

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**1. ALEX DELACY V. NICOLE FITZPATRICK**

**21FL0183**

On January 30, 2024, this matter came before the court for hearing on Respondent's request for sanctions and Order to Show Cause and Affidavit for Contempt (OSC) which was filed on August 10, 2023. The court appointed a Public Defender and continued the matter to April 4, 2024. The issue of sanctions was set to trail the contempt action.

The parties appeared before the court on April 4<sup>th</sup> and the matter was continued to the present date.

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

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**2. ANTONINA MYSHYAKOVA V. IVO DACHEV**

**23FL1255**

On December 29, 2023, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. It was personally served on January 8, 2024. Respondent filed his Responsive Declaration to Request for Order on February 2, 2024. It was mail served on February 7<sup>th</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on April 11, 2024. They were able to reach some agreements but could not agree on all issues. A report containing the agreements and recommendations was prepared and mailed to the parties on April 12<sup>th</sup>.

The Supplemental Declaration of Antonina Myshyakova was filed on June 5<sup>th</sup>. It was served on June 3<sup>rd</sup>.

Petitioner brings her RFO requesting sole legal and sole physical custody of the parties' minor child. She asks that Respondent have visitation every other weekend from Thursday at 4pm through Sunday at 4pm. On the weeks where Respondent does not have weekend visits, she proposes that he will have a dinner visit on Wednesday from 4pm to 6pm. According to Petitioner this is the schedule they have been exercising for quite some time. Petitioner also requests guideline child support though the box for child support on the RFO is not checked and she has not filed an Income and Expense Declaration.

Respondent is requesting joint legal custody and alternating physical custody. He is requesting rotating 2-week schedules with week 1, Respondent to pick up the child from pre-school on Wednesdays for two consecutive overnight visits until drop off at pre-school on Friday morning. On week 2, Respondent will have the minor from Thursday pick up at pre-school until drop off at pre-school on Monday morning.

CCRC is recommending joint legal custody, a 2-2-3 parenting plan, and travel permitted with the minor. Petitioner asks that the court not adopt the CCRC recommendations. She argues that Respondent has had only minimal participation with regard to anything having to do with legal custody of the minor. She also asks that the court simply affirm the visitation schedule the parties have been exercising for years.

After reviewing the filings as outlined above the court finds the agreements and recommendations contained in the April 12, 2024 CCRC report to be in the best interests of the minor with the following modifications. The court is not adopting the recommended 2-2-3 parenting plan. Instead, the parties are to follow the parenting plan requested by Respondent. Week 1, Respondent to pick up the child from pre-school on Wednesdays for two consecutive overnight visits until drop off at pre-school on Friday morning. On week 2,

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Respondent will have the minor from Thursday pick up at pre-school until drop off at pre-school on Monday morning.

Petitioner's request for child support is denied for failure to file the proper paperwork.

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

**TENTATIVE RULING #2: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE APRIL 12, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR WITH THE FOLLOWING MODIFICATIONS. THE COURT IS NOT ADOPTING THE RECOMMENDED 2-2-3 PARENTING PLAN. INSTEAD, THE PARTIES ARE TO FOLLOW THE PARENTING PLAN REQUESTED BY RESPONDENT. WEEK 1, RESPONDENT TO PICK UP THE CHILD FROM PRE-SCHOOL ON WEDNESDAYS FOR TWO CONSECUTIVE OVERNIGHT VISITS UNTIL DROP OFF AT PRE-SCHOOL ON FRIDAY MORNING. ON WEEK 2, RESPONDENT WILL HAVE THE MINOR FROM THURSDAY PICK UP AT PRE-SCHOOL UNTIL DROP OFF AT PRE-SCHOOL ON MONDAY MORNING.**

**PETITIONER'S REQUEST FOR CHILD SUPPORT IS DENIED FOR FAILURE TO FILE THE PROPER PAPERWORK.**

**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 TELEPHONE 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 TELEPHONE 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. CHARMIN BLAND V. CODY BLAND**

**23FL0364**

On May 30, 2023, Respondent filed and served a Request for Order (RFO) along with a Declaration of Cody A. Bland in Support of Request for Order, a Declaration of Attorney Shannon Ramos in Support of Attorney's Fees Request, and an Income and Expense Declaration.

Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on September 21<sup>st</sup>. Both were electronically served on August 2<sup>nd</sup>.

The matter came before the court for hearing on October 12, 2023 at which time the court issued interim temporary guideline support subject to retroactivity to June 1, 2023. The court denied Respondent's request for attorney's fees and Section 271 sanctions. The court granted Petitioner's request for a vocational evaluation of Respondent. Petitioner was ordered to pay the cost of the evaluation subject to reallocation. A review hearing for the evaluation was set for April 11, 2024 but the parties stipulated to continue it to the present date.

Respondent filed an Income and Expense Declaration and Respondent Cody Bland's Supplemental Declaration on March 18, 2024. The Income and Expense Declaration was served on March 18<sup>th</sup> while the Supplemental Declaration was served on March 21<sup>st</sup>.

On June 17<sup>th</sup>, Petitioner filed a Notice of Submission of Vocational Examination Report Dated April 29, 2024. Given the late filing of the report, the parties are ordered to appear.

**TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR.**

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**4. CURTIS CHRISTENSEN V. GINA CHRISTENSEN**

**PFL20170845**

On March 1, 2024, Petitioner filed a Request for Order (RFO) making the following requests: (1) Respondent to read any messages from Petitioner within 24 hours and to provide a response within 48 hours on matters regarding the general welfare of the children, including the health, education, sports, and extracurriculars; (2) Petitioner asks the court to vacate its prior order which grants Respondent final decision-making authority after 10 days of good faith discussions; (3) Petitioner asks that Respondent not have final decision-making authority regarding out of state travel; (4) Require 30 days' notice for any out-of-state travel; (5) Enforcement of the week-on/week-off summer schedule; (6) Petitioner requests vacation time with the children for up to two weeks every year, including vacations outside the state of California without Respondent's prior consent. Specifically, he requests an order allowing him to take the children to see their grandmother in Idaho; (7) The children be allowed to work for Petitioner or his fiancée during Petitioner's visitation time; (8) Order a psychological evaluation of Respondent and the children to be conducted by Dr. Craig Childress; (9) Attorney's fees in the amount of \$10,000; (10) Sanctions pursuant to Family Code § 271 and Code of Civil Procedure § 177.5.

The matter came before the court for hearing on May 16<sup>th</sup> at which time the court continued the requested two weeks of vacation and out-of-state travel in order to first assess the status of reunification therapy. The court continued the request to allow the children to work for Petitioner and his fiancée as the court was in need of additional information regarding the type of work requested. The court reserved jurisdiction on Petitioner's request for attorney's fees and sanctions and continued all issues to the present date.

In preparation for the upcoming hearing, Petitioner filed and served his Income and Expense Declaration on June 7, 2024. Respondent filed and served a Declaration of Gina Mazzuchi on June 10<sup>th</sup>. Respondent followed that filing with the filing of her Income and Expense Declaration along with another Declaration and a Declaration: Facts to Support, all of which were filed on June 12<sup>th</sup>. Petitioner's Reply Declaration was filed and served on June 13<sup>th</sup>. Minor's counsel has not provided the court with a status declaration.

Respondent opposes the requests made by Petitioner and asks that the court decline the requested attorney's fees as there is no disparity in income. She also asks that Minor's Counsel, Kelly Bentley, be permitted to speak on behalf of the children.

Petitioner objects to the court considering letters submitted by Respondent from Kevin Tapia, Amanda Grant, and Mia Bordisso. Petitioner's objection is made on the basis that the letters are inadmissible hearsay. The court agrees. Petitioner's objection is

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sustained and the letters from Kevin Tapia, Amanda Grant, and Mia Bordisso are not being considered in the court's ruling.

After reviewing the filings, it appears that reunification therapy between Petitioner and the minor is still in its infancy and therefore the court does not find that allowing Petitioner to take the children on out-of-state vacations for two weeks would be in their best interests at this time. Additionally, if the children are hesitant to even go on their regular visits with Petitioner, the court does not find that forcing them to go for an extended period of two weeks would be in the best interests of the minors until reunification therapy has progressed further. Therefore, the request is denied.

Petitioner's request to allow the child Zachary to work with him and his fiancée is granted so long as the work is done only during Petitioner's parenting time and only during non-school hours in accordance with all child labor laws.

Petitioner's request for attorney's fees pursuant to Family Code § 2030 is denied. In the face of a request for attorney's fees and costs pursuant to Section 2030, 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, the court does not find that there is sufficient disparity in income to warrant an award of attorney's fees. Even if there was a disparity, the court cannot find that Respondent has the ability to pay the fees for both parties given her extensive childcare expenses and the fact that she has had to take out a loan from her parents in order to obtain her own attorney.

Similarly, the request for Family Code § 271 sanctions is denied. Family Code Section 271 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). Here, the court does not find that Respondent acted with the intention of frustrating the policy of the law or increasing the cost of litigation. As such, the request for sanctions is denied.

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 #4: PETITIONER'S OBJECTION IS SUSTAINED AND THE LETTERS FROM KEVIN TAPIA, AMANDA GRANT, AND MIA BORDISSO ARE NOT BEING CONSIDERED IN THE COURT'S RULING. THE REQUESTS FOR TWO WEEKS OF VACATION AND OUT-OF-STATE VACATIONS ARE DENIED. PETITIONER'S REQUEST TO ALLOW THE CHILD ZACHARY TO WORK WITH HIM AND HIS FIANCÉE IS GRANTED SO**

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**LONG AS THE WORK IS DONE ONLY DURING PETITIONER'S PARENTING TIME AND ONLY DURING NON-SCHOOL HOURS IN ACCORDANCE WITH ALL CHILD LABOR LAWS. THE REQUESTS FOR SECTION 2030 ATTORNEY'S FEES AND SECTION 271 SANCTIONS ARE DENIED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE 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 TELEPHONE 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 & 20. JASON HARDOUIN V. JENAE NORELL**

**22FL0118**

Petitioner filed a Request for Order (RFO) on December 20, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) and a hearing was set for the present date. There was no Proof of Service filed with the RFO and only Petitioner appeared at CCRC.

On February 2, 2024, Petitioner filed another Request for Order (RFO).

Respondent filed a Responsive Declaration to Request for Order on March 8<sup>th</sup>. It was served on March 7<sup>th</sup>. In her responsive declaration, Respondent indicates that she is unclear as to what matters are actually pending given improper service of the RFOs.

On March 8, 2024, Respondent filed a Request for Order (RFO) seeking Family Code section 271 sanctions along with attorney's fees.

On March 11<sup>th</sup>, after Respondent filed her Responsive Declaration, Petitioner filed Proofs of Service for the December and the February RFOs. He also filed a Memorandum of Points and Authorities in Support of Petitioner's Request for Attorney's Fees on March 11<sup>th</sup>, though the Proof of Service states that this document was served on February 28<sup>th</sup>. The Proof of Service for the December 20<sup>th</sup> RFO states it was served on January 8<sup>th</sup>, but the proof was not signed until March 11<sup>th</sup>. Likewise, the Proof of Service for the February 2<sup>nd</sup> RFO states that it was served on February 18<sup>th</sup>.

On March 21, 2024, parties appeared for the hearing. The court appointed Minor's Counsel and rereferred the parties to CCRC. The court set a hearing for April 25, 2024. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the hearing.

Petitioner filed a Declaration and Memorandum of Points and Authorities on April 5, 2024. Parties were served on April 3, 2024.

Both parties as well as the minor fully participated in the CCRC appointment. A comprehensive CCRC report was filed with the court on April 9, 2024.

Minor's Counsel filed a Statement of Issues and Contentions on April 15, 2024. Parties were served on April 12, 2024.

Petitioner filed a Declaration on April 17, 2024, which was served on the same day.

Respondent filed a Declaration on April 18, 2024. Parties were served on April 18<sup>th</sup>.



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On April 23, 2024, Petitioner filed a Code of Civil Procedure section 170.6 peremptory challenge against visiting Judge Winn. The matter was therefore, continued to June 20, 2024.

On June 3, 2024, Minor's Counsel filed an ex parte application for emergency orders to suspend reunification counseling for the minor. On June 5, 2024, the court denied the request on an ex parte basis, but granted an Order Shortening Time and set the RFO to join the other matters set on June 20, 2024.

Petitioner filed two additional declarations on June 10, 2024. Both were served June 10<sup>th</sup>.

Petitioner filed a Responsive Declaration to Minor's Counsel's RFO on June 13, 2024. It was served on the parties on June 13, 2024. The court notes the Declaration exceeds the page limit. Petitioner did not seek leave of court to exceed the page limit and therefore, the court has not considered the Declaration past page 10.

The court orders parties to appear for the hearing to select Mandatory Settlement Conference and trial dates.

**TENTATIVE RULING #5 & 20: THE COURT ORDERS PARTIES TO APPEAR FOR THE HEARING TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.**

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**7. JENNIFER WIDAU V. TOM SANDOVAL**

**PFL20210301**

On August 23, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The parties appeared for a hearing on the RFO on March 21, 2024, at which time they presented the court with a stipulation agreeing to stay the court's tentative ruling pending the review hearing which was set for the present date. As part of the stipulation the parties also agreed to attend private mediation with Neil Forester on March 22, 2024.

There have been no filings since the prior hearing. Therefore, the court is reissuing its prior tentative ruling as follows:

The parties attended Child Custody Recommending Counseling (CCRC) on November 1<sup>st</sup>. A report was prepared dated December 7, 2023. It was mailed to the parties on December 8<sup>th</sup>.

Respondent filed his RFO requesting joint legal and joint physical custody of the parties' minor child. He requests visitation every first, second, and fourth weekend from Friday after school (3:00 pm when there is no school) to the following Sunday at 7:00 pm. He also requests every Thursday after school (3:00 pm when there is no school) to the following Friday at the start of school (3:00 pm when there is no school). He requests a holiday schedule in accordance with the schedule submitted on his FL-341(c).

Petitioner opposes the requested visitation. Instead, she proposes reunification therapy for Respondent and the minor with a review hearing set 90 days out. She asks that the court stay the current step-up plan until the reunification therapy has commenced. She asks the court to modify the order regarding alcohol testing from random 72-hour etg/eth testing with Comprehensive Medical to testing via BACtrack monitoring app at least three times a day to show proof of consistent sobriety. She also requests the parties be ordered to participate in co-parenting counseling in lieu of private mediation with Respondent to incur all out-of-pocket costs for counseling. Finally, Petitioner is seeking sanctions in the amount of \$5,000 pursuant to Family Code § 271 for Respondent's failure to comply with court orders and failing to meet and confer.

The court has reviewed the filings as outlined above. The court finds the recommendations contained in the December 7, 2023 CCRC report to be in the best interests of the minor and therefore, adopts them as the orders of the court. The court further orders that the parties shall sign any and all necessary releases to allow contact and communication between the conjoint therapist and the minor's therapist. The court sets a review hearing for 9/12/2024 at 8:30 am in Department 5 to address the status of reunification therapy. Parties are to file and serve supplemental declarations no later than

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10 days prior to the hearing date. Until then, Respondent shall have phone or video calls with the minor no less than twice per week unless the minor's therapist provides written documentation that such contact is not in the minor's best interest for the time being. Calls shall take place on dates and times mutually agreeable by both parties. Petitioner shall not unreasonably withhold her consent to a requested call which is made in accordance with this order.

Respondent is ordered to participate in daily alcohol testing via BACtrack at least twice per day and provide Petitioner with copies of the results. The parties shall split equally the cost of BACtrack. If Respondent has any positive tests, then Respondent shall pay the entire BACtrack cost for the following month. Refusal to test shall constitute a positive test.

The court denies Petitioner's request to order co-parenting counseling at this time as it has not necessarily been shown that the parties are unable to work together to parent the minor but instead the larger issue is the strained relationship between the minor and Respondent.

The court reserves on Petitioner's request for Section 271 sanctions.

All orders not in conflict with this order shall remain in full force and effect. Petitioner shall prepare the Findings and Orders After Hearing.

**TENTATIVE RULING #7: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE DECEMBER 7, 2023 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. THE COURT FURTHER ORDERS THAT THE PARTIES SHALL SIGN ANY AND ALL NECESSARY RELEASES TO ALLOW CONTACT AND COMMUNICATION BETWEEN THE CONJOINT THERAPIST AND THE MINOR'S THERAPIST. THE COURT SETS A REVIEW HEARING FOR 9/12/2024 AT 8:30 AM IN DEPARTMENT 5 TO ADDRESS THE STATUS OF REUNIFICATION THERAPY. PARTIES ARE TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. UNTIL THEN, RESPONDENT SHALL HAVE PHONE OR VIDEO CALLS WITH THE MINOR NO LESS THAN TWICE PER WEEK UNLESS THE MINOR'S THERAPIST PROVIDES WRITTEN DOCUMENTATION THAT SUCH CONTACT IS NOT IN THE MINOR'S BEST INTEREST FOR THE TIME BEING. CALLS SHALL TAKE PLACE ON DATES AND TIMES MUTUALLY AGREEABLE BY BOTH PARTIES. PETITIONER SHALL NOT UNREASONABLY WITHHOLD HER CONSENT TO A REQUESTED CALL IN ACCORDANCE WITH THIS ORDER.**

**RESPONDENT IS ORDERED TO PARTICIPATE IN DAILY ALCOHOL TESTING VIA BACTRACK AT LEAST TWICE PER DAY AND PROVIDE PETITIONER WITH COPIES OF THE**

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**RESULTS. THE PARTIES SHALL SPLIT EQUALLY THE COST OF BACTRACK. IF RESPONDENT HAS ANY POSITIVE TESTS, THEN RESPONDENT SHALL PAY THE ENTIRE BACTRACK COST FOR THE FOLLOWING MONTH. REFUSAL TO TEST SHALL BE DEEMED A POSITIVE TEST RESULT.**

**PETITIONER'S REQUEST FOR CO-PARENTING COUNSELING IS DENIED.**

**THE COURT RESERVES ON PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS.**

**ALL ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL 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 TELEPHONE 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 TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

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**8. KARLY GENTRY V. PAUL GENTRY**

**22FL0745**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on March 21, 2024 alleging 17 counts of contempt. It was personally served on April 3, 2024.

The parties are ordered to appear for the arraignment.

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

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**10. MEGHAN KRICK V. MICHAEL KRICK**

**22FL1050**

Petitioner filed a Request for Order (RFO) on February 23, 2024. It and all other required documents were served on March 8<sup>th</sup>. Respondent has not filed a Responsive Declaration to Request for Order.

The parties attended Child Custody Recommending Counseling (CCRC) on March 22, 2024. While they were able to reach some agreements, they could not agree on all issues, therefore a report with the agreements and recommendations was prepared on March 25, 2024. It was mailed to the parties on March 26<sup>th</sup>.

Petitioner filed her RFO asking the court to issue a parenting plan in accordance with the plan the parents are already practicing. She also asks that the court issue a holiday schedule and legal custody in accordance with the proposed stipulation she attached to her RFO. Finally, Petitioner requests bifurcation and termination of marital status.

Regarding bifurcation, “[t]he court may separately try one or more issues before the trial of the other issues if resolution of the bifurcated issue is likely to simplify the determination of the other issues.” Cal. Rules of Ct. Rule 5.390(c). In dissolution proceedings, the court may bifurcate the issue of the dissolution of the marriage and enter a status only judgment. *Id.* at (c)(7); Fam. Code § 2337. In fact, it is the public policy of the state to favor bifurcation where the dissolution of marriage would otherwise be postponed due to issues of property, support, custody or attorney’s fees. *In re Marriage of Fink*, 54 Cal. App. 3d 357 (1976). In furtherance of that policy, the party moving for bifurcation need only show slight evidence in support of its motion. *Girons v. Sup. Ct.*, 202 Cal. App. 3d 786 (1988). Nonetheless, despite the general policy in favor of bifurcation, the moving party must ensure that “[a]ll pension plans that have not been divided by court order that require joinder ...” have been joined. Cal. Rule Ct. 5.390(d)(1). A party seeking bifurcation is to submit a completed FL-315 evidencing such. Cal. Rule Ct. 5.390(a).

According to Petitioner the community may have an interest in her Charles Schab IRA, however there are no retirement accounts that would require joinder for a status only judgment. Therefore, the court finds good cause to bifurcate the issue of marital status. The parties are ordered to appear for the hearing on this issue.

Regarding custody, the court has reviewed the filings as outlined above and finds the agreements and recommendations contained in the March 25, 2024 CCRC report to be in the best interests of the minors, therefore they are hereby adopted as the orders of the court.

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

**TENTATIVE RULING #10: THE COURT FINDS GOOD CAUSE TO BIFURCATE THE ISSUE OF MARITAL STATUS. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THIS ISSUE.**

**REGARDING CUSTODY, THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE MARCH 25, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS, THEREFORE THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.**

**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 TELEPHONE 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 TELEPHONE 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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**11. RACHELLE NEAL V. JAMES NEAL**

**PFL20200810**

On April 3, 2024, Petitioner filed a Request for Order (RFO) seeking attorney's fees and orders compelling compliance with the court's prior orders. She filed an Income and Expense Declaration concurrently with the RFO. Both documents were personally served on Respondent's attorney on April 12<sup>th</sup>.

Respondent filed a Responsive Declaration to Request for Order and an Income and Expense Declaration on May 30, 2024.

Petitioner brings her RFO requesting the following orders: (1) Respondent be ordered to pick up the 2013 Lexus CT 200h vehicle within 48 hours; (2) Respondent to pay Petitioner ½ of the proceeds of the sale of the boat, without offset, within 48 hours; (3) Respondent to return the gate transponder to Petitioner; and (3) Attorney's fees and sanctions in the amount of \$5,000 pursuant to Family Code § 271.

Respondent asks that the court order the car be delivered to his home immediately and he be compensated for the drop in value since the settlement as well as the estimated cost of repairs of \$11,724.59 and loss of use with interest. He also requests attorney's fees and sanctions pursuant to Family Code § 271. He asks that Petitioner's request for fees and sanctions be denied.

After reviewing the filings of the parties, the court finds that the majority these issues have already been agreed to, the parties however, are not complying with prior orders. The parties are to adhere to their original agreement. Respondent shall take possession of the Lexus CT200h no later than July 4, 2024. The parties are to meet and confer to determine a mutually agreeable time and place for the exchange. Respondent shall pay Petitioner half of the sale of the boat proceeds, without offset, no later than July 4, 2024. Respondent shall provide Petitioner with the gate transponder no later than July 4, 2024.

Both parties' requests for Section 271 sanctions are denied at this time. The court finds that the parties have equally engaged in conduct that would be potentially sanctionable under Section 271 however sanctioning both sides would not further the interests of Section 271 as the sanctions would cancel one another out. Both parties are admonished to cooperate with one another in good faith and to comply with the court's prior orders and the stipulations of the parties. Future sanctionable conduct by either party may result in sanctions.

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



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**TENTATIVE RULING #11: THE PARTIES ARE TO ADHERE TO THEIR ORIGINAL AGREEMENT. RESPONDENT SHALL TAKE POSSESSION OF THE LEXUS CT200H NO LATER THAN JULY 4, 2024. THE PARTIES ARE TO MEET AND CONFER TO DETERMINE A MUTUALLY AGREEABLE TIME AND PLACE FOR THE EXCHANGE. RESPONDENT SHALL PAY PETITIONER HALF OF THE SALE OF THE BOAT PROCEEDS, WITHOUT OFFSET, NO LATER THAN JULY 4, 2024. RESPONDENT SHALL PROVIDE PETITIONER WITH THE GATE TRANSPONDER NO LATER THAN JULY 4, 2024. BOTH PARTIES' REQUESTS FOR SECTION 271 SANCTIONS ARE DENIED AT THIS TIME. FUTURE SANCTIONABLE CONDUCT BY EITHER PARTY MAY RESULT IN SANCTIONS. 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 TELEPHONE 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 TELEPHONE 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

June 20, 2024

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

**12. ST. OF OREGON V. C. GRAYSON, II (OTHER PARENT: KELLY HOWARD)**

**PFS20100278**

On April 3, 2024, Other Parent filed a Request for Order (RFO) along with a Declaration of Jacob Stevenson and Declaration of Joined Party/Parent. All documents were mail served on April 8, 2024. Respondent has not filed a Responsive Declaration to Request for Order.

Other Parent filed her RFO requesting to modify the temporary orders made on February 24, 2023, to reflect that the parents share joint legal and physical custody of the minors. She also asks to terminate the order for Soberlink testing and to order Respondent to reimburse her for the Soberlink testing done to date. According to Other Parent, on May 11, 2023, the court ordered Other Parent to sign up for Level II Soberlink testing. Other Parent was ordered to bear the cost of Level I Soberlink testing and then the parties were to split the difference in the cost between Level I and Level II testing. Level I testing is \$129 per month, and Level II is \$209 per month. As such, Other Parent was to pay \$169 per month and Respondent was to pay \$40 per month. Other Parent is requesting \$400 in reimbursement for 10 months of Soberlink testing.

The parties attended Child Custody Recommending Counseling (CCRC) on May 1, 2024. They were unable to reach any agreements therefore a report with recommendations was prepared on June 7<sup>th</sup> and mailed to the parties on June 10<sup>th</sup>.

After reviewing the filings as outlined above the court finds the recommendations contained in the June 7, 2024 CCRC report to be in the best interests of the minors and they are hereby adopted as the orders of the court. The court's prior order for Soberlink testing is hereby vacated. Respondent is ordered to pay Other Parent \$400 as and for reimbursement for his portion of Soberlink testing. This amount may be paid in one lump sum or in monthly increments of \$50 commencing on July 1, 2024 and continuing until paid in full (approximately 8 months). If any payment is missed or late, the entire amount shall become immediately due and payable.

All prior orders not in conflict with this order shall remain in full force and effect. Other Parent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #12: THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE JUNE 7, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE COURT'S PRIOR ORDER FOR SOBERLINK TESTING IS HEREBY VACATED. RESPONDENT IS ORDERED TO PAY OTHER PARENT \$400 AS AND FOR REIMBURSEMENT FOR HIS PORTION OF SOBERLINK TESTING. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**INCREMENTS OF \$50 COMMENCING ON JULY 1, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 8 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.**

**ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL 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 TELEPHONE 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 TELEPHONE 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

June 20, 2024

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

**13. ALICIA REID V. NICKOLAS REID**

**PFL20170368**

Petitioner filed an ex parte application for emergency orders on December 22, 2023. Respondent filed a Responsive Declaration the same day. The court denied the request for emergency custody orders on December 26, 2023. The court ordered prohibited the parties from transporting the minors while under the influence of any intoxicating substance. Petitioner filed a Request for Order (RFO) on December 26, 2023, requesting the same orders as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 24, 2024, and a review hearing on March 14, 2024. Proof of Service shows Respondent was served electronically on January 12, 2024. Respondent was subsequently personally served on January 14, 2024.

Respondent filed a Responsive Declaration on January 23, 2024. There is no Proof of Service for this document, therefore, the court cannot consider it.

Petitioner filed an Updating Declaration on March 1, 2024. Respondent was served on March 1<sup>st</sup>.

Both parties and the minors attended CCRC on January 24, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on March 1, 2024. Copies were mailed to the parties the same day.

Respondent filed a further Declaration on March 4, 2024. Petitioner was served electronically on March 4<sup>th</sup>.

On March 13, 2024, the parties submitted a stipulation to continue the hearing to May 16, 2024.

On April 22, 2024, the parties submitted a stipulation to continue the hearing to June 20, 2024.

Petitioner filed a Declaration on June 10, 2024. Respondent was served on the same day.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the CCRC report are in the minors' best interests. The court adopts the recommendations with the following modifications: the parties are to attend a co-parenting class rather than co-parenting counseling. Each party shall submit their certificate of completion to the other party and to the court on or before September 18, 2024. The court is adding conjoint therapy between Petitioner and Faith to the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

counseling recommendation. Conjoint therapy will be at the directive of Faith's therapist. Faith has the right to refuse parenting time with Petitioner.

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 #13: THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT ARE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE RECOMMENDATIONS WITH THE FOLLOWING MODIFICATIONS: THE PARTIES ARE TO ATTEND A CO-PARENTING CLASS RATHER THAN CO-PARENTING COUNSELING. EACH PARTY SHALL SUBMIT THEIR CERTIFICATE OF COMPLETION TO THE OTHER PARTY AND TO THE COURT ON OR BEFORE SEPTEMBER 18, 2024. THE COURT IS ADDING CONJOINT THERAPY BETWEEN PETITIONER AND FAITH TO THE COUNSELING RECOMMENDATION. CONJOINT THERAPY WILL BE AT THE DIRECTIVE OF FAITH'S THERAPIST. FAITH HAS THE RIGHT TO REFUSE PARENTING TIME WITH PETITIONER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE 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 TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

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DEPARTMENT 5

June 20, 2024

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

**15. CO. OF EL DORADO V. SHAWN HOIEM (OTHER PARRENT NICOL BLACKKETTER)  
PFS20210077**

Respondent filed a Request for Order (RFO) on April 19, 2024, seeking modification of the child custody, parenting plan, and child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 3, 2024, and a review hearing on June 20, 2024. Respondent did not file an Income and Expense Declaration. Upon review of the court file, Other Parent was served on April 22, 2024, however, Petitioner was not served.

Both parties attended CCRC on May 3, 2024, and reached a full agreement. The parties submitted a Stipulation and Order memorializing their agreements, to the court on May 6, 2024. The court signed and adopted the stipulation as its order on May 6<sup>th</sup>.

Other Parent filed a Responsive Declaration and Income and Expense Declaration on June 17, 2024. There is no Proof of Service for these documents, therefore, the court cannot consider them. Additionally, the documents are late filed and the court would not consider them on those grounds as well.

The court drops the RFO from calendar due to the lack of proper service to Petitioner as well as the failure to file an Income and Expense Declaration. The court maintains the current orders, including the orders as set forth in the May 6<sup>th</sup> stipulation.

**TENTATIVE RULING #15: THE COURT DROPS THE RFO FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE TO PETITIONER AS WELL AS THE FAILURE TO FILE AN INCOME AND EXPENSE DECLARATION. THE COURT MAINTAINS THE CURRENT ORDERS, INCLUDING THE ORDERS AS SET FORTH IN THE MAY 6<sup>TH</sup> STIPULATION.**

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

June 20, 2024

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

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

Other Parent filed a Request for Order (RFO) on April 18, 2024, requesting the court modify the current child custody and parenting plan orders. Upon review of the court file, there is no Proof of Service showing either Petitioner or Respondent were served with the RFO.

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 TELEPHONE 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 TELEPHONE 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

June 20, 2024

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

**17. DCSS V. JOSHUA AKERS (OTHER PARENT: MYRIAH DEMARS) PFS20150283**

Respondent filed an ex parte application for emergency custody and parenting plan orders on May 9, 2024. The court denied the request on May 10, 2024, finding that Petitioner had not been noticed and Other Parent had not been provided with copies of the Petition. The court also found the allegations to be remote in time. The court referred the parties to an emergency set Child Custody Recommending Counseling (CCRC) appointment on May 28, 2024 and a review hearing on June 20, 2024. Other Parent was served on May 17, 2024. There is no Proof of Service showing Petitioner was properly served.

A CCRC report was filed with the court on June 18, 2024.

Parties are ordered to appear for the hearing. The court directs parties to check in at the clerk's office when they arrive at the courthouse to receive their copies of the CCRC report.

**Tentative Ruling #17: Parties are ordered to appear for the hearing. The court directs parties to check in at the clerk's office when they arrive at the courthouse to receive their copies of the CCRC report.**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**18. GERGANA MUDROVA V. PAUL BONDAR**

**22FL0444**

Petitioner filed a Request for Order (RFO) on April 2, 2024 requesting the court modify the current child custody and parenting plan orders as well as Family Code section 271 sanctions. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 2, 2024 and a review hearing on June 20, 2024. Proof of Service shows Respondent was served by mail on April 9, 2024.

Respondent filed a Responsive Declaration on May 20, 2024. Proof of Service shows Petitioner was served on May 20, 2024. Respondent requests the court adopt the recommendations and agreements as set forth in the CCRC report. Respondent objects to Petitioner's request for Family Code section 271 sanctions.

Both parties attended CCRC and we able to reach some agreements. A report with the parties' agreements and further recommendations was filed with the court on May 29, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on June 12, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

The court has read and considered the filings as set forth above. The court adopts the agreements and recommendations as set forth in the May 29<sup>th</sup> CCRC report with the following modifications. As to the definition of inclement weather, the court is ordering that inclement weather is as defined by the National Weather Service and Cal-Trans. This includes when National Weather Service has issued a Winter Storm Watch: A Winter Storm Watch is issued when there is the potential for significant and hazardous winter weather within 48 hours. It does not mean that significant and hazardous winter weather will occur...it only means it is possible. Significant and hazardous winter weather is defined as a combination of: 1) 5 inches or more of snow/sleet within a 12-hour period or 7 inches or more of snow/sleet within a 24-hour period AND/OR 2) Enough ice accumulation to cause damage to trees or powerlines. AND/OR 3) a life threatening or damaging combination of snow and/or ice accumulation with wind. Or, when a Winter Storm Advisory has been issued: A Winter Weather Advisory will be issued for any amount of freezing rain, or when 2 to 4 inches of snow (alone or in combination with sleet and freezing rain), is expected to cause a significant inconvenience, but not serious enough to warrant a warning. Inclement weather shall also include a Winter Storm Warning: A Winter Storm Warning is issued when a significant combination of hazardous winter weather is occurring or imminent. Significant and hazardous winter weather is defined as a combination of: 1) 5 inches or more of snow/sleet within a 12-hour period or 7 inches or more of snow/sleet within a 24-hour period AND/OR 2) Enough ice accumulation to cause damage to trees or powerlines.

LAW & MOTION TENTATIVE RULINGS

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AND/OR 3) a life threatening or damaging combination of snow and/or ice accumulation with wind. Or if Cal-Trans has implemented chain controls on Interstate 80. Under such circumstances, Respondent's parenting time shall take place in the El Dorado/Sacramento/Placer County region, should Respondent choose to travel. If the above described advisory/warning has been issued or chain controls are implemented after the minor has traveled to Respondent's home, the minor shall spend extra days with Respondent until the chain controls and/or weather advisories/warning has been lifted. The court adopts the remainder of the recommendations as set forth.

As to Petitioner's request for Family Code section 271 sanctions, the court denies the request. The court finds Petitioner is not represented by counsel and therefore she is ineligible to receive attorney's fees as sanctions. See In re Marriage of Erdnt and Terhorst, 59 Cal. App. 5<sup>th</sup> 898 (2023).

All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #18: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE MAY 29<sup>TH</sup> CCRC REPORT WITH THE FOLLOWING MODIFICATIONS. AS TO THE DEFINITION OF INCLEMENT WEATHER, THE COURT IS ORDERING THAT INCLEMENT WEATHER IS AS DEFINED BY THE NATIONAL WEATHER SERVICE AND CAL-TRANS. THIS INCLUDES WHEN NATIONAL WEATHER SERVICE HAS ISSUED A WINTER STORM WATCH: A WINTER STORM WATCH IS ISSUED WHEN THERE IS THE POTENTIAL FOR SIGNIFICANT AND HAZARDOUS WINTER WEATHER WITHIN 48 HOURS. IT DOES NOT MEAN THAT SIGNIFICANT AND HAZARDOUS WINTER WEATHER WILL OCCUR...IT ONLY MEANS IT IS POSSIBLE. SIGNIFICANT AND HAZARDOUS WINTER WEATHER IS DEFINED AS A COMBINATION OF: 1) 5 INCHES OR MORE OF SNOW/SLEET WITHIN A 12-HOUR PERIOD OR 7 INCHES OR MORE OF SNOW/SLEET WITHIN A 24-HOUR PERIOD AND/OR 2) ENOUGH ICE ACCUMULATION TO CAUSE DAMAGE TO TREES OR POWERLINES. AND/OR 3) A LIFE THREATENING OR DAMAGING COMBINATION OF SNOW AND/OR ICE ACCUMULATION WITH WIND. OR, WHEN A WINTER STORM ADVISORY HAS BEEN ISSUED: A WINTER WEATHER ADVISORY WILL BE ISSUED FOR ANY AMOUNT OF FREEZING RAIN, OR WHEN 2 TO 4 INCHES OF SNOW (ALONE OR IN COMBINATION WITH SLEET AND FREEZING RAIN), IS EXPECTED TO CAUSE A SIGNIFICANT INCONVENIENCE, BUT NOT SERIOUS ENOUGH TO WARRANT A WARNING. INCLEMENT WEATHER SHALL ALSO INCLUDE A WINTER STORM WARNING: A WINTER STORM WARNING IS ISSUED WHEN A SIGNIFICANT COMBINATION OF HAZARDOUS WINTER WEATHER IS OCCURRING OR IMMINENT. SIGNIFICANT AND HAZARDOUS WINTER WEATHER IS DEFINED AS A**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**COMBINATION OF: 1) 5 INCHES OR MORE OF SNOW/SLEET WITHIN A 12-HOUR PERIOD OR 7 INCHES OR MORE OF SNOW/SLEET WITHIN A 24-HOUR PERIOD AND/OR 2) ENOUGH ICE ACCUMULATION TO CAUSE DAMAGE TO TREES OR POWERLINES. AND/OR 3) A LIFE THREATENING OR DAMAGING COMBINATION OF SNOW AND/OR ICE ACCUMULATION WITH WIND. OR IF CAL-TRANS HAS IMPLEMENTED CHAIN CONTROLS ON INTERSTATE 80. UNDER SUCH CIRCUMSTANCES, RESPONDENT'S PARENTING TIME SHALL TAKE PLACE IN THE EL DORADO/SACRAMENTO/PLACER COUNTY REGION, SHOULD RESPONDENT CHOOSE TO TRAVEL. IF THE ABOVE DESCRIBED ADVISORY/WARNING HAS BEEN ISSUED OR CHAIN CONTROLS ARE IMPLEMENTED AFTER THE MINOR HAS TRAVELED TO RESPONDENT'S HOME, THE MINOR SHALL SPEND EXTRA DAYS WITH RESPONDENT UNTIL THE CHAIN CONTROLS AND/OR WEATHER ADVISORIES/WARNING HAS BEEN LIFTED. THE COURT ADOPTS THE REMAINDER OF THE RECOMMENDATIONS AS SET FORTH.**

**THE COURT DENIES PETITIONER'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. THE COURT FINDS PETITIONER IS NOT REPRESENTED BY COUNSEL; THEREFORE, SHE IS INELIGIBLE TO RECEIVE ATTORNEY'S FEES AS SANCTIONS. *SEE IN RE MARRIAGE OF ERDNT AND TERHORST* 59 CAL. APP. 5<sup>TH</sup> 898 (2023).**

**ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

June 20, 2024

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

**19. HALEY MEJIA V. GABRIEL MEJIA**

**23FL0867**

Respondent filed a Request for Order (RFO) on April 5, 2024, requesting a modification to child custody and child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 3, 2024 and a review hearing on June 20, 2024. Respondent did not file an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO and other necessary documents.

Neither party appeared for the CCRC appointment on May 3<sup>rd</sup>.

The court drops the matter from calendar due to Respondent's failure to properly serve Petitioner.

**TENTATIVE RULING #19: THE MATTER IS DROPPED FROM THE COURT'S 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 TELEPHONE 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 TELEPHONE 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

June 20, 2024

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

**21. KYLE HARBUCK V. VALERIE HUMPHREY**

**PFL20190897**

Petitioner filed a Request for Order (RFO) on April 8, 2024, requesting the court modify the current child custody and parenting plan orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as Petitioner has previously filed the same RFO on January 16, 2024, and parties were referred at that time. Proof of Service shows Respondent was personally served with the RFO and other necessary documents on May 3, 2024.

Respondent has not filed a Responsive Declaration.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**22. MACHAELA MELROSE V. SHAWN SANTELIO**

**23FL1121**

Respondent filed a Request for Order (RFO) on March 21, 2024, requesting the court modify the child custody orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months. Upon review of the court file, there is a Proof of Unsuccessful Personal Service Petitioner filed on April 9, 2024. Respondent subsequently served Petitioner via mail on April 9, 2024. Respondent requests unsupervised parenting time from Friday evening to Sunday evening every weekend.

Petitioner filed an ex parte application for emergency custody orders on April 5, 2024. On April 8, 2024, the court denied the ex parte application, finding there were no exigent circumstances. Petitioner filed an RFO on April 8, 2024, making the same requests as set forth in her ex parte application. Proof of Service shows Respondent was served on April 10, 2024. Petitioner is requesting professionally supervised parenting time for Respondent.

Respondent filed a Responsive Declaration to Petitioner's RFO on May 2, 2024. Petitioner was served on May 2, 2024. Respondent objects to the request that his parenting time be supervised. Respondent agrees with Petitioner's position that Petitioner should not be providing supervision. Respondent asserts the parties' agreement is vague as to supervision and it was not his belief that Petitioner should be supervising his parenting time, nor that supervision is necessary. Respondent proposes a step-up plan for his parenting time.

Petitioner filed a Responsive Declaration to Respondent's RFO on May 14, 2024. Respondent was served on May 14, 2024. The court finds this to be late filed. However, Respondent filed a Reply Declaration on May 16, 2024, and therefore, the court will consider it. Petitioner reiterates her concerns raised in her RFO about the need for Respondent to have professionally supervised visitation. Petitioner requests the court deny Respondent's RFO.

Respondent filed a Reply Declaration on May 16, 2024. Petitioner was served on May 16, 2024. Respondent refutes Petitioner's assertions. Respondent reiterates his request for a step-up plan. Respondent requests Family Code section 271 sanctions for Petitioner's failure to comply with the current court ordered parenting plan by cancelling multiple visits and failing to make up the visits.

Parties appeared for the hearing on May 23, 2024. The parties stipulated to the matter being continued and for Respondent to engage in paternity testing. The court stayed

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its tentative ruling pending the next hearing on June 20, 2024. Parties were to submit Supplemental Declarations at least 10 days prior to the hearing.

Upon review of the court's file, neither party has submitted a Supplemental Declaration.

The court has read and considered the filings as outlined above. The court has reviewed the parties' January 17, 2024 Stipulation and Order. The court concurs that the terms of Respondent's parenting time are vague and open to broad interpretation. The agreement is that Petitioner will accompany the minor for Respondent's parenting time. The court does not find this to be a term requiring supervision. The court grants Respondent's request to modify the prior order. The court denies Petitioner's request for professional supervision. The court does not find professional supervision to be necessary.

The court adopts Respondent's proposed step-up plan as set forth in the May 2, 2024 Responsive Declaration. The parties shall continue to have joint legal custody. Respondent shall have parenting time starting June 23, 2024 every Sunday from 8:30 AM to 6:00 PM. Starting August 9<sup>th</sup>, Respondent shall have parenting time from Saturday at 6:00 PM until Sunday at 6:00 PM. Parties are to meet at Pioneer Park in Somerset for all exchanges. Prior to progressing to Step 3, the court is setting a review hearing for September 19, 2024, at 1:30 PM, to determine how Respondent's parenting time has been progressing and each party's compliance with the court's orders. The court reserves jurisdiction on Respondent's request for Family Code section 271 sanctions to the review hearing. Petitioner is directed to file and serve an Income and Expense Declaration at least 10 days prior to the review hearing. Supplemental Declarations are due at least 10 days prior to the review hearing.

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 #22: THE COURT CONCURS THAT THE TERMS OF RESPONDENT'S PARENTING TIME ARE VAGUE AND OPEN TO BROAD INTERPRETATION. THE AGREEMENT IS THAT PETITIONER WILL ACCOMPANY THE MINOR FOR RESPONDENT'S PARENTING TIME. THE COURT DOES NOT FIND THIS TO BE A TERM REQUIRING SUPERVISION. THE COURT GRANTS RESPONDENT'S REQUEST TO MODIFY THE PRIOR ORDER. THE COURT DENIES PETITIONER'S REQUEST FOR PROFESSIONAL SUPERVISION. THE COURT DOES NOT FIND PROFESSIONAL SUPERVISION TO BE NECESSARY.**

**THE COURT ADOPTS RESPONDENT'S PROPOSED STEP-UP PLAN AS SET FORTH IN THE MAY 2, 2024 RESPONSIVE DECLARATION. THE PARTIES SHALL CONTINUE TO**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**HAVE JOINT LEGAL CUSTODY. RESPONDENT SHALL HAVE PARENTING TIME STARTING JUNE 23, 2024 EVERY SUNDAY FROM 8:30 AM TO 6:00 PM THROUGH. STARTING AUGUST 9TH, RESPONDENT SHALL HAVE PARENTING TIME FROM SATURDAY AT 6:00 PM UNTIL SUNDAY AT 6:00 PM. PARTIES ARE TO MEET AT PIONEER PARK IN SOMERSET FOR ALL EXCHANGES. PRIOR TO PROGRESSING TO STEP 3, THE COURT IS SETTING A REVIEW HEARING FOR SEPTEMBER 19, 2024, AT 1:30 PM, TO DETERMINE HOW RESPONDENT'S PARENTING TIME HAS BEEN PROGRESSING AND EACH PARTY'S COMPLIANCE WITH THE COURT'S ORDERS. THE COURT RESERVES JURISDICTION ON RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS TO THE REVIEW HEARING. PETITIONER IS DIRECTED TO FILE AND SERVE AN INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING.**

**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 TELEPHONE 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 TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**



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DEPARTMENT 5  
June 20, 2024  
8:30 a.m./1:30 p.m.

**23. MARY RAINES V. TRAVIS TYUS**

**PFL20110433**

Petitioner filed an ex parte application for emergency custody orders on April 3, 2024. Respondent filed a Responsive Declaration on April 4, 2024. The court denied the request on April 5, 2024. Petitioner filed a Request for Order (RFO) on April 5, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 2, 2024, and a review hearing on June 20, 2024. Upon review of the court's file, there is no Proof of Service showing Respondent was properly served with the RFO and referral to CCRC.

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 4, 2024. Respondent also filed two declarations in support of the OSC on April 8, 2024. Proof of Service shows Petitioner was personally served with the OSC on April 7, 2024. Petitioner was served with the declarations electronically on April 9, 2024. Petitioner was personally served with copies of the text messages on April 14, 2024.

On May 30, 2024, the court on its own motion continued the OSC hearing to June 20, 2024.

Both parties appeared for the CCRC appointment on May 2, 2024, and were unable to reach any agreements. A report with recommendations was filed with the court on June 10, 2024. Copies were mailed to the parties the same day.

The court has read and considered the filings as set forth above. The court finds good cause to proceed on the merits of the RFO, as both parties appeared at the CCRC appointment, Respondent filed a Responsive Declaration, and is fully aware of the requested orders. The court finds the recommendations as set forth in the June 10<sup>th</sup> CCRC report to be in the best interest of the minor. The court adopts the recommendations as its orders.

Parties are ordered to appear for arraignment on the OSC.

**TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE OSC.**

**THE COURT HAS READ AND CONSIDERED THE FILINGS AS SET FORTH ABOVE. THE COURT FINDS GOOD CAUSE TO PROCEED ON THE MERITS OF THE RFO, AS BOTH PARTIES APPEARED AT THE CCRC APPOINTMENT, RESPONDENT FILED A RESPONSIVE DECLARATION, AND IS FULLY AWARE OF THE REQUESTED ORDERS. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JUNE 10<sup>TH</sup> CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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 TELEPHONE 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 TELEPHONE 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

June 20, 2024

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

**24. RICKI COATE V. DAVID HUSBY-SMITH**

**PFL20160732**

Petitioner filed a Request for Order (RFO) on April 2, 2024, requesting the court modify the child custody orders. The parties were referred to Child Custody Recommending Counseling with an appointment on May 1, 2024, and a review hearing on June 20, 2024.

Petitioner filed a Proof of Service on May 2, 2024, stating Respondent was personally served with the RFO and referral to CCRC. The Proof of Service does not state Respondent was served with the other necessary documents, including the Notice of Tentative Ruling.

Only Petitioner appeared at CCRC on May 2, 2024. As such, a single parent report was issued. Copies were mailed to the parties the same day.

Respondent filed a Responsive Declaration on May 7, 2024. Proof of Service shows this document, as well as an FL-300, FL-311, and FL-341(D) and (E) were served by mail on Petitioner on May 29, 2024.

On June 4, 2024, Respondent filed a Declaration regarding the service by Petitioner. There is no Proof of Service for this document, and however, the court finds good cause to consider it, given the concerns raised by Respondent about the lack of proper service of the RFO and referral to CCRC.

Petitioner filed a Declaration on June 13, 2024. There is no Proof of Service showing Respondent was served with this document. Therefore, the court cannot consider it. Additionally, the document was filed less than 10 days prior to the hearing and the court will not consider it on those grounds as well.

The court has read and considered the filings as outlined above. The court finds good cause to rerefer the parties to CCRC with an appointment on 7/22/2024 at 1:00 pm with Norman Labat. The court continues the review hearing to 9/12/2024 at 1:30 in Department 5.

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

**TENTATIVE RULING #24: THE COURT HAS READ AND CONSIDERED THE FILINGS AS OUTLINED ABOVE. THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC WITH AN APPOINTMENT ON 7/22/2024 AT 1:00 PM WITH NORMAN LABAT THE COURT CONTINUES THE REVIEW HEARING TO 9/12/2024 AT 1:30 IN DEPARTMENT 5.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 20, 2024

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

**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 TELEPHONE 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 TELEPHONE 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.**