issue to be properly before the court as it is outside the scope of the hearing and therefore, a new RFO will need to be filed on that issue.

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 #9: AFTER REVIEWING THE RECOMMENDATIONS CONTAINED IN THE MARCH 6, 2025 CCRC REPORT, THE COURT FINDS THOSE RECOMMENDATIONS TO BE IN THE BEST INTERESTS OF THE MINOR, THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. ITEM 2.C. UNDER PARENTING TIME SHALL BE AMENDED TO READ "DURING SUMMER BREAK, FATHER SHALL GET THE TWO WEEKS AFTER THE LAST DAY OF INSTRUCTION AND THE LAST WEEK PRIOR TO THE FIRST DAY OF INSTRUCTION FOR FALL. MOTHER SHALL HAVE THE REMAINDER OF SUMMER BREAK." PARENTING TIME SECTION 2.D. SHALL BE AMENDED TO READ AS FOLLOWS: "WINTER BREAK SHALL BE ALTERNATED ANNUALLY. MOTHER SHALL HAVE WINTER BREAK ON EVEN YEARS AND FATHER SHALL HAVE WINTER BREAK ON ODD YEARS." REGARDING PARENTING TIME SECTION 3, IN THE EVENT THAT MOTHER IS IN CALIFORNIA THE 3RD WEEK OF THE MONTH, BUT THAT WEEK FALLS ON THE SAME WEEK AS THE CHILD'S SCHOOL VACATION (I.E. WINTER BREAK, SPRING BREAK, THANKSGIVING BREAK) THEN THE REGULAR

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

SCHEDULED VISIT FOR THE APPLICABLE SCHOOL BREAK SHALL TAKE PRECEDENCE OVER MOTHER'S 3RD WEEK OF THE MONTH VISIT.

ADDITIONAL PROVISIONS – PHONE/VIDEO CONTACT ITEM 2 SHALL BE AMENDED TO STATE THAT TELEPHONE COMMUNICATIONS ON NON-SCHOOL DAYS SHALL TAKE PLACE AT 9:00 AM (NOT 7:00 AM). THE COURT IS NOT ADOPTING THE RECOMMENDATION THAT THE PARTIES UTILIZE TALKINGPARENTS.COM.

REGARDING CO-PARENTING COUNSELING, PETITIONER SHALL CHOOSE THREE CO-PARENTING COUNSELORS AND PROVIDE RESPONDENT WITH THE NAMES AND CONTACT INFORMATION FOR EACH NO LATER THAN MARCH 28, 2025. RESPONDENT SHALL HAVE UNTIL APRIL 4, 2025 TO CHOOSE ONE OF THE THREE AND INFORM PETITIONER OF HIS CHOICE. EACH OF THE PROPOSED COUNSELORS SHALL BE LICENSED IN CALIFORNIA, OFFER REMOTE ATTENDANCE (I.E. VIDEOCONFERENCE), AND SHALL PROVIDE A NON-SECULAR APPROACH. IN THE EVENT PETITIONER FAILS TO PROPOSE THREE COUNSELORS BY MARCH 28TH THEN RESPONDENT MAY CHOOSE A COUNSELOR AT HIS DISCRETION. THE PARTIES SHALL SPLIT EQUALLY THE COST OF CO-PARENTING COUNSELING.

THE MINOR IS ORDERED TO PARTICIPATE IN INDIVIDUAL THERAPY AT A FREQUENCY AND DURATION AS DETERMINED BY HIS CHOSEN THERAPIST. RESPONDENT SHALL PROPOSE THE NAMES OF THREE THERAPISTS TO PETITIONER NO LATER THAN MARCH 28, 2025. PETITIONER SHALL CHOOSE ONE OF THE THREE NAMES NO LATER THAN APRIL 4, 2025. ALL OF THE PROPOSED THERAPISTS SHALL BE LICENSED IN THE STATE OF CALIFORNIA, SHALL OFFER REMOTE ATTENDANCE, AND A SECULAR APPROACH TO THERAPY. PREFERENCE SHALL BE GIVEN TO THERAPISTS WHO ACCEPT THE MINOR'S INSURANCE.

THE ORDERS CONTAINED HEREIN ARE EFFECTIVE IMMEDIATELY. THEREFORE, RESPONDENT SHALL HAVE PARENTING TIME THE WEEK OF MARCH 23RD. PURSUANT TO THE COURT'S ORDERS MADE HEREIN, PETITIONER MAY HAVE HER CALIFORNIA PARENTING TIME THE THIRD WEEK OF THE MONTH (THE 15TH THROUGH THE 21ST).

FINALLY, REGARDING RESPONDENT'S REQUEST TO CORRECT THE FOAH FROM DECEMBER 20TH, THE COURT DOES NOT FIND THIS ISSUE TO BE PROPERLY BEFORE THE COURT AS IT IS OUTSIDE THE SCOPE OF THE HEARING AND THEREFORE A NEW RFO WILL NEED TO BE FILED ON THAT ISSUE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

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.

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

March 20, 2025

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

10. SARAH LESTER V. JASON LESTER

23FL1169

On December 26, 2024, Petitioner filed a Request for Order (RFO) seeking to compel Respondent's further discovery responses and pay attorney's fees and sanctions. The RFO and all other required documents were served on December 27th.

Respondent filed and served his Responsive Declaration to Request for Order on March 5th. At that time, he also filed a Proof of Service evidencing the fact that he has already served amended discovery responses.

Petitioner filed her RFO seeking to compel further responses to her Requests for Production of Documents, Sets 1 and 2. According to Respondent, amended responses have already been served and Petitioner's attempt to meet and confer on the issue was made during counsel's noticed unavailability.

After reviewing the above, Petitioner's request to compel further responses is denied as it appears to be moot. Her requests for attorney's fees and sanctions are likewise denied as it appears the RFO could have been avoided had the parties sufficiently met and conferred on the issue.

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

TENTATIVE RULING #10: PETITIONER'S REQUEST TO COMPEL FURTHER RESPONSES IS DENIED AS IT APPEARS TO BE MOOT. HER REQUESTS FOR ATTORNEY'S FEES AND SANCTIONS ARE LIKEWISE DENIED AS IT APPEARS THE RFO COULD HAVE BEEN AVOIDED HAD THE PARTIES SUFFICIENTLY MET AND CONFERRED ON THE ISSUE. 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

March 20, 2025

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

11. AMANDA DERUELLE V. HOUSTON SMOTHERMON

24FL0939

Petitioner filed a Request for Order on January 8, 2025, seeking a court order sealing the records in this matter. Upon review of the court file, there is no Proof of Service showing Respondent has been properly served.

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

TENTATIVE RULING #11: 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

March 20, 2025

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

12. CASEY HECTOR V. DEVIN HECTOR

23FL0242

Petitioner filed a Request for Order (RFO) and Order Shortening Time (OST) on October 18, 2024. The OST was granted and the RFO was set for a hearing on November 14, 2024.

The parties attended the hearing as scheduled and presented the court with a stipulation. The stipulation was adopted by the court, and the parties were re-referred to Child Custody Recommending Counseling (CCRC) with a review hearing set for the present date.

The parties attended CCRC on November 25, 2024. They were able to reach agreements on some issues, though not all. As such, a report containing the agreements and recommendations from CCRC was prepared on November 26, 2024. It was mailed to the parties on December 2, 2024. Neither party has filed a declaration in response to the CCRC report. Petitioner did file and serve a Certificate of Completion: Parenting Class on January 14, 2025.

On January 16th, the parties appeared for a hearing on the matter and reached several agreements, including a rereferral to CCRC. The court set a further CCRC appointment as well as a further review hearing.

An updated CCRC report was filed with the court on February 24, 2025. Copies were mailed to the parties the same day. The court has read and considered the February 24, 2025 CCRC report and finds the agreements and recommendations to be in the best interests of the minor. The court adopts the agreements and recommendations as set forth.

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 #12: THE COURT HAS READ AND CONSIDERED THE FEBRUARY 24, 2025 CCRC REPORT AND FINDS THE AGREEMENTS AND RECOMMENDATIONS TO BE IN THE BEST INTERESTS OF THE MINOR. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH. 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

March 20, 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

March 20, 2025

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

14. KEITH REJINO V. ANGELINA REJINO

24FL0490

Respondent filed a Request for Order (RFO) on January 27, 2025, requesting a modification of parenting time orders as well as bifurcation of marital status. Respondent included the requisite FL-315 in her filings. Petitioner was served by mail on January 27th.

Respondent seeks a modification of the parenting plan to allow the parties the ability to each parent the minor on weekends.

Petitioner filed a Responsive Declaration on March 4, 2025. Respondent was served on March 4, 2025. The court notes this is the same day Respondent filed and served a substitution of attorney. Therefore, the court finds the service to be proper. Petitioner is opposed to any change in the parenting plan, as he believes Respondent is a flight risk. Petitioner requests sole legal and physical custody of the minor. Petitioner also opposes the bifurcation of status due to his belief Respondent will relocate to Russia.

As to the request to modify the current parenting plan, that request is denied. Respondent has failed to set forth any evidence showing the current plan is not in the minor's best interest or that the requested changes would be in the minor's best interest. The parties agreed to the current parenting plan in July of 2024. The court finds the current plan remains in the best interest of the minor. Further, the court maintains the orders regarding the minor's passport. The minor's United States passport is to remain in the possession of the court. Respondent is prohibited from seeking a Russian passport for the minor.

As to the bifurcation, California Rules of Court, rule 5.390(a) states that on noticed motion of a party, using form FL-300, "Request for Order," "the stipulation of the parties, case management, or the court's own motion, the court may bifurcate one or more issues to be tried separately before other issues are tried."

Family Code section 2337 provides that "[i]n a proceeding for dissolution of marriage, the court, upon noticed motion, may sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage apart from other issues." Fam. Code, § 2337, subd. (a). The trial court may separately try the issue of termination of marriage if doing so "is likely to simplify the determination of the other issues." Cal. Rules of Court, rule 5.390(b)(7).

Public policy favors bifurcation of trial on pivotal issues in a dissolution action. In re Marriage of Macfarlane & Lang (1992) 8 Cal.App.4th 247, 257; see also In re Marriage of

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

Wolfe (1985) 173 Cal.App.3d 889, 893–894 [“To the extent bifurcation of issues such as custody, support or the division of community property can assist the parties to achieve settlement of remaining issues, it should be encouraged”]. For the issue of marital status, “[c]onsistent with the legislative policy favoring no fault dissolution of marriage, only slight evidence is necessary to obtain bifurcation and resolution of marital status. On the other hand, a spouse opposing bifurcation must present compelling reasons for denial.” Gionis v. Sup. Ct. 202 Cal.App.3d 786, 790 (1988).

The minimum statutory requirements for bifurcating and terminating marital status are that six months must have passed since the date of service of the summons and petition (§ 2339, subd. (a)), and that the party seeking termination of marital status must have served a preliminary declaration of disclosure or obtained a written agreement to defer service to a later date (§ 2337, subd. (b)). Both requirements were met here. Further, Petitioner’s pension plan has been joined.

Parties are ordered to appear for the bifurcation.

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

AS TO THE REQUEST TO MODIFY THE CURRENT PARENTING PLAN, THAT REQUEST IS DENIED. RESPONDENT HAS FAILED TO SET FORTH ANY EVIDENCE SHOWING THE CURRENT PLAN IS NOT IN THE MINOR’S BEST INTEREST OR THAT THE REQUESTED CHANGES WOULD BE IN THE MINOR’S BEST INTEREST. THE PARTIES AGREED TO THE CURRENT PARENTING PLAN IN JULY OF 2024. THE COURT FINDS THE CURRENT PLAN REMAINS IN THE BEST INTEREST OF THE MINOR. FURTHER, THE COURT MAINTAINS THE ORDERS REGARDING THE MINOR’S PASSPORT. THE MINOR’S UNITED STATES PASSPORT IS TO REMAIN IN THE POSSESSION OF THE COURT. RESPONDENT IS PROHIBITED FROM SEEKING A RUSSIAN PASSPORT FOR THE MINOR.

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

March 20, 2025

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

15. KYRA MCAFEE V. MAXWELL MCAFEE (JOINED PARTIES: BRIAN AND CORINNE BUNCH)

PFL20210499

Petitioner filed a Request for Order (RFO) on January 14, 2025, seeking modification of the current visitation orders. All parties were served on February 13, 2025.

Joined Parties filed a Responsive Declaration on February 16, 2025. Service was effectuated on March 1, 2025.

There is a filed Proof of Service from Respondent showing service of an FL-320, however, the court has been unable to locate a Responsive Declaration from Respondent in the file.

When the RFO in this matter was filed, it had been a little less than six months since the parties had previously attended Child Custody Recommending Counseling (CCRC), and therefore, there was not an automatic referral. It has now been more than six months since the parties last attended, and the court finds good cause to refer the parties at this time. Parties are to attend CCRC on 4/25/2025 at 9:00 AM with Rebecca Nelson and return for a review hearing 7/10/2025 at 1:30 PM in Department 5. Any Supplemental Declarations are due 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 #15: THE COURT FINDS GOOD CAUSE TO REFER THE PARTIES AT THIS TIME. PARTIES ARE TO ATTEND CCRC ON 4/25/2025 AT 9:00 AM WITH REBECCA NELSON AND RETURN FOR A REVIEW HEARING 7/10/2025 AT 1:30 PM IN DEPARTMENT 5. ANY SUPPLEMENTAL DECLARATIONS ARE DUE 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 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE
8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 20, 2025

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

17. TAYLOR LOPEZ V. DAVID LOPEZ

24FL0382

Petitioner filed a request to set an uncontested matter for a nullity on January 6, 2025. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

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

TENTATIVE RULING #17: 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

March 20, 2025

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

18. WILLIAM FORREST V. MAILE FORREST

PFL20170101

Petitioner filed an application of ex parte emergency orders on February 3, 2025. On February 4, 2025, the court denied the request on an ex parte basis. Petitioner filed a Request for Order (RFO) on February 4, 2025, requesting modification of the child custody and parenting plan orders. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

The court drops the matter from calendar. All prior orders remain in full force and effect.

TENTATIVE RULING #18: THE COURT DROPS THE MATTER 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.