

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

1. BRENT GOLUBSKI V. MICHELLE RUSSO

22FL0901

This matter is before the court for hearing on a Request for Order (RFO) filed by Petitioner on February 9, 2024. It was served on February 16th and then again on February 27th. Respondent has not filed a Responsive Declaration to Request for Order. Petitioner filed and served a Reply Declaration on April 3, 2024.

On April 11th the parties appeared for hearing on the RFO and were able to resolve some of the issues, though they agreed to a continuance of the issue of attorney's fees and sanctions. The parties were ordered to file updated briefs no later than 10 days prior to the hearing date. Petitioner filed an Update to the Court Regarding Meet and Confer on July 5, 2024, however the court finds this to be late filed and therefore has not read or considered it.

Petitioner requests attorney's fees in the amount of \$4,037.50. His request for fees is made pursuant to Family Code § 271, Civil Procedure § 128.5 and 128.7, and pursuant to the terms of the stipulation. He proposes a credit on the attorney's fees in the amount of \$3,000 which is the buyout amount Respondent would have otherwise received under the QDROs.

Petitioner's request for attorney's fees is granted. Though he cites several grounds for his request the court does not find the need to address all of them as Family Code § 271 seems to be the most applicable under the circumstances. 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 and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). Here, Respondent's lack of communication and refusal to cooperate with Petitioner has caused him to incur the costs and fees associated with the preparation and filing of the present motion. Petitioner is therefore awarded \$4,037.50 as and for attorney's fees and sanctions pursuant to Family Code § 271. The \$3000 awarded to Respondent pursuant to the QDROs shall be used to off-set the attorney's fees award. Accordingly, Respondent is left to pay the difference of \$1,037.50 out-of-pocket. This amount is to be paid directly to Petitioner's counsel, Michelle Bumgarner at The Stratte Firm. Payment may be made in one lump sum or in monthly increments of \$86.46 commencing on May 1st and continuing until paid in full (approximately 12 months). If any payment is late or missed, the entire amount shall become immediately due and payable with legal interest.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

TENTATIVE RULING #1: PETITIONER'S REQUEST FOR ATTORNEY'S FEES AND SANCTIONS IS GRANTED. PETITIONER IS THEREFORE AWARDED \$4,037.50 AS AND FOR ATTORNEY'S FEES AND SANCTIONS PURSUANT TO FAMILY CODE § 271. THE \$3000 AWARDED TO RESPONDENT PURSUANT TO THE QDROS SHALL BE USED TO OFF-SET THE ATTORNEY'S FEES AWARD. ACCORDINGLY, RESPONDENT IS LEFT TO PAY THE DIFFERENCE OF \$1,037.50 OUT-OF-POCKET. THIS AMOUNT IS TO BE PAID DIRECTLY TO PETITIONER'S COUNSEL, MICHELLE BUMGARNER AT THE STRATTE FIRM. PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$86.46 COMMENCING ON MAY 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS LATE OR MISSED, THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. 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

July 11, 2024

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

2. CHADROCK RONALD BAKER V. BRIDGET MARIE SOPER

23FL0523

Petitioner filed an RFO on November 8, 2023 seeking custody and visitation orders as well as child support, attorney's fees, and an order regarding proper venue. The RFO was set for hearing on February 15, 2024, but the parties later stipulated to limit the scope of the hearing to "a re-referral to Child Custody Recommending Counseling [CCRC] to discuss a step-up in Father's parenting time..." with the newborn child. Stipulation and Order, January 10, 2024, pg. 2:18-2:20.

The parties attended CCRC on December 28, 2023, and a report was prepared and mailed to the parties on February 2, 2024. On February 14th the court issued a tentative ruling adopting the recommendations in the CCRC report. A hearing was requested by Respondent. The parties requested a continuance to allow additional time to meet and confer. The request was granted, and the matter was continued to the present date.

The court has not received any filings since the prior hearing date therefore the court is reissuing its prior tentative ruling as follows: After reviewing the recommendations contained in the February 2, 2024 CCRC report the court finds them to be in the best interests of the minors and therefore adopts them as the orders of the court.

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

TENTATIVE RULING #2: AFTER REVIEWING THE RECOMMENDATIONS CONTAINED IN THE FEBRUARY 2, 2024 CCRC REPORT THE COURT FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINORS AND THEREFORE ADOPTS THEM AS THE ORDERS OF THE COURT. ALL ORDERS NOT IN CONFLICT WITH THIS ORDER SHALL 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

July 11, 2024

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

3. GRACE SJOTVEDT V. CONNOR EVANS

PFL20210559

On February 8, 2023, Respondent filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 8th. The RFO was served on March 17th, after the date for the CCRC appointment. Neither the CCRC referral nor the notice of tentative ruling procedures are listed as having been served. Neither party appeared at the CCRC appointment.

Petitioner filed and served a Responsive Declaration to Request for Order on April 5th. On April 19th the parties stipulated to continue the matter from its prior hearing date of April 25th to the present date.

The parties are rereferred to CCRC with an appointment on 8/16/2024 at 9:00 AM with Rebecca Nelson. This matter is continued to 10/3/2024 at 8:30 am in Department 5. Respondent is admonished that his failure to appear at CCRC may result in this matter being dropped from calendar as Respondent is the moving party. Parties are ordered to file and serve supplemental declarations no later than 10 days prior to the next hearing date.

TENTATIVE RULING #3: THE PARTIES ARE REREFERRED TO CCRC WITH AN APPOINTMENT ON 8/16/2024 AT 8:30 AM WITH REBECCA NELSON. THIS MATTER IS CONTINUED TO 10/3/2024 AT 8:30 AM IN DEPARTMENT 5. RESPONDENT IS ADMONISHED THAT HIS FAILURE TO APPEAR AT CCRC MAY RESULT IN THIS MATTER BEING DROPPED FROM CALENDAR AS RESPONDENT IS THE MOVING PARTY. PARTIES ARE ORDERED TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE.

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

July 11, 2024

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

4. JACINTA LASHAE BADELITA V. BOGDANEL BADELITA

22FL0797

Petitioner's Request for Order

Petitioner filed a Request for Order (RFO) on March 1, 2024, requesting a variety of orders regarding discovery, insurance, valuation of the business, and attorney's fees. The RFO and all supporting documents were served on March 8th. The RFO was initially set to be heard on May 16th but was later continued to August 22nd by way of a motion filed by Respondent.

On June 13th and 14th, Petitioner filed an RFO and Application for an Order Shortening Time (OST) and to be heard on the RFO requesting the March 1st motion be heard no later than June 28th or, in the alternative, that it be heard on July 11th instead of August 22nd. Finally, she requested \$1,000 in sanctions pursuant to Family Code § 271. The OST and the RFO were both served on June 16th. Respondent filed and served a Responsive Declaration to Request for Order on June 13th opposing all of the requested orders in the OST and the June 14th RFO. The OST was granted and the hearing on the March 1st RFO was scheduled to occur on the present date.

Respondent filed and served another Responsive Declaration to Request for Order on June 26th though he did not indicate which RFO he was responding to or the hearing date thereof. Given the content of the declaration it is presumed this is in response to the March 1st RFO.

On November 3, 2023, Petitioner served Respondent with Special Interrogatories – Set One and a Demand for Production of Documents – Set One. After receiving several extensions of time to answer, Respondent produced responses on January 17, 2024. Petitioner argues the responses are deficient. She now brings the present motion requesting the following: (1) Respondent be compelled to provide further responses to Special Interrogatories within two weeks of the hearing on the RFO or, in the alternative, that Respondent be precluded from utilizing any documents or other evidence responsive to the discovery for evidentiary purposes; (2) Respondent be compelled to provide further responses to Demand for Production of Documents – Set One within two weeks of the hearing date or, in the alternative, that Respondent be precluded from utilizing any responsive documents for evidentiary purposes; (3) Petitioner be permitted to serve Respondent electronically; (4) Respondent be ordered to provide Petitioner with account access information including login ID and passwords for all accounts related to the marital residence by close of business on the date of the hearing and that Petitioner be granted exclusive use and control of those accounts; (5) Respondent be ordered to purchase homeowner's insurance for the Rancho Cordova property, and provide proof of the same,

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

within thirty days of the hearing date and that Petitioner do the same for the El Dorado Hills property; (6) The business, Elle Consultants, be valued as of August 8, 2022; and (7) Respondent be ordered to pay sanctions in the amount of \$7,568.75 pursuant to Family Code § 271 and additional sanctions pursuant to Civil Procedure §§ 2030.300(c), and 2031.310(h).

Respondent opposes the Motion to Compel. He argues that the Special Interrogatories and Demand for Production of Documents exceed the 35 question limit and they seek information that is “close to impossible for husband to produce.” He states that all information has already been provided.

First and foremost, the court finds good cause to grant Petitioner’s request to serve Respondent electronically. Respondent has provided the court with an address where he no longer resides. He was ordered to file a change of address form, which he did when he obtained an attorney but after firing that attorney, he once again listed the El Dorado Hills address as his address for service, though he no longer resides there. It is Respondent’s duty to serve on all parties, and file with the court, a written notice of his current address. Cal. Rule Ct. 2.200. Given his repeated failure to reply with Rule of Court 2.200, Petitioner’s request to serve Respondent electronically is granted.

Petitioner’s request for access to, and exclusive use and control of, all accounts related to the marital residence is likewise granted. Petitioner was granted exclusive use and possession of the marital residence in July of 2023, yet Respondent has retained sole access to the accounts related to utilities and services for the residence. In order to allow for ease of maintaining the residence and preserving the community property interest therein, the court orders Respondent to provide Petitioner with all usernames, passwords, and any and all additional information necessary to access all service and utility accounts related to the marital residence no later than 8:30 am on July 12, 2024. Petitioner shall be permitted to have exclusive access to those accounts until a final determination on property division is made. If any accounts are held jointly between the El Dorado Hills residence and the Rancho Cordova residence, the parties are ordered to close the El Dorado Hills account and open one solely in Petitioner’s name.

Likewise, to preserve the community interest in both properties, the parties are ordered to obtain homeowner’s insurance for the El Dorado Hills property and the Rancho Cordova property. Respondent is ordered to obtain homeowner’s insurance on the Rancho Cordova property, and provide Petitioner with proof thereof, no later than August 11, 2024. Petitioner is ordered to obtain homeowner’s insurance on the El Dorado Hills property, and provide Respondent with proof thereof, no later than August 11, 2024. Each party is

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

ordered to solely pay for and maintain the insurance on their respective property until a final determination on property division is made.

Petitioner requests the valuation date for the business Elle Consultants be August 8, 2022, which is the date of separation. She argues this because the sharp decline in the business since then is apparently due to Respondent's intentional refusal to maintain it. Therefore, given the cost of valuing the business twice, once for the date of separation and once for the present date, Petitioner is requesting an order on the date of valuation now. Respondent has not opposed this request in his Responsive Declaration. In fact, he does not address this issue at all. 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). Given that Respondent filed opposition papers opposing the other requests made by Petitioner but not addressing this issue at all, the court finds that this is an admission of the meritorious nature of Petitioner's request. Therefore, the date of valuation for Elle Consultants shall be August 8, 2022.

Turning now to the motion to compel and request for sanctions. Generally speaking, "...a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." Cal. Civ. Pro. § 2017.010. The need for broad discovery is so critical to ensuring the fairness of the litigation process that the party responding to discovery owes a duty to respond in good faith to the best of his or her ability and "[a]ny doubt about discovery is to be resolved in favor of disclosure." *Advanced Modular Sputtering, Inc. v. Sup. Ct.*, 132 Cal. App. 4th 826 (2005); *See also Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783 (1973).

Among the authorized forms of discovery is a request for the production of documents and other tangible things. "A party to whom a demand for inspection, copying, testing, or sampling has been directed shall respond separately to each item or category of item by any of the following:" (1) a statement that the party will comply, (2) a statement that the party lacks the ability to comply, or (3) an objection to the demand or request made. Cal. Civ. Pro. §2031.210. Where a party fails to provide timely responses, the party to whom the discovery was directed waives "any objection...including one based on privilege or on the protection of work product..." Cal. Civ. Pro. §2031.300(a). As evident by the foregoing, the Civil Discovery Act establishes very specific information that is to be included with each of the foregoing responses. Cal. Civ. Pro. § 2031.210 et. seq.

The same goes for special interrogatories. "The party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory by

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

any of the following: (1) An answer containing the information sought to be discovered. (2) An exercise of the party's option to produce writings. (3) An objection to the particular interrogatory." Cal. Civ. Pro. § 2030.210(a). Answers are to be "as complete and straightforward" as possible. Cal. Civ. Pro. § 2030.220. If an objection is made, "the specific ground for the objection shall be set forth clearly in the response." Cal. Civ. Pro. § 2030.240(b). Generally speaking, responses to interrogatories are due within 30 days of the date of service. Cal. Civ. Pro. § 2030.260. If a party fails to provide timely responses, that party waives any right to object to the interrogatories, and waives the right to produce writings in response. Cal. Civ. Pro. § 2030.290 (a). Even if a party does respond to discovery, that party waives any objections he or she may have had if they are not raised in the initial responses. *Scottsdale Ins. Co. v. Sup. Ct.*, 59 Cal. App. 4th 263 (1997) *citing* *Leach v. Sup. Ct.* 111 Cal. App. 3d 902, 905 (1980).

Respondent objects to the motion on the basis that the number of requests exceed the allowable limit of 35. There are only 34 special interrogatories, therefore, this argument is without merit in that regard. While there are substantially more than 35 requests for production of documents, Respondent did not raise this objection in his responses and in fact he did provide answers, deficient though they may be, to request numbers 36 through 107. Therefore, he waived the objection, and he cannot raise it now in response to the motion. The court has reviewed the Separate Statement submitted by Petitioner and finds Petitioner's arguments to have merit. Respondent is ordered to provide full and complete amended responses to Demand for Production of Documents and Special Interrogatories – Set One, to fix the deficiencies identified in Petitioner's Separate Statement. Amended, verified, responses, without raising new objections, are due no later than August 15, 2024.

Where a party engages in the misuse of the discovery process, the court "shall" impose monetary sanctions "unless it finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020. Misuse of the discovery process includes, but is not limited to, failing to respond or submit to an authorized method of discovery, making an evasive response to discovery, or failing to confer in a reasonable good faith attempt to informally resolve any discovery dispute. Cal. Civ. Pro. § 2023.010. Written interrogatories and requests for production of documents are both authorized forms of discovery. Cal. Civ. Pro. §§ 2030.210, 2031.210. A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. See *Tucker v. Pacific Bell Mobile Servs.*, 186 Cal. App. 4th 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Notwithstanding the foregoing, “... in addition to any other sanctions imposed ...a court *shall* impose a one-thousand-dollar (\$1,000) sanction, payable to the requesting party...” if the court finds that the noncompliant party did not respond in good faith to a request for production of documents or failed to make a reasonable good faith attempt to informally resolve a discovery dispute. Cal. Civ. Pro. § 2023.050(a).

Petitioner is also requesting sanctions pursuant to Family Code § 271. Under Family Code Section 271, “...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 between the parties...” (emphasis added). In making an award under Section 271, “...the court shall take into consideration all evidence concerning the parties’ incomes, assets, and liabilities. The court shall not impose a sanction pursuant to this section that imposes an unreasonable financial burden on the party against whom the sanction is imposed...” *Id.*

Here, Respondent engaged in a misuse of the discovery process by making evasive discovery responses and failing to meet and confer on the issue in good faith. He has provided no justification for his actions therefore, the court does find sanctions to be warranted under the circumstances.

Petitioner is requesting a total of \$7,568.75 in incurred and anticipated attorney’s fees and costs. \$2,776 of the requested amount is for anticipated work on the matter. The court can only award fees which Petitioner has already incurred therefore this amount is not being included in the sanction award. The court finds the remainder of the requested amount to be both reasonable and causally connected to the misuse of the discovery process therefore the court is awarding \$4,792.75 as and for discovery sanctions. This amount is subject to increase in the event Petitioner incurs additional costs and fees related to Respondent’s misuse of the discovery process. The court is also awarding an additional \$1,000 in sanctions pursuant to Section 2023 for Respondent’s failure to produce requested documents. The court is reserving on the request for Section 271 sanctions.

Respondent is ordered to pay Petitioner \$5,792.75 as and for discovery sanctions. This amount may be paid in one lump sum or in monthly increments of \$241.36 due on the 15th of each month commencing on July 15th and continuing until paid in full (approximately 24 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Respondent's Request for Order

On April 18, 2024, Respondent filed an RFO requesting a variety of property control and discovery orders. On April 19th Respondent filed a Supplemental Declaration to Declaration of Respondent in Support of Respondent's Motion. The RFO, the supplemental declaration, and all other required documents were mail served on April 24th. On July 1st, Respondent refiled his Supplemental Declaration with the title modified to include "Add Info & Exhibits." He served his second Supplemental Declaration and supporting documents on July 1st.

Respondent filed his RFO seeking the following orders: (1) Petitioner be ordered to provide Respondent with access to the property per the Findings and Orders After Hearing from July 6, 2023; (2) Petitioner to allow Respondent to perform an inventory of the goods in the home; (3) Respondent to be sanctioned pursuant to Family Code § 271; (4) Petitioner's attorney be ordered to release all information that has been subpoenaed in this case that is associated with Respondent, Petitioner, or the business; (5) Respondent is requesting trial be set on the issue of property control for the residence located at 1536 Barcelona Drive; and (6) Petitioner be ordered not to obstruct the business anymore.

The parties are ordered to appear for the hearing on this RFO.

TENTATIVE RULING #4: PETITIONER'S REQUEST TO SERVE RESPONDENT ELECTRONICALLY IS GRANTED. THE COURT ORDERS RESPONDENT TO PROVIDE PETITIONER WITH ALL USER NAMES, PASSWORDS, AND ANY AND ALL ADDITIONAL INFORMATION NECESSARY TO ACCESS ALL SERVICE AND UTILITY ACCOUNTS RELATED TO THE MARITAL RESIDENCE NO LATER THAN 8:30 AM ON JULY 12, 2024. PETITIONER SHALL BE PERMITTED TO HAVE EXCLUSIVE ACCESS TO THOSE ACCOUNTS UNTIL A FINAL DETERMINATION ON PROPERTY DIVISION IS MADE. IF ANY ACCOUNTS ARE HELD JOINTLY BETWEEN THE EL DORADO HILLS RESIDENCE AND THE RANCHO CORDOVA RESIDENCE, THE PARTIES ARE ORDERED TO CLOSE THE EL DORADO HILLS ACCOUNT AND OPEN ONE SOLELY IN PETITIONER'S NAME. RESPONDENT IS ORDERED TO OBTAIN HOMEOWNER'S INSURANCE ON THE RANCHO CORDOVA PROPERTY, AND PROVIDE PETITIONER WITH PROOF THEREOF, NO LATER THAN AUGUST 11, 2024. PETITIONER IS ORDERED TO OBTAIN HOMEOWNER'S INSURANCE ON THE EL DORADO HILLS PROPERTY, AND PROVIDE RESPONDENT WITH PROOF THEREOF, NO LATER THAN AUGUST 11, 2024. EACH PARTY IS ORDERED TO SOLELY PAY FOR AND MAINTAIN THE INSURANCE ON THEIR RESPECTIVE PROPERTIES UNTIL A FINAL DETERMINATION ON PROPERTY DIVISION IS MADE. THE DATE OF VALUATION FOR ELLE CONSULTANTS SHALL BE AUGUST 8, 2022. RESPONDENT IS ORDERED TO PROVIDE FULL AND COMPLETE AMENDED RESPONSES TO DEMAND FOR

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

PRODUCTION OF DOCUMENTS AND SPECIAL INTERROGATORIES – SET ONE, TO FIX THE DEFICIENCIES IDENTIFIED IN PETITIONER’S SEPARATE STATEMENT. AMENDED, VERIFIED, RESPONSES, WITHOUT RAISING NEW OBJECTIONS, ARE DUE NO LATER THAN AUGUST 15, 2024. RESPONDENT IS ORDERED TO PAY PETITIONER \$5,792.75 AS AND FOR DISCOVERY SANCTIONS. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$241.36 DUE ON THE 15TH OF EACH MONTH COMMENCING ON JULY 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST. THE COURT RESERVES JURISDICTION ON PETITIONER’S REQUEST FOR SECTION 271 SANCTIONS. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON RESPONDENT’S APRIL 18, 2024 RFO.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

5. JASON WARDEN V. JULIE WARDEN

23FL1211

Review Hearing

On January 23, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders, child support, spousal support, property control, and attorney's fees. The parties appeared before the court for hearing on the RFO on April 11th at which time the court adopted its tentative ruling on the issues of custody, property control and attorney's fees. The parties presented the court with a stipulation regarding child support and spousal support, the court reserved jurisdiction on arrears from February 1st and March 1st. A review hearing was set for the present date on the issues of parenting time share, and support.

Petitioner's Supplemental Declaration and Income and Expense Declaration were both filed and served on June 20th. Respondent served her Income and Expense Declaration on July 6th, it was filed on July 8th.

According to Petitioner, the parties had adhered to a 50/50 custody split for the months of March and April. Since then, the minor Madison has informed Petitioner that she will no longer be visiting him until she turns 18. Petitioner asks the court to admonish Respondent to maintain the previously ordered 50/50 schedule. He also seeks to have the court enforce its May 29th orders regarding the respect guidelines, and all other orders including allowing him to obtain his property from the marital residence and to assist his son with feeding his pig. He does ask that the court drop the prior order for coparenting counseling, however, as he is concerned that Respondent will make such sessions impossible to schedule and ineffective.

Petitioner also states that he has paid child support and spousal support in full for the months of April through June. He asks for a credit toward arrears in the amount of \$10,060.02 for amounts he paid toward bills since Respondent has filed for bankruptcy. He is also requesting the court adjust the amount of his overtime payments that go to support as the current arrangement is resulting in him receiving significantly less than he feels he should be getting. He asks that the overtime payment to Respondent be equal to 10% of the net overtime he receives.

Request for Order Filed June 5, 2024

On June 4, 2024, Petitioner filed an Ex Parte Application and Declaration for Orders and Notice. Respondent filed her Responsive Declaration to Request for Order on the same day. The matter was denied on an ex parte basis, but it was set to join the review hearing on the present date. Petitioner filed the RFO reiterating his ex parte requests on June 5th.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Petitioner filed his RFO requesting sole custody of the children with professionally supervised visits to Respondent. He also asks the court to set dates certain for him to retrieve his personal property from the family residence. Finally, he asks that the court reaffirm the order allowing him to assist his son in feeding his pig.

Respondent opposes Petitioner's requests and asks that all orders remain in full force and effect.

The parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

6. JOHN ANDERSON V. PATRICIA ANDERSON

22FL0555

On April 17, 2024, Respondent filed a Request for Order (RFO) seeking orders for child and spousal support as well as attorney's fees. Concurrently therewith she filed a Memorandum of Points and Authorities, a Declaration of Heather Tattershall, and an Income and Expense Declaration. She filed an additional Income and Expense Declaration on April 26th. All documents were mail served on April 26th. Petitioner filed a request to continue the hearing on the RFO but the request was denied. He has not filed a Responsive Declaration to Request for Order or an Income and Expense Declaration.

Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, it appears the RFO and all supporting documents were timely and properly served on Petitioner. He had notice of the pending request and has failed to file any documentation in response. 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.

Respondent brings her RFO requesting guideline spousal support and guideline child support to be retroactive to June 13, 2022, the date the petition was filed. She has provided the court with a proposed XSpouse print out which shows \$3,043 in child support and \$5,712 in spousal support. She also attached a proposed annual bonus table. She is also requesting an order directing Petitioner to continue to maintain the health insurance for herself and the children, share unreimbursed medical expenses, educational costs and extracurricular activities. Finally, she is requesting \$25,000 to cover attorney's fees and costs.

Respondent's request for child support back to the date of filing the petition is granted. Family Code section 3900 codifies the general obligation of both parties to support their minor children. Given this obligation, the court maintains discretion to award an original order for child support "...retroactive to the date of filing the petition, complaint, or other initial pleading." Fam. Code § 4009. Here, the Petition was filed on June 13, 2022. Therein, Petitioner did request that child support orders be made. Therefore, the court finds good cause to award child support back to June 13, 2022.

Likewise, in his Petition for Dissolution Petitioner did request orders for spousal support to be paid to Respondent "if necessary." Petition for Dissolution, June 13, 2022, pg. 2. Therefore, the issue of support paid to Respondent was also raised before the court on the date of filing the Petition. While there appears to be no statutory authority on point for awarding spousal support retroactively, the court addressed the issue in *In re Marriage of*

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Dick, wherein the wife did not file her Order to Show Cause for support until March of 1990 but the trial court awarded support retroactive to January of 1989. The court of appeals upheld this ruling noting that “ [t]he manifest purposes of pendente lite allowances to a wife are to enable her to live in her accustomed manner pending the disposition of the action and to provide her with whatever is needed by her to litigate properly her side of the controversy.” In re Marriage of Dick, 15 Cal. App. 4th 144, 166 (1993). The court of appeals further argued that if the legislature had intended to limit temporary spousal support awards to the date of filing the Order to Show Cause or the Request for Order, they would have expressly stated as such. *Id.* Finally, the Court of Appeal cited the lower court’s ruling that the support hearing had been delayed through no fault of husband. *Id.* Such is the case at hand. The request for support orders was made when the Petition was filed. However, according to Respondent, the parties engaged in extensive mediation which was repeatedly drawn out due to Petitioner’s lack of responsiveness and his failure to abide by the ATROS. Therefore, the court finds that awarding temporary spousal support back to the filing of the Petition is proper under the circumstances.

Utilizing the effective date as outlined above and the same figures as outlined in the attached DissoMaster report, the court finds that child support is \$3,002 per month, and spousal support per the Alameda formula is \$5,603 per month. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$8,605 per month as and for child support and temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. These support orders are effective as of July 1, 2022.

The court finds the above order results in arrears in the amount of \$215,125 through and including July 1, 2024. The court orders Petitioner to pay Respondent \$3,585.42 on the 15th of each month commencing on July 15, 2024 and continuing until paid in full (approximately 60 months). If a payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

The court further finds Petitioner routinely earns bonus pay and therefore, has included a bonus table with the DissoMaster. When Petitioner receives a bonus payment, the parties are to adjust the support due for that month pursuant to the attached bonus table.

Regarding health insurance and the child support add-ons, the court has no jurisdiction to order Respondent to maintain health insurance for the child who is no longer a minor. That said, Petitioner is ordered to maintain health insurance for Respondent and the minor child. The parties are to evenly split any uninsured healthcare costs for the minor as well as any educational expenses and agreed upon extracurricular activities.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Reimbursement procedures are to comply with the attached FL-192 Health-Care Costs and Reimbursement Procedures section.

Turning to Respondent's request for attorney's fees, the public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In *Re Marriage of Keech*, 75 Cal. App. 4th 860, 866 (1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *Alan S. v Superior Court*, 172 Cal. App. 4th 238,251(2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

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

In the matter at hand, there is a disparity in income between the parties which would warrant an award of attorney's fees. However, the disparity is significantly decreased after the support orders as made herein. So too is Petitioner's ability to pay. As such, the court is not awarding the full requested amount of \$25,000 at this time. Instead, the court finds an award of \$10,000 to be just and reasonable. Petitioner is ordered to pay \$10,000 directly to Respondent's counsel no later than August 11, 2024.

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

TENTATIVE RULING #6: THE COURT FINDS THAT CHILD SUPPORT IS \$3,002 PER MONTH, AND SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$5,603 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$8,605 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THESE SUPPORT ORDERS ARE EFFECTIVE AS OF JULY 1, 2022.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$215,125 THROUGH AND INCLUDING JULY 1, 2024. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$3,585.42 ON THE 15TH OF EACH MONTH COMMENCING ON JULY 15, 2024 AND CONTINUING UNTIL PAID IN FULL

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

(APPROXIMATELY 60 MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.

THE COURT FURTHER FINDS PETITIONER ROUTINELY EARNS BONUS PAY AND THEREFORE, HAS INCLUDED A BONUS TABLE WITH THE DISSOMASTER. WHEN PETITIONER RECEIVES A BONUS PAYMENT, THE PARTIES ARE TO ADJUST THE SUPPORT DUE FOR THAT MONTH PURSUANT TO THE ATTACHED BONUS TABLE.

REGARDING HEALTH INSURANCE AND THE CHILD SUPPORT ADD ONS, THE COURT HAS NO JURISDICTION TO ORDER RESPONDENT TO MAINTAIN HEALTH INSURANCE FOR THE CHILD WHO IS NO LONGER A MINOR. THAT SAID, PETITIONER IS ORDERED TO MAINTAIN HEALTH INSURANCE FOR RESPONDENT AND THE MINOR CHILD. THE PARTIES ARE TO EVENLY SPLIT ANY UNINSURED HEALTHCARE COSTS FOR THE MINOR AS WELL AS ANY EDUCATIONAL EXPENSES AND AGREED UPON EXTRACURRICULAR ACTIVITIES. REIMBURSEMENT PROCEDURES ARE TO COMPLY WITH THE ATTACHED FL-192 HEALTH-CARE COSTS AND REIMBURSEMENT PROCEDURES SECTION.

PETITIONER IS ORDERED TO PAY \$10,000 DIRECTLY TO RESPONDENT'S COUNSEL NO LATER THAN AUGUST 11, 2024 AS AND FOR ATTORNEY'S FEES AND COSTS.

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	1	Nets (adjusted)	Guideline			
% time with Second Parent	0%	0%	Father	17,869	Payment (cost)/benefit	(8,605)	8,605
Filing status	MFJ->	<-MFJ	Mother	(1,200)	Net spendable income	9,264	7,405
# Federal exemptions	1*	2*	Total	16,669	% combined spendable	55.6%	44.4%
Wages + salary	25,000	0	Support (Nondeductible)		Total taxes	6,259	0
401(k) employee contrib	1,625	0	CS Payor	Father	Comb. net spendable	16,669	
Self-employment income	0	0	Presumed	3,002	Proposed		
Other taxable income	0	0	Basic CS	3,002	Payment (cost)/benefit	(8,605)	8,605
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	9,264	7,405
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0	0
Other gains (and losses)	0	0	Child 1	3,002	% combined spendable	55.6%	44.4%
Ordinary dividends	0	0	SS Payor	Father	% of saving over gdl	0%	0%
Tax. interest received	0	0	Alameda	5,603	Total taxes	6,259	0
Social Security received	0	0	Total	8,605	Comb. net spendable	16,669	
Unemployment compensation	0	0	Proposed, tactic 9		Percent change	0.0%	
Operating losses	0	0	CS Payor	Father	Default Case Settings		
Ca. operating loss adj.	0	0	Presumed	3,002			
Roy, partnerships, S corp, trusts	0	0	Basic CS	3,002			
Rental income	0	0	Add-ons	0			
Misc ordinary tax. inc.	0	0	Presumed Per Kid				
Other nontaxable income	0	0	Child 1	3,002			
New-spouse income	0	0	SS Payor	Father			
SS paid other marriage	0	0	Alameda	5,603			
CS paid other relationship	0	0	Total	8,605			
Adj. to income (ATI)	0	0	Savings	0			
Ptr Support Pd. other P'ships	0	0	No releases				
Health insurance	872	1,200					
Qual. Bus. Inc. Ded.	0	0					
Itemized deductions	1,734	833					
Other medical expenses	0	0					
Property tax expenses	897	833					
Ded. interest expense	837	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					
TANF, SSI and CS received	0	0					

ATTORNEY (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Father		
Father Annual Bonus Wages Report 2024 Yearly		CASE NUMBER:

"R" denotes that Father is a recipient for the corresponding support
"CS%" is the percentage of Bonus paid as additional Child Support
"SS%" is the percentage of Bonus paid as additional Spousal Support

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
5,000	7.42	371	19.77	988	36,393	68,222	104,615
10,000	7.43	743	19.76	1,976	36,765	69,210	105,974
15,000	7.43	1,114	19.76	2,964	37,136	70,198	107,334
20,000	7.43	1,486	19.76	3,952	37,508	71,185	108,694
25,000	7.43	1,859	19.76	4,939	37,881	72,173	110,053
30,000	7.44	2,231	19.76	5,927	38,253	73,160	111,413
35,000	7.44	2,604	19.75	6,914	38,626	74,147	112,773
40,000	7.44	2,977	19.75	7,901	38,999	75,134	114,133
45,000	7.45	3,351	19.75	8,887	39,373	76,120	115,493
50,000	7.45	3,724	19.75	9,874	39,746	77,107	116,853
55,000	7.46	4,101	19.76	10,869	40,123	78,102	118,225
60,000	7.47	4,480	19.78	11,865	40,502	79,099	119,600
65,000	7.47	4,858	19.79	12,862	40,880	80,096	120,975
70,000	7.48	5,236	19.80	13,859	41,259	81,092	122,351
75,000	7.49	5,615	19.81	14,855	41,637	82,089	123,726
80,000	7.49	5,994	19.81	15,852	42,016	83,085	125,101
85,000	7.50	6,373	19.82	16,848	42,395	84,081	126,477
90,000	7.50	6,753	19.83	17,844	42,775	85,077	127,852
95,000	7.51	7,132	19.83	18,840	43,154	86,073	129,227
100,000	7.51	7,512	19.84	19,836	43,534	87,069	130,603
105,000	7.52	7,892	19.84	20,832	43,914	88,065	131,978
110,000	7.52	8,272	19.84	21,827	44,294	89,060	133,354
115,000	7.52	8,652	19.85	22,823	44,674	90,056	134,730
120,000	7.52	9,026	19.84	23,803	45,048	91,036	136,084
125,000	7.50	9,377	19.78	24,721	45,399	91,954	137,353
130,000	7.48	9,728	19.72	25,638	45,750	92,872	138,621
135,000	7.47	10,079	19.67	26,556	46,101	93,789	139,890
140,000	7.45	10,430	19.62	27,474	46,452	94,707	141,159
145,000	7.43	10,772	19.56	28,367	46,794	95,600	142,394
150,000	7.38	11,076	19.44	29,161	47,098	96,394	143,492
155,000	7.34	11,380	19.33	29,955	47,402	97,188	144,589
160,000	7.31	11,690	19.23	30,764	47,712	97,997	145,709
165,000	7.29	12,023	19.17	31,635	48,045	98,868	146,914
170,000	7.27	12,357	19.12	32,506	48,379	99,739	148,118
175,000	7.25	12,691	19.07	33,377	48,713	100,610	149,323
180,000	7.24	13,025	19.03	34,248	49,047	101,481	150,528

PETITIONER: RESPONDENT:	CASE NUMBER:
--------------------------------	--------------

Father Annual Bonus Wages Report, cont'd

Father's Gross Bonus	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
185,000	7.22	13,359	18.98	35,118	49,381	102,352	151,733
190,000	7.21	13,693	18.94	35,989	49,716	103,222	152,938
195,000	7.19	14,028	18.90	36,860	50,050	104,093	154,143
200,000	7.18	14,362	18.87	37,730	50,384	104,964	155,348
205,000	7.17	14,696	18.83	38,601	50,718	105,834	156,553
210,000	7.16	15,031	18.80	39,472	51,053	106,705	157,758
215,000	7.15	15,365	18.76	40,342	51,387	107,575	158,963
220,000	7.14	15,700	18.73	41,212	51,722	108,446	160,168
225,000	7.13	16,035	18.70	42,083	52,057	109,316	161,373
230,000	7.12	16,369	18.68	42,953	52,391	110,186	162,578
235,000	7.11	16,704	18.65	43,824	52,726	111,057	163,783
240,000	7.10	17,039	18.62	44,694	53,061	111,927	164,988
245,000	7.09	17,374	18.60	45,564	53,396	112,797	166,193
250,000	7.08	17,708	18.57	46,434	53,731	113,667	167,398
255,000	7.07	18,027	18.53	47,262	54,049	114,496	168,545
260,000	7.06	18,344	18.49	48,086	54,366	115,319	169,686
265,000	7.04	18,662	18.46	48,910	54,684	116,143	170,827
270,000	7.03	18,979	18.42	49,734	55,001	116,967	171,968
275,000	7.01	19,290	18.38	50,541	55,312	117,774	173,086
280,000	7.00	19,599	18.34	51,344	55,621	118,578	174,199
285,000	6.99	19,909	18.30	52,148	55,931	119,382	175,313
290,000	6.97	20,219	18.26	52,952	56,241	120,186	176,427
295,000	6.96	20,529	18.22	53,756	56,551	120,989	177,540
300,000	6.95	20,839	18.19	54,560	56,861	121,793	178,654
305,000	6.93	21,149	18.15	55,364	57,171	122,597	179,768
310,000	6.92	21,459	18.12	56,168	57,481	123,401	180,881
315,000	6.91	21,769	18.09	56,971	57,791	124,205	181,995
320,000	6.90	22,079	18.05	57,775	58,101	125,008	183,109
325,000	6.89	22,389	18.02	58,579	58,411	125,812	184,223
330,000	6.88	22,699	17.99	59,382	58,721	126,616	185,336
335,000	6.87	23,009	17.97	60,186	59,031	127,419	186,450
340,000	6.86	23,319	17.94	60,990	59,341	128,223	187,564
345,000	6.85	23,632	17.91	61,801	59,654	129,034	188,688
350,000	6.84	23,945	17.89	62,612	59,967	129,845	189,812
355,000	6.83	24,258	17.87	63,423	60,280	130,656	190,936
360,000	6.83	24,571	17.84	64,234	60,593	131,467	192,060
365,000	6.82	24,884	17.82	65,045	60,906	132,278	193,184
370,000	6.81	25,197	17.80	65,855	61,220	133,089	194,308
375,000	6.80	25,511	17.78	66,666	61,533	133,900	195,432
380,000	6.80	25,824	17.76	67,477	61,846	134,710	196,556
385,000	6.79	26,137	17.74	68,288	62,159	135,521	197,680
390,000	6.78	26,450	17.72	69,099	62,472	136,332	198,805
395,000	6.78	26,764	17.70	69,910	62,786	137,143	199,929
400,000	6.77	27,077	17.68	70,720	63,099	137,954	201,053

NOTICE OF RIGHTS AND RESPONSIBILITIES

Health-Care Costs and Reimbursement Procedures

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

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Going to court. Sometimes parents get into disagreements about health-care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.

a. Disputed charges. If you dispute a charge made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay that charge before filing your request.

b. Nonpayment. If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable.

c. Attorney's fees. If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.

d. Court forms. Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.

Information About Child Support for Incarcerated or Confined Parents

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

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

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

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

3. Timing. Child support automatically restarts the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

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

Page 1 of 2

NOTICE OF RIGHTS AND RESPONSIBILITIES

Information Sheet on Changing a Child Support Order

General Info

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

Online Self-Help Guide

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

When a Child Support Order May Be Changed

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

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at earning ability if a parent is not working.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising a child of another relationship who lives with a parent.

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

Examples

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

How to Change a Child Support Order

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

What forms do I need?

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

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

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

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

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

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

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

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

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

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

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

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

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

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

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

Need help?

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

7. MICHAEL J. OSBORNE V. CORTNEY A. OSBORNE

24FL0362

Petitioner filed a Request for Order (RFO) on April 8, 2024, though there is no Proof of Service on file for this document. Nevertheless, Respondent filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on May 17th, therefore, the court finds that Respondent waived any defect in service and the matter may be heard on the merits. Petitioner filed his Income and Expense Declaration on July 1st and a Declaration of Michael Osborne and Exhibits of Michael Osborne for July 11, 2023 Hearing on July 2nd. He filed an additional Income and Expense Declaration on July 10th. There are no Proofs of Service on file for any of Petitioner's July filings therefore, the court has not read or considered them.

Petitioner filed his RFO seeking joint legal and joint physical custody of the parties' minor child. He also requests guideline child support and spousal support in an unspecified amount. He asks that Respondent be given exclusive use and possession of the property located on Reservation Rd. in Placerville, with Respondent to be solely responsible for the mortgage thereon. Finally, he requests attorney's fees and sanctions in the amount of \$7,500. Despite his requests for support and attorney's fees, Petitioner did not file an Income and Expense Declaration, an FL-319 or an FL-158.

Respondent requests sole legal and sole physical custody of the minor child with a parenting plan that will ensure the safety and well-being of the child. She asks for an order directing Petitioner to complete an intensive outpatient treatment program and enroll in Soberlink selecting the option that will provide her with real-time test results. She is also requesting an order prohibiting Petitioner from drinking alcohol or ingesting any intoxicating substance at least 12-hours prior to, and/or during, his parenting time, and she asks that he be ordered to submit a breathalyzer 10 minutes prior to any parenting time and every three hours during his parenting time. Finally, she agrees with the property control request.

"[T]o request attorney's fees and costs, a party must complete, file and serve the following documents:...Request for Attorney's Fees and Costs Attachment (form FL-319) or a comparable declaration that addresses the factors covered in form FL-319...[and a] personal declaration in support of the request for attorney's fees and costs, either using Supporting Declaration for Attorney's Fees and Costs Attachment (form FL-158) or a comparable declaration that addresses the factors covered in form FL-158..." Cal. Rule of Ct. 5.427(b)(1). Similarly, "[f]or all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See *also* Cal. Fam. Code §2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01. Here, given Petitioner's failure to timely file and

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

serve any of the requisite documents, Petitioner's requests for spousal support, child support, and attorney's fees are denied.

Regarding the request for custody orders, the parties attended Child Custody Recommending Counseling (CCRC) on May 20th. They were unable to reach any agreements therefore a report with recommendations was prepared on June 26th and mailed to the parties on June 27th. The court has reviewed the recommendations contained therein and does find them to be in the best interests of the minor. As such, the recommendations contained in the June 26, 2024 CCRC report are adopted as the orders of the court. The court does not find it necessary to order Soberlink testing at this time, however, as part of the CCRC recommendations, which are adopted as the orders of the court, Petitioner is ordered to complete an alcohol and/or other drug assessment (AOD) and provide proof of completion thereof. He is also ordered to follow any and all treatment recommendations made.

Respondent is awarded exclusive use, possession, and control of the marital residence located on Reservation Road in Placerville. Respondent is ordered to timely and fully pay the mortgage and utilities thereon. The court reserves jurisdiction over the issues of *Watts/Epstein* credits and charges as a result of Respondent's use and possession of the property.

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

TENTATIVE RULING #7: GIVEN PETITIONER'S FAILURE TO TIMELY FILE AND SERVE ANY OF THE REQUISITE DOCUMENTS, PETITIONER'S REQUESTS FOR SPOUSAL SUPPORT, CHILD SUPPORT, AND ATTORNEY'S FEES ARE DENIED. THE RECOMMENDATIONS CONTAINED IN THE JUNE 26, 2024 CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT IS AWARDED EXCLUSIVE USE, POSSESSION, AND CONTROL OF THE MARITAL RESIDENCE LOCATED ON RESERVATION ROAD IN PLACERVILLE. RESPONDENT IS ORDERED TO TIMELY AND FULLY PAY THE MORTGAGE AND UTILITIES THEREON. THE COURT RESERVES JURISDICTION OVER THE ISSUES OF *WATTS/EPSTEIN* CREDITS AND CHARGES AS A RESULT OF RESPONDENT'S USE AND POSSESSION OF THE PROPERTY. 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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

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

July 11, 2024

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

8. MICHAEL JOHNSON V. KIMBERLY JOHNSON

PFL20210500

On April 18, 2024, Petitioner filed a Request for Order (RFO) along with his Income and Expense Declaration. Both documents, along with all other required documents, were served by mail on April 23, 2024. Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner submits his RFO requesting the court to enter judgment pursuant to the terms of the Stipulation and Order to Sell Real Property and Other filed on January 22, 2024. He also requests immediate bifurcation and termination of the marital status and sanctions pursuant to Family Code §271 in the amount of \$4,021 (if a hearing is held) or \$3,802.50 (if no hearing is held). Also, if Respondent still has not complied with the provision of the stipulation which requires her to refinance and pay off the Idaho home, then he requests a court order for the home to be immediately listed for sale and for the remaining loan balance on Respondent's car to be paid off from the sale of the proceeds before the division and distribution of the remaining amount. He further requests that sanctions be ordered to be paid from the proceeds of the home sale.

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 served on Respondent well in advance of the hearing date and yet Respondent has failed to file a responsive declaration. Therefore, the court is deeming such failure to be an admission by Respondent that the arguments made in Petitioner's RFO are meritorious.

Regarding bifurcation, the request is granted. 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. Nonetheless, prior to doing so, 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). Here, Petitioner has filed the requisite FL-315 which indicates the only pension plan at issue has already been divided via QDRO, therefore, there are no outstanding retirement plans that must be joined. As such, the court finds good cause to bifurcate the case and grant a separate trial on the issue of marital status only. The parties are ordered to appear for the hearing.

Petitioner's request for entry of judgment is also granted. Civil Procedure § 664.4 vests the court with the authority to enter judgment pursuant to the terms of a written settlement agreement which is signed by the parties. Cal. Civ. Pro. §664.6. Here, the parties entered into the Stipulation and Order to Sell Real Property and Other on January 22, 2024.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

It was signed by the court the same day. Therefore, in light of the circumstances the court finds entry of judgment pursuant to Civil Procedure §664.6 to be proper and therefore, Petitioner's request is granted. The court will enter judgment pursuant to the terms of the January 22, 2024 Stipulation and Order to Sell Real Property and Other.

If Respondent has not already complied with Section 3(a) of the January 22, 2024 stipulation, then she is ordered to comply with Section 3(d) immediately and list the Idaho property for sale forthwith. Sale proceeds shall be used to pay off the remaining loan balance on Respondent's car and Section 271 sanctions, as stated herein prior to any other division and distribution of the proceeds.

An award for attorney's fees and sanctions may be made 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 and attorneys. An award of attorney's fees and costs pursuant to this section is in the nature of a sanction." Fam. Code § 271(a). Here, Respondent's actions have clearly frustrated the policy of the law and caused Petitioner to incur extensive attorney's fees in the preparation and filing of this motion. Accordingly, Petitioner's request for sanctions is granted. Respondent shall pay Petitioner \$3,802.50 as and for Section 271 sanctions. This amount shall be paid out of Respondent's proceeds of the sale of the Idaho residence. If the Idaho home is not sold then the parties are ordered to meet and confer on a payment plan.

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

TENTATIVE RULING #8: THE COURT FINDS GOOD CAUSE TO BIFURCATE THE CASE AND GRANT A SEPARATE TRIAL ON THE ISSUE OF MARITAL STATUS ONLY. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. THE COURT FINDS ENTRY OF JUDGMENT PURSUANT TO CIVIL PROCEDURE §664.6 TO BE PROPER AND THEREFORE PETITIONER'S REQUEST IS GRANTED. THE COURT WILL ENTER JUDGMENT PURSUANT TO THE TERMS OF THE JANUARY 22, 2024 STIPULATION AND ORDER TO SELL REAL PROPERTY AND OTHER. IF RESPONDENT HAS NOT ALREADY COMPLIED WITH SECTION 3(A) OF THE JANUARY 22, 2024 STIPULATION, THEN SHE IS ORDERED TO COMPLY WITH SECTION 3(D) IMMEDIATELY AND LIST THE IDAHO PROPERTY FOR SALE FORTHWITH. SALE PROCEEDS SHALL BE USED TO PAY OFF THE REMAINING LOAN BALANCE ON RESPONDENT'S CAR AND SECTION 271 SANCTIONS, AS STATED HEREIN PRIOR TO ANY OTHER DIVISION AND DISTRIBUTION OF THE PROCEEDS. RESPONDENT SHALL PAY PETITIONER \$3,802.50 AS AND FOR SECTION 271 SANCTIONS. THIS AMOUNT SHALL BE PAID OUT OF RESPONDENT'S PROCEEDS OF THE SALE OF THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

IDAHO RESIDENCE. IF THE IDAHO HOME IS NOT SOLD THEN THE PARTIES ARE ORDERED TO MEET AND CONFER ON A PAYMENT PLAN. 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

July 11, 2024

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

9. RAQUEL GAETA EMERY V. TRAVIS EMERY

24FL0111

On April 11, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child support, spousal support, and attorney's fees. She filed her Income and Expense Declaration concurrently therewith. Both documents, and all other required documents, were mail served on the same date as filing.

Respondent filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on June 21st. Petitioner has not filed a Reply declaration.

Petitioner requests joint legal custody and primary physical custody with a proposed visitation schedule as set forth in her moving papers. She also requests guideline child and spousal support with an Ostler/Smith overtime support table. Finally, she requests attorney's fees in the amount of \$7,500 pursuant to Family Code § 2030 though she did not file an FL-319, an FL-158, or a declaration that addresses the factors stated therein.

Respondent is requesting joint legal and joint physical custody with a 2-2-3 schedule. He consents to guideline child support but argues that Petitioner's income is significantly higher than what she is claiming. He asks that spousal support be set at \$0 as this is a short-term marriage and the gross income of the parties is essentially equal. Finally, he asks that each party bear their own attorney's fees.

The parties attended Child Custody Recommending Counseling (CCRC) on May 9th and were able to reach agreements on all custody issues. A report codifying the agreements was prepared and mailed to the parties on June 27, 2024. The court has reviewed the agreements as stated therein and finds them to be in the best interests of the minors. The agreements of the parties are therefore hereby adopted as the orders of the court.

“[T]o request attorney's fees and costs, a party must complete, file and serve the following documents:...Request for Attorney's Fees and Costs Attachment (form FL-319) or a comparable declaration that addresses the factors covered in form FL-319...[and a] personal declaration in support of the request for attorney's fees and costs, either using Supporting Declaration for Attorney's Fees and Costs Attachment (form FL-158) or a comparable declaration that addresses the factors covered in form FL-158...” Cal. Rule of Ct. 5.427(b)(1). Petitioner has not filed either a form FL-319, an FL-158, or a declaration covering the necessary factors for the court to rule on a request for attorney's fees. Petitioner's request for attorney's fees is therefore denied due to her failure to file the requisite documentation.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Regarding support, the court is in need of additional information regarding Petitioner's actual income. The parties are ordered to appear for the hearing on the issues of spousal and child support.

TENTATIVE RULING #9: THE AGREEMENTS OF THE PARTIES AS STATED IN THE JUNE 27, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS DENIED DUE TO HER FAILURE TO FILE THE REQUISITE DOCUMENTATION. REGARDING SUPPORT, THE COURT IS IN NEED OF ADDITIONAL INFORMATION REGARDING PETITIONER'S ACTUAL INCOME. THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE ISSUES OF SPOUSAL AND CHILD SUPPORT.

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

July 11, 2024

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

10. ANTONIO OLAEZ V. TANYA SARAIVIA

PFL20150664

Respondent filed a Request for Order (RFO) on April 19, 2024, requesting a modification of the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 17, 2024, and a review hearing on July 11, 2024. Upon review of the court file, Petitioner was served by mail on April 19, 2024. There is no Proof of Service showing Minors' Counsel was properly served.

Both parties appeared at the CCRC appointment and were able to reach some agreements. A report with the parties' agreements and further recommendations was filed with the court on May 24, 2024. Copies were mailed to the parties, as well as Minors' Counsel on May 28, 2024.

Petitioner filed a Responsive Declaration on May 6, 2024. Proof of Service shows both Respondent and Minors' Counsel were properly served on May 8, 2024.

The court has read and considered the filings as set forth above. The court finds that Minors' Counsel was not properly served with the RFO. However, it does appear that Minors' Counsel was served with the CCRC report and Responsive Declaration. As such, the court finds that Minors' Counsel is at least aware of the hearing. Therefore, the court orders parties to appear for the hearing to determine Minors' Counsel's position.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

11. CATHRYN NERWINSKI V. JOHN NERWINSKI

PFL20190281

Petitioner filed a Request for Order (RFO) on April 17, 2024, requesting the court make spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail on April 17, 2024.

Petitioner filed a Declaration on November 18, 2022, stating she agrees to withdraw her prior request for court ordered spousal support upon receipt of a lump sum of \$5,000 from Respondent. Petitioner also states she will not pursue spousal support at any future date.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on June 21, 2024. Petitioner was served electronically and by mail on June 20 and 21, 2024 respectively. Respondent opposes any modification of spousal support. Respondent asserts Petitioner has failed to address the Family Code section 4320 factors in her declaration and further, Petitioner agreed to a buyout of spousal support in 2022 and agreed to not pursue spousal support in the future.

This is a post-Judgment request for modification, and therefore, Family Code section 215 applies. Respondent was not personally served with the RFO. The court finds Respondent was not properly served with the RFO. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #11: THE COURT DROPS THE MATTER 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

**12. 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.

On May 31, 2024, the court granted Other Parent's request to continue the June 6, 2024 hearing, as Other Parent had not received proper notice of the RFO and therefore, had not had an opportunity to file a Responsive Declaration. The court continued the matter to July 11, 2024.

On June 12, 2024, Respondent filed an ex parte motion requesting the recommendations from CCRC be put into place immediately. The court denied the request on June 14, 2024, finding there were no exigent circumstances.

Other Parent filed a Responsive Declaration on July 1, 2024. Proof of Service shows Respondent was served on July 1, 2024. The court finds this document to be late filed and as such cannot consider it.

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 July 12, 2024. The minors shall be returned to Respondent's care on July 14th.

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

July 11, 2024

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

TENTATIVE RULING #12: 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 JULY 12, 2024. THE MINORS SHALL BE RETURNED TO RESPONDENT'S CARE ON JULY 14TH. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

13. COUNTY OF EL DORADO V. STEPHEN ROBBINS (OTHER PARENT: ROSIO RODRIGUEZ)

22FL1216

Other Parent filed a Request for Order (RFO) on April 22, 2024, requesting child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 20, 2024 and a review hearing on July 11, 2024. Proof of Service shows the Department of Child Support Services (DCSS) and Respondent were served on May 6, 2024 and May 7, 2024 respectively.

Neither party appeared for the CCRC appointment on May 20, 2024.

The court drops the matter from calendar due to the failure to appear at CCRC.

TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO APPEAR AT CCRC.

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

July 11, 2024

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

14. CRYSTAL STABLER V. BRYAN STABLER

23FL0783

Petitioner filed a Request for Order (RFO) on May 13, 2024, requesting the court make child support orders. Petitioner did not concurrently file an Income and Expense Declaration as required. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

Respondent filed a Responsive Declaration on July 3, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it. Further, the document is late filed, and the court could not consider it on those grounds as well.

The court drops the matter from calendar due to the lack of proper service as well as Petitioner's failure to concurrently file an Income and Expense Declaration.

TENTATIVE RULING #14: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR DUE TO THE LACK OF PROPER SERVICE AS WELL AS PETITIONER'S FAILURE TO CONCURRENTLY FILE AN INCOME AND EXPENSE DECLARATION.

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

July 11, 2024

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

15. JOHN PEARSON V. AMBER PEARSON

PFL20140137

Respondent filed a Request for Order (RFO) on April 19, 2024, requesting a change of school for the minor. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Petitioner has not filed a Responsive Declaration.

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

TENTATIVE RULING #15: 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

July 11, 2024

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

16. JOSEPH GARCIA V. MEGAN MARTINEZ

24FL0353

Petitioner filed a Petition to Establish a Parental Relationship on April 16, 2024. A Summons was issued the same day. Proof of Service shows Respondent was personally served on April 17, 2024.

Petitioner filed an ex parte application for emergency orders on April 19, 2024. The court denied the ex parte request on April 22, 2024. Petitioner thereafter filed a Request for Order (RFO) requesting child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 20, 2024 and a review hearing on July 11, 2024. Respondent was personally served with the RFO and other necessary documents on April 22, 2024.

Only Petitioner appeared for the CCRC appointment. Respondent contacted the Clerk's Office to inform the CCRC counselor that she was unable to attend due to a sick child. As such, a single parent report was filed with the court on May 20, 2024. It was mailed to the parties the same day.

The court orders parties to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

17. KAITLYN BROCK V. DAVID BROCK

22FL0003

Respondent filed a Request for Order (RFO) on April 15, 2024, requesting a modification of the child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 13, 2024, and a review hearing on July 11, 2024. Petitioner was personally served on April 22, 2024. Respondent is seeking additional parenting time with the minors. Respondent seeks to maintain joint legal custody.

Both parties appeared for the CCRC appointment and were able to reach many agreements. However, they were unable to agree on a parenting plan. A report with the parties' agreements as well as further recommendations was filed with the court on May 14, 2024. Copies were mailed to the parties on May 17th.

Petitioner filed a Responsive Declaration on June 20, 2024. Respondent was served on June 21, 2024. Petitioner is in agreement with joint legal custody and requests the court adopt the parenting plan as set forth in the CCRC report.

Respondent filed a Declaration on July 1, 2024. Proof of Service shows Petitioner was served on June 24, 2024.

The court has read and considered the filings as outlined above. The court finds the parties' agreements as set forth in the May 14th CCRC report to be in the best interest of the minors. The court adopts the parties' agreement as its order. As to the proposed parenting plan, the court is adopting the recommendation with the following modification. Respondent shall have parenting time the 1st, 2nd, 4th, and 5th weekends of the month from Friday at 6:00 PM to Tuesday drop-off at school or 9:00 AM. Petitioner shall have the remainder of the time.

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 #17: THE COURT FINDS THE PARTIES' AGREEMENTS AS SET FORTH IN THE MAY 14TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE PARTIES' AGREEMENT AS ITS ORDER. AS TO THE PROPOSED PARENTING PLAN, THE COURT IS ADOPTING THE RECOMMENDATION WITH THE FOLLOWING MODIFICATION. RESPONDENT SHALL HAVE PARENTING TIME THE 1ST, 2ND, 4TH, AND 5TH WEEKENDS OF THE MONTH FROM FRIDAY AT 6:00 PM TO TUESDAY DROP-OFF AT SCHOOL OR 9:00 AM. PETITIONER SHALL HAVE THE REMAINDER OF THE TIME. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

18. KAYLA BURGESS V. KYLE BURGESS

23FL0919

On February 22, 2024, the parties appeared for the hearing on Petitioner's November 17, 2023, filed Request for Order (RFO). Parties reached several agreements and agreed to continue to the matter for further mediation. The court set a further review hearing to address the issues of spousal support and a parenting plan.

Respondent filed an updated Income and Expense Declaration on April 18, 2024. Petitioner was served on April 22, 2024.

Petitioner filed a Supplemental Declaration on May 2, 2024, along with an Income and Expense Declaration. Respondent was served electronically on May 2, 2024. This is less than 10 days prior to the hearing and therefore, the court cannot consider the filings.

Parties appeared for the hearing on May 9, 2024. Parties reached several agreements, including to be referred to Child Custody Recommending Counseling (CCRC) and to continue the spousal support issue to the return date with the court reserving jurisdiction to the date of the filing of the RFO. A further review hearing was set for August 8, 2024.

On June 11, 2024, Petitioner filed an ex parte application for emergency custody orders, seeking sole physical custody of the minors. Respondent filed a Responsive Declaration the same day. On June 12, 2024, the court denied the orders on an ex parte basis, but converted the CCRC appointment on June 13, 2024, to an emergency set appointment. The court advanced the August 8th review hearing to July 11th. The court also ordered the minors to have no contact with Respondent's girlfriend. Petitioner filed an RFO on June 12, 2024, which mirrors the requests as set forth in the ex parte application. Upon review of the court file, there is no Proof of Service showing the RFO or ex parte orders were served on Respondent.

Both parties attended the CCRC appointment on June 13th. The parties were able to reach some tentative agreements. A report with recommendations was filed with the court on July 2, 2024, and copies were mailed to the parties the same day.

The court finds good cause to proceed with the June 12th RFO despite the lack of proper notice, as Respondent filed a Responsive Declaration to the ex parte request and fully participated in the CCRC appointment. The court has read and considered the July 2nd CCRC report and finds the recommendations to be in the best interest of the minors. The court adopts the recommendations as set forth.

Turning next to the request for spousal support, the court finds that Petitioner filed an Income and Expense Declaration on May 2, 2024, followed by an amended Income and

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

Expense Declaration on May 8, 2024. Proof of Service shows only the May 2nd filed Income and Expense Declaration was served. Therefore, the court will utilize the May 2nd filed Income and Expense Declaration. Respondent filed an Income and Expense Declaration on April 18, 2024. It was served on Petitioner on April 22, 2024.

Prior to calculating spousal support the court is in need of information regarding the child support orders that were made at the July 8th hearing. The minutes from that hearing are not yet entered into the court's system therefore the parties are ordered to appear to update the court on the status of child support.

TENTATIVE RULING #18: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

19. MATTHEW MEYERS V. CHASITY CARNEY

24FL0360

Petitioner filed a Petition for Custody and Support on April 18, 2024. A Summons was issued the same day. Additionally, Petitioner filed a Request for Order (RFO) on April 18, 2024 requesting the court make child custody and parenting time orders. The parties were not referred to Child Custody Recommending Counseling (CCRC), as parentage had not yet been established.

Petitioner filed a Proof of Service on April 25, 2024, which shows Respondent was served with the Petition for Custody and Support. The Proof of Service also shows that Respondent was served with the RFO, however, it does not show Respondent was served with the Notice of Tentative Ruling.

Petitioner filed a Declaration with the minor's birth certificate attached on April 19, 2024. The birth certificate shows Petitioner as the parent of the minor. There is no Proof of Service showing this document was served on Respondent.

Respondent filed a Response as well as a Responsive Declaration on June 28, 2024. There is no Proof of Service for these documents, therefore, the court cannot consider them.

The court orders parties to appear for the hearing.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 11, 2024

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

20. NOELLE MORTON V. MOHAMED AHMED

23FL0192

Petitioner filed a Request for Order (RFO) for child custody orders as well as child support orders on April 22, 2024. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 24, 2024 and a review hearing on July 11, 2024. Petitioner did not file an Income and Expense Declaration concurrently with the RFO as required. Upon review of the court file there is no Proof of Service showing Respondent was properly served with the RFO and other necessary documents.

The parties submitted a stipulation regarding child custody and parenting time on May 30, 2024. The court signed and adopted the parties' stipulation as its order on May 30, 2024.

Respondent has not filed a Responsive Declaration.

The court maintains the current orders for child custody and parenting time as set forth in the May 30, 2024 Stipulation and Order. The court drops the RFO from calendar due to the lack of proper service as well as Petitioner's failure to file and serve an Income and Expense Declaration.

All prior orders not in conflict with this order remain in full force and effect.

TENTATIVE RULING #20: THE COURT MAINTAINS THE CURRENT ORDERS FOR CHILD CUSTODY AND PARENTING TIME AS SET FORTH IN THE MAY 30, 2024 STIPULATION AND ORDER. THE COURT DROPS THE RFO FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE AS WELL AS PETITIONER'S FAILURE TO FILE AND SERVE AN INCOME AND EXPENSE DECLARATION. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

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

July 11, 2024

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

21. ROB GRONEWOLD V. KATHERINE GRONEWOLD

PFL20190313

Respondent filed an Order to Show Cause and Affidavit Re Contempt (OSC) on September 15, 2023. Petitioner was personally served on September 28, 2023. Respondent asserts Petitioner has violated the court's orders from September 29, 2022. Respondent raises 16 counts of contempt of court.

Respondent appeared for the hearing on November 2, 2023. The matter was originally set to be heard at 1:30, however, the afternoon calendar was advanced to the 8:30 AM calendar. Petitioner did not appear. In an abundance of caution, due to the irregularity of the court's schedule, the court continued the matter to January 18, 2024 for arraignment. Respondent was directed to provide notice to Petitioner. The court authorized notice by first class mail, as Petitioner had been properly noticed for the hearing.

Petitioner was served on November 11, 2023.

Respondent filed a second OSC on November 20, 2023. Respondent raises six additional counts of contempt. Petitioner was personally served on December 28, 2023.

Parties were ordered to appear for arraignment on January 18, 2024, at which time the court appointed a Public Defender to Petitioner and continued the matter to the present date for further arraignment.

Parties appeared on April 4, 2024, at which time the Public Defender's Office declared a conflict. The court appointed the Alternate Public Defender, Ms. Lua. Ms. Lua requested the matter be continued as she had just been appointed and needed an opportunity to meet with her client. The court granted the request to continue to set the matter for further arraignment on May 30, 2024.

Parties appeared on May 30, 2024. Counsel for Petitioner requested a continuance to allow additional time to meet and confer to reach a resolution. The court granted the request and continued the matter to July 11, 2024.

The parties are ordered to appear for further proceedings.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR FURTHER PROCEEDINGS.