1. CORY VAUGHN V. BROOKE MARTINEZ

PFL20210525

Petitioner filed a Request for Order (RFO) on February 23, 2024 seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set for hearing on the present date. The RFO, CCRC referral, and all other required documents were mail served on February 26th.

Only Petitioner appeared at the scheduled CCRC appointment therefore a single parent report was prepared without recommendations. The report was mailed to the parties on March 11th.

Respondent's Responsive Declaration to Request for Order was filed on April 24th. It was electronically served the same day; however, the Proof of Service is signed by Respondent herself and is therefore, defective. The court cannot consider this document due to improper service.

Petitioner brings his RFO requesting temporary sole legal and sole physical custody of the parties' minor child with supervised visitation time to Respondent for up to 4 hours per week. The matter came before the court for hearing on May 9th, at which time the parties were re-referred to CCRC and a review hearing was set for the present date.

The parties attended the rescheduled CCRC appointment on June 7th. The parties were able to agree only to the use of Talking Parents. CCRC provided a report with recommendations on all other issues dated June 13th.

After reviewing the filings as outlined above, the court finds the agreements and recommendations contained in the June 13, 2024 CCRC report to be in the best interests of the minor. Therefore, they are hereby adopted as the orders of the court. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #1: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE JUNE 13, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR, THEY ARE THEREFORE ADOPTED AS THE ORDERS OF THE COURT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

BEING REQUESTED MUST BE MADE BY <u>PHONE CALL</u> 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 25, 2024

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

3. DAVID SLAY V. KRYSTAL SLAY

23FL0827

This matter is before the court for hearing on a Request for Order (RFO) filed by Respondent on December 18, 2023. She filed her Income and Expense Declaration concurrently with the RFO. Both documents were mail served on December 29th.

On April 16th Petitioner filed and served his Responsive Declaration to Request for Order and a Memorandum of Points & Authorities in Opposition to Respondent's Requested Orders.

Respondent brought her RFO requesting an order setting aside her default and seeking spousal support and property control orders. She also is seeking exclusive use and possession of the parties' 2014 Ram 1500, their 2004 Bison Horse trailer, and one of each of the following Milwaukee tools: circular saw, Sawzall, shop vacuum, battery charger, and battery.

The RFO came before the court for hearing on April 25th at which time the court granted the request to set aside the default and ordered Respondent to serve Petitioner with a full and complete copy of the December 18th RFO within 10 days of the court's date.

Respondent filed another RFO for spousal support and property control on May 1st along with her Income and Expense Declaration. Both documents, along with all other required documents, were served on May 3rd.

Petitioner filed his Responsive Declaration to Request for Order and his Income and Expense Declaration on July 12th. Both documents were served on July 11th.

In her most recent RFO Respondent requests \$3,000 a month in spousal support and property control over the 2004 Bison horse trailer.

Petitioner opposes both requests. He argues the marriage was of short duration and therefore, support should not be ordered at all. He also states that he is not self-supporting and therefore, cannot pay support. Regarding the property control requests, he objects to her request for exclusive use and control of community property assets without valuation and determination of what offset he should be paid.

Respondent's request for temporary exclusive use and possession of the 2004 Bison horse trailer is granted. Petitioner shall make the 2004 Bison horse trailer available for Respondent to pick up forthwith. The court reserves jurisdiction over the final characterization and distribution of this asset along with any valuation and potential offset to Petitioner. It is unclear if Respondent is maintaining her request for the 2014 Ram 1500, and one of each of the following Milwaukee tools: circular saw, Sawzall, shop vacuum,

battery charger, and battery, as those requests were not addressed in the May 1st RFO. As such, these requests are denied without prejudice.

Utilizing the same figures as outlined in the attached DissoMaster report, the court finds that spousal support per the Alameda formula is \$1,138 per month. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$1,138 per month as and for temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. This order for temporary support is effective as of May 1, 2024.

The court finds the above order results in arrears in the amount of \$3,414 through and including July 1, 2024. The court orders Petitioner to pay Respondent \$284.50 on the 15th of each month commencing August 15th and continuing until paid in full (approximately 12 months). If any payment is missed or late the entire amount shall become immediately due and payable with legal interest.

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

TENTATIVE RULING #3: RESPONDENT'S REQUEST FOR TEMPORARY EXCLUSIVE USE AND POSSESSION OF THE 2004 BISON HORSE TRAILER IS GRANTED. PETITIONER SHALL MAKE THE 2004 BISON HORSE TRAILER AVAILABLE FOR RESPONDENT TO PICK UP FORTHWITH. THE COURT RESERVES JURISDICTION OVER THE FINAL CHARACTERIZATION AND DISTRIBUTION OF THIS ASSET ALONG WITH ANY VALUATION AND POTENTIAL OFFSET TO PETITIONER. RESPONDENT'S REQUESTS FOR THE 2014 RAM 1500, AND ONE OF EACH OF THE FOLLOWING MILWAUKEE TOOLS: CIRCULAR SAW, SAWZALL, SHOP VACUUM, BATTERY CHARGER, AND BATTERY, ARE DENIED WITHOUT PREJUDICE.

UTILIZING THE SAME FIGURES AS OUTLINED IN THE ATTACHED DISSOMASTER REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,138 PER MONTH. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$1,138 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER FOR TEMPORARY SUPPORT IS EFFECTIVE AS OF MAY 1, 2024.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$3,414 THROUGH AND INCLUDING JULY 1, 2024. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$284.50 ON THE 15TH OF EACH MONTH COMMENCING AUGUST 15TH AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY

PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.

RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

Input Data	Husband	Wife	Guideline (2024)		Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)		Guideline		
% time with Second Parent	0%	0%	Husband	5,593	Payment (cost)/benefit	(1,138)	1,138
Filing status	MFJ->	<-MFJ	Wife	2,197	Net spendable income	4,454	3,336
# Federal exemptions	1*	1*	Total	7,790	% combined spendable	57.2%	42.8%
Wages + salary	6,923	2,720	Support (Nondeductible)		Total taxes	1,330	523
401(k) employee contrib	0	0	SS Payor	Husband	Comb. net spendable	7,790	
Self-employment income	0	0	Alameda	1,138	Proposed		
Other taxable income	0	0	Total	1,138	Payment (cost)/benefit	(1,138)	1,138
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	4,454	3,336
Long-term cap. gains	0	0	SS Payor	Husband	NSI change from gdl	0	0
Other gains (and losses)	0	0	Alameda	1,138	% combined spendable	57.2%	42.8%
Ordinary dividends	0	0	Total	1,138	% of saving over gdl	0%	0%
Tax. interest received	0	0	Savings	0	Total taxes	1,330	523
Social Security received	0	0	No releases		Comb. net spendable	7,790	
Unemployment compensation	0	0			Percent change	0.0%	
Operating losses	0	0			Default Case Sett	ings	
Ca. operating loss adj.	0	0					
Roy, partnerships, S corp, trusts	0	0					
Rental income	0	0					
Misc ordinary tax. inc.	0	0					
Other nontaxable income	0	0					
New-spouse income	0	0					
SS paid other marriage	0	0					
CS paid other relationship	0	0					
Adj. to income (ATI)	0	0					
Ptr Support Pd. other P'ships	0	0					
Health insurance	0	0					
Qual. Bus. Inc. Ded.	0	0					
Itemized deductions	0	0					
Other medical expenses	0	0					
Property tax expenses	0	0					
Ded. interest expense	0	0					
Charitable contribution	0	0					
Miscellaneous itemized	0	0					
State sales tax paid	0	0					
Required union dues	0	0					
Cr. for Pd. Sick and Fam. L.	0	0					
Mandatory retirement	0	0					
Hardship deduction	0*	0*					
Other gdl. adjustments	0	0					
AMT info (IRS Form 6251)	0	0					
Child support add-ons	0	0					
TANF,SSI and CS received	0	0					

4. DCSS V. NICHOLAS DAVIS [OTHER PARTY: KIMBERLY PLACEK] PFS20180144

On July 10, 2024, Other Party filed and mail served a Supplemental Declaration of Kimberly Placek. Respondent has not filed a response.

According to Other Party, she filed an Order to Show Cause re Contempt (OSC) on October 13, 2021. With the OSC pending, the parties entered into a stipulation and order to resolve the contempt matters. The OSC was stayed and the parties waived their right to a speedy trial thereon. The parties agreed to set a review hearing for the present date to assess Respondent's compliance with the stipulation. Other Party states that Respondent has not complied and therefore she wishes to move forward with the OSC.

The parties are ordered to appear.

TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR.

5. JEFFREY SHASKY V. KATHARINE SHASKY

PFL20210259

On May 1, 2024, Respondent filed and served a Request for Order (RFO) seeking custody and visitation orders as well as child support. She filed and served her Income and Expense Declaration concurrently with the RFO. This is a post-judgment request for modification and therefore the RFO was required to be served on Petitioner personally. However, despite the defect in service, Petitioner filed and served his Responsive Declaration to Request for Order on May 24, 2024. He filed and served his Income and Expense Declaration on June 13th. Given that Petitioner filed a substantive response to the RFO, the court finds that any defect in service has been waived.

The parties attended Child Custody Recommending Counseling (CCRC) on June 6th. The parties were able to reach agreements on some issues therefore a report memorializing the agreements, and setting forth additional recommendations, was prepared on June 19th and mailed to the parties on June 21st.

Respondent brings her RFO requesting primary physical custody of both children. She asks that the children have visits with Petitioner at their discretion or, in the alternative, Wednesday dinner visits and visits every other Saturday from 10:00 am to 5:00 pm. She asks that child support be updated based off the new timeshare.

Petitioner is asking that the parties maintain joint legal and physical custody consistent with their marital settlement agreement. He asks that the court order either a 2-2-5-5 or a 2-2-3 parenting schedule. If a 2-2-5-5 schedule is implemented then he requests Monday and Tuesday as his parenting time. He requests parenting time immediately as he has not seen the minors since April 16, 2024. Finally, he is requesting the parties be ordered to participate in family therapy to address the concerns of the minors.

According to CCRC, there were two active temporary restraining orders filed in Sacramento County on May 23, 2024. A hearing was scheduled for June 17, 2024, but the results of the hearing are unclear. Prior to making any orders regarding custody and visitation the court must first determine whether the presumption established by Family Code § 3044 is applicable. Therefore, the parties are ordered to appear for the hearing to update the court on the status of the Sacramento County restraining order matters.

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR TO UPDATE THE COURT ON THE STATUS OF THE PENDING RESTRAINING ORDER REQUESTS.

6. JONETTE MONTBLEAU V. RICHARD MONTBLEAU

PFL20180797

On March 1, 2024, Respondent filed a Request for Order (RFO) seeking child and spousal support. He concurrently filed his Income and Expense Declaration. There is no Proof of Service on file for either of these documents. Nonetheless, Petitioner filed her Responsive Declaration to Request for Order on July 10, 2024. There is no Proof of Service for this document either.

The Department of Child Support Services (DCSS) filed their Responsive Declaration to Request for Order on July 17th. The Proof of Service indicates that it was served the same day as filing.

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

TENTATIVE RULING #6: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

LAW & MOTION TENTATIVE RULINGS DEPARTMENT 5

July 25, 2024 8:30 a.m./1:30 p.m.

7. KRISTI AMES V. NICOLAUS THOMY

23FL0299

On May 1, 2024, Petitioner filed a Request for Order (RFO) seeking an order for the minor to attend Pinewood Elementary School in Pollock Pines. The RFO was mail served on May 6th.

Respondent filed a Responsive Declaration to Request for Order on May 10th, along with an RFO of his own requesting custody and visitation orders.

Petitioner filed her Responsive Declaration to Request for Order on July 10th. It was served by mail and electronically on July 9th. Respondent filed and served his Reply on July 16th.

According to Petitioner she has primary custody of the minor Colton, during the week and for this reason she is requesting he attend Pinewood Elementary School which is approximately 2.3 miles from her home.

Respondent objects to the request and asks that the minor attend Gold Oak Elementary School in Placerville which is where the minor currently attends pre-school and where Respondent and the maternal grandparents are located. Respondent is also requesting a change in visitation due to his changed work schedule. He asks that he have visitation with the children on Wednesday from 5:00 pm until Sunday morning, Petitioner to have the remaining time.

The parties attended Child Custody Recommending Counseling (CCRC) on June 12th and agreed upon a 2-2-5-5 visitation schedule with the minor Colton to attend Gold Oaks Elementary. A report memorializing the agreements was prepared and mailed to the parties on July 12th.

According to Petitioner, since the CCRC appointment, Colton has started having behavioral problems. She states she has scheduled an appointment with the minor's therapist but until that time she asks that the parties go back to their original visitation schedule with Respondent to have visitation on the 1st, 2nd, 4th, and 5th weekends of the month from Thursday at 5:00 pm to Sunday at 5:00 pm.

Respondent asks that the court order the implementation of the 2-2-5-5 schedule starting in August. He states that Colton has difficulty with exchanges going both directions but will generally calm down once the transition is made.

The court has reviewed the filings of the parties as outlined above and finds the agreements contained in the CCRC report to be in the best interests of the minors. They are

hereby adopted as the orders of the court. The parties are to commence the 2-2-5-5 visitation schedule as of August 1, 2024.

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

TENTATIVE RULING #7: THE COURT FINDS THE AGREEMENTS CONTAINED IN THE JULY 12, 2024 CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. THE PARTIES ARE TO COMMENCE THE 2-2-5-5 VISITATION SCHEDULE AS OF AUGUST 1, 2024. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

8. UZRA LOYNAB KHURSAND V. YAMA FAZEL KHURSAND

PFL20180089

On March 11th, Minor's Counsel filed a request for temporary emergency ex parte orders. The request was denied on an ex parte basis but Minor's Counsel filed an RFO reiterating her ex parte requests and a hearing was set to join an already set CCRC review hearing on April 25, 2024. The parties attended the April 25th hearing at which time the court re-referred the parties to CCRC and ordered that the minor be interviewed. A review hearing was set for the present date. The current parenting plans were maintained pending the review hearing.

On June 3, Respondent filed and served a Declaration of Yama Khursand Re: Plan for Increase in Visitation.

The parties attended CCRC on June 6th. They were unable to reach any agreements therefore a report with recommendations was prepared and mailed to the parties on July 3rd.

Minor's Counsel is requesting supervised/therapeutic visits with the minor, Emile, only. She also requests an order precluding Respondent from driving with Emile in his vehicle.

Respondent objects to the declaration of Minor's Counsel as it contains hearsay and double hearsay statements. He also states that Minor's Counsel has never spoken with him, despite the fact that she has had numerous opportunities to do so.

The parties are set to commence trial on the issue of custody and visitation on August 20th. In the interest of judicial economy this matter is continued to join with the August 20, 2024 trial date.

TENTATIVE RULING #8: THIS MATTER IS CONTINUED TO JOIN WITH THE AUGUST 20, 2024 TRIAL DATE.

9. WILLIAM ROSE V. MICHELLE ROSE

22FL0047

On October 6, 2023, the court continued the Temporary Domestic Violence Restraining Order and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on December 6, 2023, and a review hearing on January 18, 2024.

Both parties attended CCRC on December 6, 2023, CCRC recommended, among other things, rereferral to CCRC upon resolution of the restraining order matter on April 5, 2024. The matter was later continued to March 28, 2024 and continued again to April 25th.

At the April 25th hearing, Respondent dropped her request for a restraining order, the parties were then re-referred to CCRC and a review hearing was set for the present date.

The parties attended CCRC on May 9th and were able to reach agreements on all issues. A report memorializing the agreements was prepared on May 10th and mailed to the parties on May 14th.

After reviewing the agreements of the parties as contained in the May 10, 2024 CCRC report the court finds them to be in the best interests of the minor and they are therefore hereby adopted as the orders of the court.

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

TENTATIVE RULING #9: AFTER REVIEWING THE AGREEMENTS OF THE PARTIES AS CONTAINED IN THE MAY 10, 2024 CCRC REPORT THE COURT FINDS THEM TO BE IN THE BEST INTERESTS OF THE MINOR AND THEY ARE THEREFORE HEREBY ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

10. ALEXX DELACY V. NICOLE FITZPATRICK

21FL0183

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

The parties appeared before the court on April 4th and the matter was continued.

The parties appeared before the court again on June 20th and again requested the matter be continued. Petitioner and his counsel requested their appearances be waived. The court granted the request.

The parties, except Petitioner and his counsel, are ordered to appear.

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

11. ANSELMO AMARAL DE ARAUJO V. WHITNEY DE ARAUJO

PFL20200803

Petitioner filed an ex parte application for emergency custody orders on April 19, 2024. The court denied the request on April 24, 2024. On April 24th Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte application.

Upon review of the court file there is no Proof of Service showing the RFO was properly served on Respondent.

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

TENTATIVE RULING #11: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

12. BROOKE KERR V. JUSTIN ROBERTS

24FL0451

Petitioner filed a Petition for Custody and Visitation on May 8, 2024. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting the court make child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 6, 2024 and a review hearing was set for July 25, 2024.

Respondent was personally served with the Summons, RFO, referral to CCRC, and other necessary documents on May 8, 2024.

Both parties appeared at CCRC on June 6, 2024 and reached a full agreement. The parties submitted a Stipulation, which the court adopted as its order on June 6th.

Respondent filed a Responsive Declaration on July 15, 2024. Proof of Service shows Petitioner was served on July 15, 2024. The court finds this to be untimely, and therefore, has not considered it.

The court finds the parties reached a full agreement which has been memorialized in the Stipulation and Order signed by the court on June 6, 2024. Therefore, the court finds the RFO to be moot. As such, the court drops the matter from calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #12: THE COURT FINDS THE PARTIES REACHED A FULL AGREEMENT WHICH HAS BEEN MEMORIALIZED IN THE STIPULATION AND ORDER SIGNED BY THE COURT ON JUNE 6, 2024. THEREFORE, THE COURT FINDS THE RFO TO BE MOOT. AS SUCH, THE COURT DROPS THE MATTER FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

13. DEBRA SCOTT V. JEFFREY SCOTT

PFL20150918

Petitioner filed a Request for Order (RFO) on May 3, 2024, requesting Respondent pay one half the parties' IRS debt. Proof of Service shows Respondent was personally served on July 2, 2024.

Respondent has not filed a Responsive Declaration.

Petitioner requests the court order Respondent to pay his one-half share of the IRS and Franchise Tax Board debt. According to Petitioner, pursuant to the parties' stipulated property settlement, they agreed to each pay one-half the tax debt which was incurred during the marriage. Petitioner further asserts she has paid the debt in full since August 2016, while Respondent has made no payments. Petitioner has included documents as an attachment which indicate her payments towards the debt payoff.

The court has read and considered the filing as set forth above, as well as the Judgment dated July 13, 2016. The court finds the parties Judgment included a stipulation between the parties, which was adopted by the court, for the division of the community tax debt, with each to pay one half. The court finds Petitioner has paid the entirety of the community tax debt. The court grants Petitioner's request for reimbursement of \$3,953.44. Respondent shall pay Petitioner \$3,953.44. The payment may be made in one lump sum or in monthly payments of \$329.54. Payment is due on or before August 15, 2024. If Respondent elects to make monthly payments, they are due on the 15th of each month until paid in full. If any payment is late or missing, the full amount shall become immediately due with legal interest.

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

TENTATIVE RULING #13: THE COURT FINDS THE PARTIES JUDGMENT INCLUDED A STIPULATION BETWEEN THE PARTIES, WHICH WAS ADOPTED BY THE COURT, FOR THE DIVISION OF THE COMMUNITY TAX DEBT, WITH EACH TO PAY ONE HALF. THE COURT FINDS PETITIONER HAS PAID THE ENTIRETY OF THE COMMUNITY TAX DEBT. THE COURT GRANTS PETITIONER'S REQUEST FOR REIMBURSEMENT OF \$3,953.44. RESPONDENT SHALL PAY PETITIONER \$3,953.44. THE PAYMENT MAY BE MADE IN ONE LUMP SUM OR IN MONTHLY PAYMENTS OF \$329.54. PAYMENT IS DUE ON OR BEFORE AUGUST 15, 2024. IF RESPONDENT ELECTS TO MAKE MONTHLY PAYMENTS, THEY ARE DUE ON THE 15TH OF EACH MONTH UNTIL PAID IN FULL. IF ANY PAYMENT IS LATE OR MISSING, THE FULL AMOUNT SHALL BECOME IMMEDIATELY DUE WITH LEGAL INTEREST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL

FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS DEPARTMENT 5 July 25, 2024

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

14. JENNIFER GARVEY V. SEAN GARVEY

PFL20190437

On February 20, 2024, Petitioner filed a Request for Order (RFO) requesting the court modify the child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on March 21, 2024, and a review hearing on May 9, 2024. Respondent was personally served on March 15, 2024, in accordance with Family Code section 215.

Only Petitioner appeared for the CCRC appointment. As such, a single parent report was filed with the court on March 21, 2024. A copy of the report was mailed to the parties on the same day.

Both parties appeared for the May 9th hearing and were rereferred to CCRC with an appointment on June 7th and a further review hearing on July 25, 2024. The court ordered Respondent to have professionally supervised visitation two times per week for two hours each visit with Respondent to be responsible for the costs.

Both parties and the minors participated in the CCRC appointment on June 7th. The parties were unable to reach any agreements. A report with recommendations was filed with the court on July 11th and mailed to the parties the same day.

Neither party has filed a Supplemental Declaration.

The court has read and considered the filings as set forth above. The court finds the recommendations in the July 11th CCRC report to be in the best interest of the minors. The court adopts the recommendations as set forth, with the following modification. Under the Parenting Time section #1, Father's parenting time with Hayden will be "non-professionally" supervised, rather than "unprofessionally". Parties are to meet and confer to select a non-professional supervisor. The person selected is to complete and file with the court the FL-324 NP prior to providing supervision. If the parties are unable to agree on a non-professional supervisor, then Respondent's parenting time is to be professionally supervised with the parties to share in the cost equally.

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

TENTATIVE RULING #14: THE COURT FINDS THE RECOMMENDATIONS IN THE JULY 11[™] CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH, WITH THE FOLLOWING MODIFICATION. UNDER THE PARENTING TIME SECTION #1, FATHER'S PARENTING TIME WITH HAYDEN WILL BE "NON-PROFESSIONALLY" SUPERVISED, RATHER THAN "UNPROFESSIONALLY". PARTIES ARE TO MEET AND CONFER TO SELECT A NON-

PROFESSIONAL SUPERVISOR. THE PERSON SELECTED IS TO COMPLETE AND FILE WITH THE COURT THE FL-324 NP PRIOR TO PROVIDING SUPERVISION. IF THE PARTIES ARE UNABLE TO AGREE ON A NON-PROFESSIONAL SUPERVISOR, THEN RESPONDENT'S PARENTING TIME IS TO BE PROFESSIONALLY SUPERVISED WITH THE PARTIES TO SHARE IN THE COST EQUALLY. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

15. JOEL MADRIGAL V. GOLDEE MADRIGAL

PFL20150454

Respondent filed an ex parte application for emergency custody orders on April 29, 2024. The court denied the request on April 30th. Respondent filed a Request for Order (RFO) on April 30, 2024, requesting the same orders as set forth in the ex parte application. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 4, 2024 and a review hearing on July 25, 2024.

Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO, referral to CCRC, and other necessary documents. Minor's Counsel was served electronically on April 29, 2024, however, that appears to be notice of the ex parte request only.

Neither party appeared for the CCRC appointment on June 4th.

The court drops the matter from calendar due to Respondent's failure to properly serve Petitioner and Minor's Counsel, and due to Respondent's failure to appear at the CCRC appointment which was set at her request.

All prior orders remain in full force and effect.

TENTATIVE RULING #15: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO RESPONDENT'S FAILURE TO PROPERLY SERVE PETITIONER AND MINOR'S COUNSEL AND DUE TO RESPONDENT'S FAILURE TO APPEAR AT THE CCRC APPOINTMENT WHICH WAS SET AT HER REQUEST. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

16. MILENA ROBBINS V. RYAN ROBBINS

PFL20140570

Respondent filed a Request for Order (RFO) on May 8, 2024, requesting the court modify the child custody orders made on May 2, 2024. This is a post-judgment request for modification. Upon review of the court file, there is no Proof of Service.

Petitioner filed a Responsive Declaration on July 10, 2024. There is no Proof of Service for this document, and therefore, the court cannot consider it.

The matter is dropped from calendar due to lack of proper service. However, even if the RFO had been properly served, the court would not have modified its May 2, 2024 orders. Respondent has failed to set forth any grounds in his pleading which show the current orders are not in the minor's best interest or that the requested modification would be in the minor's best interest. Therefore, the request would have been denied even if properly served.

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

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE.

17. RUBEN WILBURN V. HEATHER VOGEL

24FL0197

Petitioner filed an ex parte application for emergency child custody orders on May 2, 2024. Respondent filed a Responsive Declaration on May 2, 2024. Petitioner was served the same day. The court denied the request on May 3rd, as there was a Temporary Domestic Violence Restraining Order (TDVRO) in place naming Respondent and the minor as protected parties and Petitioner as the Restrained party. There were custody orders issued in the TDVRO. Further, Petitioner had sought his own TDVRO which had been partially granted but his requested custody orders were denied.

Petitioner filed a Request for Order (RFO) on May 3, 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 May 31, 2024 and a review hearing on July 25th. Proof of Service shows Respondent was served on May 3rd.

Both parties attended the CCRC appointment and were able to reach one agreement. A report with the parties' agreement was filed with the court on June 14, 2024. Copies were mailed to the parties the same day.

The CCRC report makes no recommendations as the parties still have dueling requests for Domestic Violence Restraining Orders (DVROs) pending. The CCRC counselor requests the parties be rereferred to CCRC with a future review hearing once the hearing on the DVROs has concluded.

The court has read and considered the filings as outlined above. The court adopts the agreement of the parties as set forth in the June 14th CCRC report as its order. The court concurs with the recommendation of the CCRC report for the parties to be rereferred to CCRC at the conclusion of the hearing on the DVRO requests. The court has reviewed the file and finds the parties set the requests for an evidentiary hearing on October 23, 2024 at 8:30 AM in Department 8. The court, therefore, continues this matter to join with the trial currently set for October 23, 2024 at 8:30 AM in Department 8.

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

TENTATIVE RULING #17: THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS SET FORTH IN THE JUNE 14TH CCRC REPORT AS ITS ORDER. THE COURT CONCURS WITH THE RECOMMENDATION OF THE CCRC REPORT FOR THE PARTIES TO BE REREFERRED TO CCRC AT THE CONCLUSION OF THE HEARING ON THE DVRO REQUESTS. THE COURT HAS REVIEWED THE FILE AND FINDS THE PARTIES SET THE REQUESTS FOR AN EVIDENTIARY HEARING ON OCTOBER 23, 2024 AT 8:30 AM IN DEPARTMENT 8. THE

COURT, THEREFORE, CONTINUES THIS MATTER TO JOIN WITH THE TRIAL CURRENTLY SET FOR OCTOBER 23, 2024 AT 8:30 AM IN DEPARTMENT 8. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS DEPARTMENT 5 July 25, 2024

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

18. STEVEN GROVES V. CHERY GROVES

PFL20110815

Respondent filed a Request for Order (RFO) on May 6, 2024, requesting the court make modifications to the current child custody and parenting plan orders as well as make orders regarding enforcement of child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on June 12th and a review hearing on July 25, 2024. This is a request for post-judgment modification, and as such Family Code section 215 applies.

Proof of Service shows Petitioner's counsel was served by mail on May 24, 2024. There is no Proof of Service showing the Department of Child Support Services was served. The court finds the service does not comply with the provisions of Family Code section 215.

Both parties and the minors appeared for the CCRC appointment on June 12th. The parties were unable to reach any agreements. A report with recommendations was filed with the court on July 12, 2024, and mailed to the parties the same day.

Petitioner has not filed a Responsive Declaration.

The court finds that Respondent failed to properly notice the Department of Child Support Services and therefore, drops the request to enforce the child support orders from calendar. The court notes if Respondent is to refile those requests, they should be filed in Department 10 to be heard by the Child Support Commissioner.

As to the request to modify the current child custody and parenting plan orders, the court finds good cause to proceed with that portion of the RFO, as Petitioner appeared at the CCRC appointment, fully participated, and therefore, appears to be aware of the requested orders. Further, Petitioner and his counsel received copies of the CCRC report timely.

The court finds the recommendations as set forth in the July 12th CCRC report to be in the best interests of the minors. The court adopts the recommendations as set forth.

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 #18: THE COURT FINDS THAT RESPONDENT FAILED TO PROPERLY NOTICE THE DEPARTMENT OF CHILD SUPPORT SERVICES AND THEREFORE, DROPS THE REQUEST TO ENFORCE THE CHILD SUPPORT ORDERS FROM CALENDAR. THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE REQUEST TO MODIFY CHILD CUSTODY AND THE PARENTING PLAN, AS PETITIONER APPEARED AT THE CCRC

APPOINTMENT, FULLY PARTICIPATED, AND THEREFORE APPEARS TO BE AWARE OF THE REQUESTED ORDERS. FURTHER, PETITIONER AND HIS COUNSEL RECEIVED COPIES OF THE CCRC REPORT TIMELY. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE JULY 12TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH. 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.

19. GERGANA MUDROVA V. PAUL BONDAR

22FL0444

Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC) on May 2, 2024, alleging one count of contempt. Petitioner was personally served on June 13, 2024.

The court orders the parties to appear for arraignment.

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