

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

1. AMANDA RENFROE V. ANDREW RENFROE

PFL20160677

On February 27, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was personally served on May 14, 2024. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner filed her RFO requesting the court change the existing custody order with regard to the minor, Violet. Petitioner requests sole legal and sole physical custody of the minor with Respondent to have visitation only at the discretion of the minor. Petitioner also requests that the minor be permitted to change high schools from Bella Vista High School to Ponderosa High School.

It appears the parties have not been to Child Custody Recommending Counseling (CCRC) since March of 2023. Therefore, the parties are referred to CCRC with an appointment on 7/15/2024 at 1:00 PM with Norman Labat. This matter is continued to 9/8/2024 at 8:30 AM in department 5.

TENTATIVE RULING #1: THE PARTIES ARE REFERRED TO CCRC WITH AN APPOINTMENT ON 7/15/2024 AT 1:00 PM WITH NORMAN LABAT THIS MATTER IS CONTINUED TO 9/5/2024 AT 8:30 AM IN DEPARTMENT 5.

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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June 6, 2024

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

2. APRIL LOCKHART V. DAVID MERCADO

PFL20200534

On March 15, 2024, Petitioner filed an Order to Show Cause and Affidavit for Contempt (“OSC”). There is no Proof of Service on file for this OSC, therefore, the matter is dropped from calendar.

TENTATIVE RULING #2: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY 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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June 6, 2024

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

3. ASHLEY GOEHRING V. COLBY STANWOOD

24FL0155

Petitioner filed a Request for Order (RFO) on March 14, 2024 along with her Income and Expense Declaration, requesting guideline child support as well as reimbursements for one half the medical care related to the pregnancy. There is no Proof of Service for either of these documents.

Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on May 22, 2024. These documents were served on May 29th. The court finds this document to be late served and therefore, has not considered it.

Respondent filed a Declaration on May 31, 2024. Petitioner was served electronically on May 29th. The court finds this to be late filed, and therefore, has not considered it.

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

TENTATIVE RULING #3: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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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June 6, 2024

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

5. ESPERANZA WOOLEVER V. CHRISTOPHER WOOLEVER

PFL20180325

Petitioner filed a Request for Order (RFO) on March 19, 2024, it was mail served on March 20th.

The parties attended Child Custody Recommending Counseling (CCRC) on April 15, 2024 and a report with recommendations was prepared and mailed to the parties on May 21st.

Respondent filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on May 23rd.

Petitioner filed a supplemental declaration on May 24th and another one on June 3rd. She also filed her Income and Expense Declaration on June 3rd. There is a Proof of Service indicating that the Income and Expense Declaration and “Petitioner’s Response to Respondent’s Declaration” were both served on May 31st though it is unclear if this is referring to the May 24th declaration or the June 3rd declaration. The court can only consider these declarations if they were properly served on the opposing party. Given that it is unclear to the court which declaration was served and can therefore be considered by the court in making its ruling, the parties are ordered to appear for the hearing.

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

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June 6, 2024

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

6. HEATHER SMITH V. SCOTT MITCHELL

24FL0224

On February 21, 2024, this matter was ordered to be transferred from Humboldt County to El Dorado County. After the transfer was completed, the parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 4, 2024.

Only Respondent appeared at CCRC therefore, a single parent report was prepared. On May 8th Petitioner filed a Responsive Declaration to Request for Order asking that the parties be rereferred to CCRC. She is requesting unsupervised visitation pending the rereferral to CCRC and the review hearing.

The parties are rereferred to CCRC with an appointment on 7/18/2024 at 9:00 AM with Rebecca Nelson. A review hearing is set for 9/5/2024 at 8:30 AM in department 5. All prior orders remain in full force and effect pending the review hearing.

TENTATIVE RULING #6: THE PARTIES ARE REREFERRED TO CCRC WITH AN APPOINTMENT ON 7/18/2024 AT 9:00 AM WITH REBECCA NELSON. A REVIEW HEARING IS SET FOR 9/5/2024 AT 8:30 AM IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT PENDING THE REVIEW 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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8:30 a.m./1:30 p.m.

7. JOEY SELBY V. PAUL JUDGE

23FL0851

Respondent filed a Request for Order (RFO) on November 20, 2023, requesting to set aside the parties' August 29, 2023 Stipulation Re Property Distribution. Respondent concurrently filed a Memorandum of Points and Authorities with his RFO. Petitioner was served by mail on December 22, 2023. Petitioner filed and served a Responsive Declaration to Request for Order on January 9, 2024.

Respondent's RFO came before the court for hearing on February 29, 2024, at which time the court noted that the stipulation was submitted to the court for signature on the same day the Summons was issued. The Summons was not served on Respondent until August 31, 2023; therefore, the court did not have jurisdiction to sign the stipulation on August 29th. The court initially ordered the parties to re-file the stipulation though, after oral argument, the court continued the matter to the present date and set a briefing schedule.

In accordance with the briefing schedule Respondent filed and served his Memorandum of Points and Authorities in Support of Respondent's Contention of the Validity of the "Agreement" Provided by Petitioner on April 2nd. Petitioner's Memorandum of Points and Authorities Regarding the Validity of the Parties' Agreement was filed and served on May 2nd. Respondent's Reply Brief Regarding the Validity of the "Agreement" Provided by Petitioner was filed on May 16th. The reply was filed concurrently with a Declaration of Beau Judge and a Declaration of Jackie Judge. All documents were served on the 16th.

Under the purported agreement, Respondent received only the RV, the Harley Bager motorcycle, the 12-foot car trailer, the Polaris side-by-side, a Ford Ranger and an account containing only \$25,000. The three Kawasaki's he allegedly received were not community property, nor were they owned by either of the parties. Petitioner, on the other hand, received the entirety of the residence located on Loyal Lane, the Honda Shadow motorcycle, the GMC Sierra 1500, the 1978 Jeep, the Harley Deuce motorcycle, the contents of two Bank of America accounts, and the entirety of Petitioner's retirement accounts.

In exchange for property received by Respondent, Respondent relinquished potential reimbursement rights for his contribution to the Loyal Lane home, to checking and savings accounts containing a collectively \$109,944.45 and to potential rights to Petitioner's retirement accounts which amounted to \$77,852.24 at the time the document was signed. Additionally, Petitioner was in the process of purchasing a home in Montana which likely was purchased with community funds, though this home was completely left off of the agreement and Respondent was not informed of Petitioner's intent to purchase it.

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Under these circumstances it seems Petitioner would be hard pressed to reasonably argue that she did not gain an unfair advantage in executing this document. Therefore, the court does find that the terms of the agreement are sufficiently one sided to give rise to the presumption of undue influence pursuant to Family Code § 721.

Family Code § 721 imposes on each spouse “a duty of the highest good faith and fair dealing” such that “neither shall take any unfair advantage of the other.” Fam. Code § 721(b). Where one spouse obtains an advantage over another in a community property transaction, a rebuttable presumption of undue influence arises and the burden rests on the advantaged spouse to rebut the presumption. See In re Marriage of Haines, 33 Cal. App. 4th 277 (1995). To rebut the presumption, the advantaged spouse must show, by a preponderance of the evidence, that the disadvantaged spouse entered the agreement freely and voluntarily, with full knowledge of all facts, and with a complete understanding of its effects. In re Marriage of Balcof, 141 Cal. App. 4th 1509, 1519-1520 (2006).

In the matter before the court, Petitioner has failed to sufficiently rebut the presumption of undue influence. Most notably is her text message to Respondent’s daughter threatening to turn Respondent and his employer into the IRS if he did not adhere to the agreement. While Petitioner cites *Marriage of Burkle* and argues that “[a] spouse who foregoes investigation and accepts a proposed settlement ‘may not later avoid the agreement unless there has been a misrepresentation of the facts’” (Marriage of Burkle, 139 Cal. App. 4th 712, 740-741 (2002)) the difference between *Burkle* and the present case is that here Respondent did not merely forego an investigation regarding the Montana home. Instead, Petitioner actively worked to hide from him the fact that she was purchasing a home in Montana with what was potentially community property money.

In light of the circumstances as discussed above, the court does find that the marital settlement is a product of undue influence and should, therefore, be set aside. Respondent’s motion is granted, and the marital settlement agreement dated August 26, 2023 is hereby set aside. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #7: RESPONDENT’S MOTION IS GRANTED AND THE MARITAL SETTLEMENT AGREEMENT DATED AUGUST 26, 2023 IS HEREBY SET ASIDE. 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

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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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June 6, 2024

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

8. KRISTIN TABOR V. BRANDON TABOR

21FL0038

On March 18, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders as well as a variety of other orders. He filed his Income and Expense Declaration on March 25th. Both documents, along with all other required documents, were served on March 27th.

Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on May 23, 2024.

Respondent is requesting joint legal and joint physical custody of the parties' minor children with a week on/week off schedule. He also requests the following orders: (1) The imputation on at least full-time income to Petitioner if she is not already earning at that rate; (2) Order Petitioner to stop using Respondent's HSA card for any expense not agreed upon for the children; (3) Confirm as an order of the court Respondent's agreement with Petitioner that Respondent may claim Baylie as an exemption on his taxes in 2024 and each year moving forward; (4) Order that the parties alternate claiming the youngest child, Rylinn, when Baylie may no longer be legally claimed as an exemption, alternating years to begin with Respondent claiming Rylinn the year after Baylie can no longer be claimed; and (5) Each parent to be permitted to equally participate in school events such as open house, with the children, regardless of whose parenting time it is. Respondent has also provided the court with a requested holiday schedule.

The parties attended Child Custody Recommending Counseling (CCRC) on April 18, 2024. While they were able to reach agreements on several issues, they were unable to agree on a parenting plan. As such, a report with the agreements and recommendations was prepared and mailed to the parties on April 26th.

Petitioner asks the court to adopt the agreements and recommendations as contained in the CCRC report with the exception of the recommendation that the minor Rylinn attend therapy. Petitioner states the current parenting plan of alternating weekends has been working well for approximately two years and maintaining that consistency is in Rylinn's best interests because of her anxiety. Petitioner does not agree to an imputation of income as Respondent has not established that she is capable of earning more than what she is currently earning. She asks that any future uncovered medical expenses and work-related childcare expenses be apportioned according to the parties' relative net incomes. She also agrees to use the HSA card for the children's copay expenses only. She also agrees to Respondent claiming Baylie as a dependent for the year 2024 and each tax year thereafter.

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The court has reviewed the filings as outlined above and finds the agreements and recommendations as stated in the April 26, 2024 CCRC report to be in the best interests of the minors, they are therefore hereby adopted as the orders of the court. Additionally, Respondent shall be allowed to claim Baylie as a dependent for the tax year 2024 and each year thereafter until Baylie reaches the age of majority. Once Baylie can no longer be claimed as a dependent, the parties are to alternate years in which they claim Rylinn as a dependent commencing with Respondent to have the first year after Baylie can no longer be claimed. Petitioner shall only use Respondent's HSA card to pay for copays, or other agreed upon healthcare expenses for the children. Each parent is permitted to equally participate in school events such as open house, with the children, regardless of whose parenting time it is.

Regarding support, the court finds that Respondent has not sufficiently established Petitioner's ability and opportunity to earn additional income therefore Respondent's request to impute income is denied.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that child support a is \$2,000 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Respondent to pay Petitioner \$2,000 per month as and for child support payable on the 1st of the month until further order of the court or legal termination. This order is effective as of April 1, 2024.

The court finds the above order results in arrears in the amount of \$6,000 through and including June 1, 2024. The court orders Respondent pay Petitioner \$1,000 on the 15th of each month commencing on June 15th and continuing until paid in full (approximately 6 months). If a payment is late or missed the remaining balance is due in full, with legal interest within five (5) days.

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

TENTATIVE RULING #8: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THE AGREEMENTS AND RECOMMENDATIONS AS STATED IN THE APRIL 26, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS, THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ADDITIONALLY, RESPONDENT SHALL BE ALLOWED TO CLAIM BAYLIE AS A DEPENDENT FOR THE TAX YEAR 2024 AND EACH YEAR THEREAFTER UNTIL BAYLIE REACHES THE AGE OF MAJORITY. ONCE BAYLIE CAN NO LONGER BE CLAIMED AS A DEPENDENT, THE PARTIES ARE TO ALTERNATE YEARS IN WHICH THEY CLAIM RYLINN AS A DEPENDENT COMMENCING WITH RESPONDENT TO HAVE THE FIRST YEAR AFTER BAYLIE CAN NO LONGER BE CLAIMED. PETITIONER SHALL ONLY USE RESPONDENT'S HSA CARD TO

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PAY FOR COPAYS, OR OTHER AGREED UPON HEALTHCARE EXPENSES FOR THE CHILDREN. EACH PARENT IS PERMITTED TO EQUALLY PARTICIPATE IN SCHOOL EVENTS SUCH AS OPEN HOUSE, WITH THE CHILDREN, REGARDLESS OF WHOSE PARENTING TIME IT IS.

THE COURT FINDS THAT RESPONDENT HAS NOT SUFFICIENTLY ESTABLISHED PETITIONER'S ABILITY AND OPPORTUNITY TO EARN ADDITIONAL INCOME THEREFORE RESPONDENT'S REQUEST TO IMPUTE INCOME IS DENIED. THE COURT FINDS THAT CHILD SUPPORT A IS \$2,000 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,000 PER MONTH AS AND FOR CHILD SUPPORT PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF APRIL 1, 2024. THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$6,000 THROUGH AND INCLUDING JUNE 1, 2024. THE COURT ORDERS RESPONDENT PAY PETITIONER \$1,000 ON THE 15TH OF EACH MONTH COMMENCING ON JUNE 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 6 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS. 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.

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 2024, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother	
Number of children	0	2	Nets (adjusted)	Guideline			
% time with Second Parent	21%	0%	Father	7,528	Payment (cost)/benefit	(2,000)	2,000
Filing status	Single	HH/MLA	Mother	3,112	Net spendable income	5,528	5,113
# Federal exemptions	1*	3*	Total	10,640	% combined spendable	52%	48%
Wages + salary	12,079	2,625	Support		Total taxes	3,771	(487)
401(k) employee contrib	0	0	CS Payor	Father	Comb. net spendable	10,641	
Self-employment income	0	0	Presumed	2,000	Proposed		
Other taxable income	0	0	Basic CS	2,000	Payment (cost)/benefit	(2,146)	2,146
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	5,803	4,925
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	275	(188)
Other gains (and losses)	0	0	Child 1	714	% combined spendable	54.1%	45.9%
Ordinary dividends	0	0	Child 2	1,286	% of saving over gdl	316.7%	-216.7%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	3,351	(154)
Social Security received	0	0	Total	2,000	Comb. net spendable	10,727	
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.8%	
Operating losses	0	0	CS Payor	Father	Default Case Settings		
Ca. operating loss adj.	0	0	Presumed	2,146			
Roy, partnerships, S corp, trusts	0	0	Basic CS	2,146			
Rental income	0	0	Add-ons	0			
Misc ordinary tax. inc.	0	0	Presumed Per Kid				
Other nontaxable income	0	0	Child 1	814			
New-spouse income	0	0	Child 2	1,332			
SS paid other marriage	0	0	Spousal support	blocked			
CS paid other relationship	0	0	Total	2,146			
Adj. to income (ATI)	0	0	Savings	87			
Ptr Support Pd. other P'ships	0	0	Total releases to Father	2			
Health insurance	0	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	730	0					
Cr. for Pd. Sick and Fam. L.	0	0					
Mandatory retirement	0	0					
Hardship deduction	0*	0*					
Other gdl. adjustments	50	0					
AMT info (IRS Form 6251)	0	0					
Child support add-ons	0	0					
TANF, SSI and CS received	0	0					

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June 6, 2024

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

9. NICHOLAS WILLIAMS V. JENNIFER WILLIAMS

23FL0197

Respondent filed a Request for Order (RFO) on September 25, 2023 seeking spousal support and attorney's fees. She filed her Income and Expense Declaration and a Declaration of Roger G. Kosla concurrently therewith. All documents were mail served on September 21st.

Petitioner filed and served his Responsive Declaration to Request for Order, his Declaration of Nicholas Williams in Response to Respondent's Request for Support, and his Income and Expense Declaration on December 20, 2023. The parties appeared for the hearing on December 21, 2023 and requested a continuance. The matter was continued to March 14th and then once again to the present date.

On May 14, 2024, Respondent filed a Declaration of Susan Dawkins and a Declaration of Jennifer Williams. She filed her updated Income and Expense Declaration on May 16th. Petitioner filed his updated Income and Expense Declaration and a Declaration of Nicholas Williams

Respondent is requesting guideline spousal support as well as \$30,000 in attorney's fees and costs pursuant to Family Code § 2030 as well as sanctions. Respondent submitted a bookkeeper declaration asserting that Petitioner's income for 2023 was \$227,582.89 which amounts to \$18,965 per month. She therefore requests guideline support in the amount of \$4,786 effective October 1, 2023. This would result in arrears in the amount of \$38,288 which she requests be paid at a rate of \$2,000 per month.

Petitioner opposes Respondent's requests arguing that he does not have the ability to pay. He asks the court to set spousal support to \$0.

There is considerable disagreement over the income of both parties. The parties are ordered to appear for the hearing to address this issue.

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

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June 6, 2024

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

10. NICOLE SMITH V. BRANDON CORNS

24FL0194

On March 14, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders as well as child support. The partes were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 8, 2024. There is no Proof of Service indicating that Respondent was served with either the RFO or the CCRC referral and only Petitioner appeared at CCRC. This matter is therefore dropped from calendar due to lack of proper service.

TENTATIVE RULING #10: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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June 6, 2024

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

11. PAULINE HOLMES V. JOHN JAMES

PFL20140144

On March 14, 2024, Petitioner filed a Request for Order (RFO) seeking to enforce the court's prior order regarding the CalSTRS waiver. The RFO and all other required documents were personally served on March 28th. Respondent has not filed a Responsive Declaration to Request for Order.

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 the RFO was timely and properly served on Respondent. He had notice of the pending request and yet he chose not to file an opposition. 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. Therefore, Respondent is ordered to sign the CalSTRS waiver no later than June 7, 2024. Should Respondent fail to do so, the clerk of court is authorized to sign as elisor.

Petitioner has made a request for sanctions pursuant to Family Code Section 271 which states in pertinent part, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties..." Fam. Code § 271(a). While the court is in agreement that Respondent's conduct appears sanctionable, the court does not find that \$1,500 in sanctions is reasonable. Instead, Respondent is ordered to pay Petitioner \$500 as and for sanctions pursuant to Family Code § 271. Sanctions shall be paid no later than July 5, 2024.

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

TENTATIVE RULING #11: RESPONDENT IS ORDERED TO SIGN THE CALSTRS WAIVER NO LATER THAN JUNE 7, 2024. SHOULD RESPONDENT FAIL TO DO SO, THE CLERK OF COURT IS AUTHORIZED TO SIGN AS ELISOR. RESPONDENT IS ORDERED TO PAY PETITIONER \$500 AS AND FOR SANCTIONS PURSUANT TO FAMILY CODE § 271. SANCTIONS SHALL BE PAID NO LATER THAN JULY 5, 2024. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

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 6, 2024

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

12. TERRY HEISLER V. GINGER HEISLER

23FL0387

On March 14, 2024, Respondent filed a Request for Order (RFO) and an Income and Expense Declaration. There is no Proof of Service for these documents. However, on May 10th, Petitioner filed and served a Responsive Declaration to Request for Order and an Income and Expense Declaration. Petitioner makes no objection to service therefore the court finds good cause to hear this matter on its merits.

Respondent filed her RFO requesting spousal support in the amount of \$1,407 per month. She also requests an order directing Petitioner to pay backed taxes for the years 2016, 2017, 2019, 2021, and 2022. She agrees to pay 30% of the original tax amount for 2022. She asks that Petitioner pay the remaining 70% as well as all interest, late fees, and penalties. Finally, she requests a lump sum payment of \$150,000 for support.

Petitioner agrees to pay all of the back taxes, fees, and interest for 2017, and 2020-2022, so long as he does not have to pay for spousal support. He does not agree to pay for 2016 and, if they owe for 2018, he asks that that be split equally. Petitioner also requests \$3,500 as and for attorney's fees and costs.

Respondent submitted a Declaration on June 4, 2024. Proof of Service shows Petitioner was personally served on March 3, 2024, which pre-dates the filing of the RFO. The court has not considered this document as it is late filed.

It is unclear if Respondent is seeking an order for temporary guideline support or an award of permanent spousal support, as she has requested a flat sum. As noted by Petitioner, Respondent has not included the requisite forms for the court to address Family Code section 4320, and as such, the court deems Respondent's request to be for temporary guideline spousal support. The court denies Respondent's request for \$150,000 in a lump sum for spousal support. Respondent has presented no evidence to support such an order.

The court has reviewed and considered the parties Income and Expense Declarations. Utilizing the Income and Expense Declarations, the court finds guideline temporary spousal support to be \$0. (See attached DissoMaster.) The court sets guideline temporary spousal support at \$0.

As to the request regarding the tax debts, the court finds the tax debts to be a community debt. Petitioner states there is a Legal Separation Agreement from August 18, 2022, in which he agreed to pay 70% for the tax years 2016-2022. That document has not been included as an exhibit. Petitioner includes in his declaration settlement negotiations between himself and Respondent, which is inappropriate. Further, Petitioner asks the court

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

to terminate jurisdiction over the ability to award Respondent spousal support, which would be an abuse of discretion. The court finds it needs additional information regarding the Legal Separation Agreement from August of 2022. Therefore, parties are ordered to appear for the hearing and bring with them a copy of the Legal Separation Agreement.

The court reserves jurisdiction on Petitioner's request for Family Code section 271 sanctions.

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

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING AND BRING WITH THEM A COPY OF THE LEGAL SEPARATION AGREEMENT.

THE COURT DENIES RESPONDENT'S REQUEST FOR A LUMP SUM PAYMENT OF \$150,000 AS AND FOR SPOUSAL SUPPORT. THE COURT FINDS GUIDELINE TEMPORARY SPOUSAL SUPPORT TO BE \$0 (SEE ATTACHED DISSOMASTER.) THE COURT SETS GUIDELINE TEMPORARY SPOUSAL SUPPORT AT \$0. THE COURT RESERVES JURISDICTION ON PETITIONER'S REQUEST FOR FAMILY CODE SECTION 271 ATTORNEY'S FEES. 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.

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Resp.	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Resp.	Pet.	Guideline (2024)	Cash Flow Analysis	Resp.	Pet.
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Resp.	6,048 Payment (cost)/benefit	0	0
Filing status	MFS->	<-MFS	Pet.	6,616 Net spendable income	6,048	6,616
# Federal exemptions	1*	1*	Total	12,664 % combined spendable	47.8%	52.2%
Wages + salary	7,701	9,332	Support	Total taxes	1,654	2,717
401(k) employee contrib	1,309	0	El Dorado	0 Comb. net spendable	12,663	
Self-employment income	0	0	Total	0 Proposed		
Other taxable income	0	0	Proposed, tactic 9	Payment (cost)/benefit	0	0
Short-term cap. gains	0	0	El Dorado	0 Net spendable income	6,048	6,616
Long-term cap. gains	0	0	Total	0 NSI change from gdl	0	0
Other gains (and losses)	0	0	Savings	0 % combined spendable	47.8%	52.2%
Ordinary dividends	0	0	Mother	0 % of saving over gdl	0%	0%
Tax. interest received	0	0	Father	0 Total taxes	1,654	2,717
Social Security received	0	0	No releases	Comb. net spendable	12,663	
Unemployment compensation	0	0		Percent change	0.0%	
Operating losses	0	0		Default Case Settings		
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	0				
Rental income	0	0				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
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	0	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				
Cr. for Pd. Sick and Fam. L.	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				

PETITIONER:	Resp.	CASE NUMBER:
RESPONDENT:	Pet.	

TANF,SSI and CS received 0 0

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

**13. COUNTY OF SACRAMENTO V. MICHAEL BURNS (OTHER PARENT: ASHLEY MAYER)
PFS20150203**

Respondent filed an ex parte application for emergency child custody and visitation orders on March 21, 2024. The court denied the request on March 22, 2024. Respondent filed a Request for Order (RFO) on March 22, 2024, making the same requests as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 19, 2024 and a review hearing on June 6, 2024. Upon review of the court file, there is no Proof of Service showing either Petitioner or Other Parent were properly served.

Nevertheless, both parties and the minors appeared for the CCRC appointment on April 19, 2024. The parties were unable to reach any agreements. A report with recommendations was filed with the court on May 9, 2024. Copies were mailed to the parties on May 10th.

Other Parent has not filed a Responsive Declaration.

The court finds good cause to proceed with Respondent's RFO, as Other Parent appeared at CCRC and fully participated in the appointment. Other Parent is aware of the requested orders. Further, there is no request to modify the current support orders.

The court has read and considered the May 9th CCRC report and finds the recommendations to be in the minors' best interests. The court adopts the recommendations as set forth. Other Parent's first parenting weekend shall begin on June 7, 2024. The minors shall be returned to Respondent's care on June 9th.

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 #13: THE COURT FINDS GOOD CAUSE TO PROCEED WITH RESPONDENT'S RFO, AS OTHER PARENT APPEARED AT CCRC AND FULLY PARTICIPATED IN THE APPOINTMENT. OTHER PARENT IS AWARE OF THE REQUESTED ORDERS. FURTHER, THERE IS NO REQUEST TO MODIFY THE CURRENT SUPPORT ORDERS. THE COURT HAS READ AND CONSIDERED THE MAY 9TH CCRC REPORT AND FINDS THE RECOMMENDATIONS TO BE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. OTHER PARENT'S FIRST PARENTING WEEKEND SHALL BEGIN ON JUNE 7, 2024. THE MINORS SHALL BE RETURNED TO RESPONDENT'S CARE ON JUNE 9TH. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 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 6, 2024

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

14. DAGEN MERRILL V. ALLISON MERRILL

PFL20110121

Petitioner filed a Request for Order (RFO) on March 25, 2024 requesting the court modify the permanent spousal support orders as well as for Respondent to “sign and transfer Interspousal Deed to Petitioner immediately” and move out of the house within 60 days. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was served by mail on March 27, 2024 and personally served on April 1, 2024.

Petitioner is requesting that Respondent sign the interspousal transfer deed to the former marital residence immediately and vacate the home within 60 days. Petitioner was awarded the home as his sole and separate property in the 2011 Judgement. Respondent has been residing in the home since 2015. Further, in lieu of paying support to Respondent, Petitioner has allowed Respondent to pay the mortgage on the property, which is a reduced rate when compared to market value rent. Petitioner is requesting the court terminate the order for spousal support.

Respondent has not filed a Responsive 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 Respondent. Respondent chose not to file an opposition to the RFO. As such, the court finds good cause to treat this failure to do so as an admission that the claims made in the RFO are meritorious. Petitioner’s RFO is granted in part; Respondent shall sign the interspousal transfer deed on or before June 10, 2024.

The court finds the request for Respondent to vacate the home within 60 days to be beyond its jurisdiction. That appears to be a landlord/tenant issue and can be addressed through those channels.

As to the request to modify permanent spousal support, the court finds it needs to take testimony from the parties on the Family Code section 4320 factors. Therefore, the parties are ordered to appear to select Mandatory Settlement Conference and Trial dates.

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

TENTATIVE RULING #14: AS TO THE REQUEST TO MODIFY PERMANENT SPOUSAL SUPPORT, THE COURT FINDS IT NEEDS TO TAKE TESTIMONY FROM THE PARTIES ON THE FAMILY CODE SECTION 4320 FACTORS. THEREFORE, THE PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

PETITIONER'S RFO IS GRANTED IN PART; RESPONDENT SHALL SIGN THE INTERSPOUSAL TRANSFER DEED ON OR BEFORE JUNE 10, 2024.

THE COURT FINDS THE REQUEST FOR RESPONDENT TO VACATE THE HOME WITHIN 60 DAYS TO BE BEYOND ITS JURISDICTION. THAT APPEARS TO BE A LANDLORD/TENANT ISSUE AND CAN BE ADDRESSED THROUGH THOSE CHANNELS.

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 6, 2024

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

15. DCSS V. NATHAN POLK (OTHER PARENT: SARAH TANLER) PFS20140198

Other Parent filed a Request for Order (RFO) on March 22, 2024, requesting the court modify the current child custody, parenting plan, and child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 18, 2024 and a review hearing on June 6, 2024. Other Parent did not file an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Petitioner or Respondent were properly served with the RFO and other necessary documents.

Nevertheless, Respondent appeared with Other Parent at the CCRC appointment and reached a full agreement. The parties submitted a stipulation which the court signed and adopted as its order on April 30, 2024.

The court finds the request to modify the current child custody and parenting plan orders is now moot due to the parties' stipulation, and therefore, drops that portion of the RFO from the court's calendar. The court drops the request to modify child support as Other Parent failed to file the required Income and Expense Declaration and failed to properly serve Petitioner, DCSS.

TENTATIVE RULING #15: THE COURT FINDS THE REQUEST TO MODIFY THE CURRENT CHILD CUSTODY AND PARENTING PLAN ORDERS IS NOW MOOT DUE TO THE PARTIES' STIPULATION, AND THEREFORE, DROPS THAT PORTION OF THE RFO FROM THE COURT'S CALENDAR. THE COURT DROPS THE REQUEST TO MODIFY CHILD SUPPORT AS OTHER PARENT FAILED TO FILE THE REQUIRED INCOME AND EXPENSE DECLARATION AND FAILED TO PROPERLY SERVE PETITIONER, DCSS.

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 6, 2024

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

16. GABRIELLA LUNDQVIST V. DANIEL POPPERS

22FL0193

On March 25, 2024, the parties appeared at a Mandatory Settlement Conference (MSC) and requested the trial be vacated as they had reached a full agreement. The parties further requested the court set a further hearing on June 6, 2024 regarding the status of entry of judgment.

The court granted the parties' request, vacated the trial dates, and set a review hearing on June 6, 2024 at 1:30 PM for receipt of the judgment. Upon review of the court's file, a judgment has been submitted. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR AS THE PARTIES HAVE SUBMITTED THE JUDGEMENT AND MARITAL SETTLEMENT AGREEMENT.

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 6, 2024

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

17. JOSE MORENO V. ALMA MORENO

23FL0995

Petitioner filed a Request for Order (RFO) on March 27, 2024, requesting the court waive Respondent's Preliminary Declarations of Disclosure. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO and other necessary documents.

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

TENTATIVE RULING #17: THE COURT DROPS THE MATTER 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 6, 2024

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

18. MEGAN ANDERSON V. CHRISTIAN ANDERSON

24FL0077

Petitioner filed a Request for Order (RFO) along with an Income and Expense Declaration on March 20, 2024. Petitioner is seeking sole legal and physical custody of the minors, as well as spousal support, and payments for Respondent's portion of the lease. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 15, 2024 and a review hearing on June 6, 2024. Proof of Service shows Respondent was personally served with the Income and Expense Declaration along with the RFO on March 21, 2024. However, there is no Proof of Service showing Respondent was properly served with the referral to CCRC or the other necessary documents.

Nevertheless, both parties appeared for CCRC and were able to reach many agreements. A report containing the parties' agreements as well as further recommendations was filed with the court on April 15, 2024. Copies were mailed to the parties the same day.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on April 10, 2024. Proof of Service shows Petitioner was served on April 3, 2024. Respondent is requesting joint legal and physical custody of the minors with a specific parenting plan. Respondent objects to the request for spousal support and asserts Petitioner has filed for child support and as such he will not be able to pay spousal support. Respondent objects to paying his portion of the lease payments and states he did not agree to such an arrangement.

The court has read and considered the filings as set forth above. The court finds good cause to proceed with ruling on the RFO despite the imperfections in service, as Respondent fully participated in CCRC and has addressed all the issues raised in the RFO in his Responsive Declaration.

The court adopts the parties' agreements and the recommendations as set forth in the April 15th CCRC report.

Utilizing the parties' March 20th and April 10th respective Income and Expense Declarations, the court finds temporary guideline spousal support to be \$0. (See attached DissoMaster) Therefore, the court is not making an order for temporary spousal support. The court notes Respondent states in his Responsive Declaration that Petitioner has already requested child support, however, the current RFO makes no such request.

Turning next to Petitioner's request for Respondent to pay \$4,000 as his portion of the remaining lease payment. Petitioner has submitted no documentation as to what the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

current lease amount is. Petitioner has submitted no documentation as to whether there was a written agreement between the parties as to Respondent continuing to pay, despite no longer residing in the home. Petitioner has not submitted any information as to when Respondent ceased residing in the home, but rather states she is requesting his portion of rent from March through June. The court is unclear as to whether that is March and June inclusive. Respondent in his declaration states there was no such agreement, and further that the lease expired May 31, 2024, therefore, there would be no rent due for June. The court finds it has insufficient information to rule on the request, and therefore, Petitioner's request is denied.

Petitioner is to prepare the Findings and Orders After Hearing.

TENTATIVE RULING #18: THE COURT ADOPTS THE PARTIES' AGREEMENTS AND THE RECOMMENDATIONS AS SET FORTH IN THE APRIL 15TH CCRC REPORT. THE COURT FINDS TEMPORARY GUIDELINE SPOUSAL SUPPORT TO BE \$0. (SEE ATTACHED DISSOMASTER) THEREFORE, THE COURT IS NOT MAKING AN ORDER FOR TEMPORARY SPOUSAL SUPPORT. FOR THE REASONS SET FORTH ABOVE, PETITIONER'S REQUEST FOR \$4,000 AS AND FOR RESPONDENT'S PORTION OF THE LEASE PAYMENTS IS DENIED. PETITIONER SHALL PREPARE AND FILE THE FINDING 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.

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 2024, Monthly	CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	6%	0%	Father	4,336	Payment (cost)/benefit	0
Filing status	MFS->	<-MFS	Mother	4,065	Net spendable income	4,336
# Federal exemptions	1*	3*	Total	8,401	% combined spendable	51.6%
Wages + salary	5,547	4,550	Support		Total taxes	1,210
401(k) employee contrib	0	0	Presumed	blocked	Comb. net spendable	8,402
Self-employment income	0	0	Basic CS	blocked	Proposed	
Other taxable income	0	0	Add-ons	blocked	Payment (cost)/benefit	(70)
Short-term cap. gains	0	0	EI Dorado	0	Net spendable income	4,676
Long-term cap. gains	0	0	Total	0	NSI change from gdl	340
Other gains (and losses)	0	0	Proposed, tactic 9		% combined spendable	55.6%
Ordinary dividends	0	0	Presumed	blocked	% of saving over gdl	22441.6%
Tax. interest received	0	0	Basic CS	blocked	Total taxes	795
Social Security received	0	0	Add-ons	blocked	Comb. net spendable	8,403
Unemployment compensation	0	0	SS Payor	Father	Percent change	0.0%
Operating losses	0	0	EI Dorado	76	Default Case Settings	
Ca. operating loss adj.	0	0	Total	76		
Roy, partnerships, S corp, trusts	0	0	Savings	2		
Rental income	0	0	Mother	340		
Misc ordinary tax. inc.	0	0	Father	-338		
Other nontaxable income	0	0	Total releases to Father	2		
New-spouse income	0	0				
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	0	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				
Cr. for Pd. Sick and Fam. L.	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				

PETITIONER: RESPONDENT:	CASE NUMBER:
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TANF,SSI and CS received

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LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

19. MEGHAN BLAIR V. WILLIAM BLAIR

PFL20180031

On January 3, 2024, Petitioner filed a Request for Order (RFO) asking for the court to modify the parenting plan as well as for Respondent's wife, Ashley Blair, to not use the Talking Parents account jointly, but rather set up her own account. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 1, 2024 and a review hearing on March 21, 2024.

Proof of Service shows Respondent was served by mail on January 4, 2024. The court notes this is a post judgment request for modification and as such Family Code section 215 applies. Petitioner did not file an address verification form. Further, the Proof of Service does not include the referral to CCRC or the notice of tentative ruling.

Respondent filed a Responsive Declaration to Request for Order on January 22, 2023. Petitioner was served electronically on January 22, 2024. Respondent requests the current parenting plan remain in effect. Respondent objects to the request that his wife create her own Talking Parents account.

Only Respondent appeared at the CCRC appointment on February 1, 2024. As such a single parent report was filed with the court on February 1, 2024. Copies were mailed to the parties the same day.

Petitioner filed a declaration regarding her failure to appear at CCRC on February 20, 2024. Proof of Service shows Respondent was served electronically on February 20, 2024.

Petitioner filed another declaration on March 14, 2024. Respondent was served on March 14, 2024. The court deems this to be a Reply Declaration, and therefore, finds it to be timely.

The court has read and considered the filings as outlined above. The court finds that Petitioner has not complied with Family Code section 215, nor did she properly notice Respondent. Nevertheless, Respondent appeared for the CCRC appointment and filed a responsive declaration.

On March 21, 2024, the court found good cause to proceed with Petitioner's RFO, despite the deficiencies. The court also found good cause to rerefer the parties to CCRC, as it appeared Petitioner did not timely receive the referral to CCRC.

Both parties appeared for the reset CCRC appointment on April 18, 2024, and reached a full agreement. The agreement further requests the court vacate the June 6, 2024 hearing date. Both parties have endorsed the report. A copy of the CCRC report was filed with the court and mailed to the parties on April 18, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

The court has read and considered the April 18th report and finds the parties' agreement to be in the best interest of the minors. The court adopts the agreements of the parties as set forth.

Although the parties agree to vacate the hearing, they have not submitted a Stipulation and Order for the court to sign. Therefore, the court has issued this tentative ruling in the normal course.

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

TENTATIVE RULING #19: THE COURT HAS READ AND CONSIDERED THE APRIL 18TH REPORT AND FINDS THE PARTIES AGREEMENT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS SET FORTH. ALTHOUGH THE PARTIES AGREE TO VACATE THE HEARING, THEY HAVE NOT SUBMITTED A STIPULATION AND ORDER FOR THE COURT TO SIGN. THEREFORE, THE COURT HAS ISSUED THIS TENTATIVE RULING IN THE NORMAL COURSE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

20. NAVARINA WAKEFIELD V. DEREK KENNEY

PFL02200687

Petitioner filed a Request for Order (RFO) on March 19, 2024, requesting the court modify the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 18, 2024 and a review hearing on June 6, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO, referral to CCRC, and other necessary paperwork.

Petitioner also filed an Order to Show Cause and Affidavit for Contempt (OSC) on March 19, 2024. Upon review of the court file there is no Proof of Service showing Respondent was properly served with the OSC.

Respondent filed a RFO on March 28, 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 Petitioner was properly served with the RFO and other necessary paperwork.

Both parties appeared at CCRC on April 18th, and purportedly reached a full agreement. However, Petitioner subsequently requested additional terms and conditions be added to the agreement outside of the original CCRC appointment. As this is not permissible, the April 23, 2024 CCRC report contains the parties' agreement as a recommendation. Copies of the report were filed with the court and mailed to the parties on April 23rd.

The court finds good cause to proceed on the requests by both parties to modify the child custody and parenting plan orders despite neither party appropriately serving the other. Both parties appeared for the CCRC appointment and are fully aware of the requests being made. The court has read and considered the April 23rd CCRC report and finds the recommendations to be in the best interest of the minors. The court adopts the recommendations with the following exception. The court is not adopting the provisions to modify child support. First, there is no request pending before the court to modify child support, and therefore, that is beyond the scope of both parties' RFO. Next, the court has no information before it to determine if this request deviates from guideline child support and whether such a deviation is warranted. Finally, because this is not a stipulation between the parties, the court cannot accept this modification.

As to Petitioner's OSC, that matter is dropped from calendar due to the lack of proper service.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 6, 2024

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

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

TENTATIVE RULING #20: THE COURT FINDS GOOD CAUSE TO PROCEED ON THE REQUESTS BY BOTH PARTIES TO MODIFY THE CHILD CUSTODY AND PARENTING PLAN ORDERS DESPITE NEITHER PARTY APPROPRIATELY SERVING THE OTHER. BOTH PARTIES APPEARED FOR THE CCRC APPOINTMENT AND ARE FULLY AWARE OF THE REQUESTS BEING MADE. THE COURT HAS READ AND CONSIDERED THE APRIL 23RD CCRC REPORT AND FINDS THE RECOMMENDATIONS TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS WITH THE FOLLOWING EXCEPTION. THE COURT IS NOT ADOPTING THE PROVISIONS TO MODIFY CHILD SUPPORT. FIRST, THERE IS NO REQUEST PENDING BEFORE THE COURT TO MODIFY CHILD SUPPORT, AND THEREFORE, THAT IS BEYOND THE SCOPE OF BOTH PARTIES RFO. NEXT, THE COURT HAS NO INFORMATION BEFORE IT TO DETERMINE IF THIS REQUEST DEVIATES FROM GUIDELINE CHILD SUPPORT AND WHETHER SUCH A DEVIATION IS WARRANTED. FINALLY, BECAUSE THIS IS NOT A STIPULATION BETWEEN THE PARTIES, THE COURT CANNOT ACCEPT THIS MODIFICATION.

AS TO PETITIONER'S OSC, THAT MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

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.